



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
LIMITED

A/AC.73/L.7  
13 May 1955

ORIGINAL: ENGLISH

---

COMMITTEE ON SOUTH WEST AFRICA  
Second session

INFORMATION AND DOCUMENTATION IN RESPECT OF  
THE TERRITORY OF SOUTH WEST AFRICA

Submitted to the Committee on South West Africa by the Secretary-General in accordance with Rule XXII of the Provisional Rules of Procedure of the Committee on South West Africa for the Examination of Reports and Petitions relating to the Territory of South West Africa (A/2666, Annex II, and A/2666/Corr.1).

1. Rule XXII of the Provisional Rules of Procedure of the Committee on South West Africa, setting forth the Alternate Procedure with regard to the examination of Reports, states:

"If no annual report on South West Africa has been received by 20 May of each year, the Committee shall examine, within the scope of the Questionnaire adopted by the Permanent Mandates Commission of the League of Nations in 1926, such information and documentation as may be available in respect of the Territory of South West Africa and which the Committee may deem necessary and useful for the preparation of the report. To this end the Secretary-General shall provide the Committee with such information..."

2. At its seventeenth (closed) meeting, on 1 April 1954, the Committee on South West Africa decided to apply in the examination of reports and petitions relating to the Territory of South West Africa, the Alternate Procedure of the Provisional Rules of Procedure.

3. At the second part of its forty-first (closed) meeting, on 24 January 1955, the Committee on South West Africa decided to request the Secretary-General of the United Nations to submit to it all available recent information relating to South West Africa (A/AC.73/SR.41/Add.1).

4. Accordingly, the Secretariat has prepared this document, presenting, as far as possible, under each question of the Questionnaire adopted by the Permanent Mandates Commission of the League of Nations in 1926, such available information and documentation as appeared to be relevant. A similar document was prepared by the Secretariat last year (A/AC.73/L.3, A/AC.73/L.3/Corr.1, A/AC.73/L.3/Add.1, A/AC.73/L.3/Add.1/Corr.1, A/AC.73/L.3/Add.2, A/AC.73/L.3/Add.3 and A/AC.73/L.3/Add.3/Corr.1). The present document follows the same pattern as the preceding document but differs from it in certain important aspects. In the first place, while the first document contained information relating to the years 1947 to 1953, the present

document covers, as far as it has been possible, conditions in South West Africa for one year only, namely, 1954. In the second place, it was felt that in the interest of economy, the information already appearing in the first document need not be repeated and duplicated when there was nothing substantially new to add; suitable references have been made in the appropriate places to the information submitted last year to the Committee on South West Africa. In the third place, in accordance with a decision taken last year by the Committee on South West Africa, the questions relating to land and land tenure were given fuller treatment (A/2666, Annex V, paragraph 84). Finally, the maps which were appended to last year's document have not been reproduced. A brief Introduction, although not requested by the Questionnaire, has been added in order to bring up-to-date the background information relating to the history and geography of the Territory.

5. This document is based upon the following sources:

Official sources published by the Union of South Africa

Abbreviation

- |  |  |
|--|--|
| (1) The Union Statutes, 1910-47.<br>Classified and Annotated Reprint.<br>Published by Butterworth and Co.(Africa) Ltd.,<br>Durban. | SA, Statutes, 1910-47,<br>(vol.)                                     |
| (2) Revised Statutes of the Union of South Africa.<br>Published by the Department of Justice,<br>Government Printer.               | SA, Revised Statutes,<br>(vol.), (year)                              |
| (3) Statutes of the Union of South Africa, 1947,<br>1948, 1949, 1950, 1951, 1952.<br>Government Printer.                           | SA, Statutes, (year)   |
| (4) Union of South Africa. Bill to amend the<br>South-West Africa Constitution Act, 1925<br>/A.B. 48-1547                          | SA, South West Africa<br>Constitution Amendment<br>Bill, A.B. 48-54. |

- (5) Union of South Africa. Bill to amend inter alia the South-West Africa Affairs Act, 1922, A.B. 33-'55 SA, General Law Amendment Bill, A.B. 33-55.
- (6) House of Assembly Debates (Hansard) Weekly Edition. Hansard, (year), (column).
- (7) The Senate of South Africa: Debates (Official Report) Weekly Edition. Senate Debates, (year), (column).
- (8) Government Gazette UGG (number)
- (9) Government Gazette Extraordinary. UGGE (number).
- (10) Report by the Government of the Union of South Africa to the Council of the League of Nations concerning the Administration of South West Africa, 1923 to 1939. ARIN, (year), (page).
- (11) Report by the Government of the Union of South Africa on the Administration of South West Africa for the year 1946. AR, 1946, (page).
- (12) Further observations of the South African Government on the report of the Permanent Mandates Commission on the work of its Fourth Session: Land tenure in the mandated Territory of South West Africa (summary).
- (13) Union of South Africa. Report of the Rehoboth Commission. Cape Town: Cape Times Ltd., 1927.
- (14) Third Census of the Population of South West Africa, Enumerated 5 May 1936. Printed in the Union of South Africa by the Government Printer, Pretoria. SWA, Census, 1936, (page).
- (15) Native Administration in the Union of South Africa, by Howard Rogers, of the Department of Native Affairs. Second edition, Revised on behalf of the Department of Native Affairs by P. A. Linington, Ex-Native Commissioner. Published by Authority. Government Printer, Pretoria, 1949. SA, Native Administration

Union of South Africa, Department of Native Affairs

- (16) Notes on the Kaokoveld (South West Africa) and its people. The Government Printer, Pretoria, 1951. Kaokoveld, (page).

Abbreviation

Union of South Africa, Department of Mines

- (17) Statistical and other data on Industrial Minerals, Quarters ended March, 1950 and 1949; Quarters ended June 1950 and 1949; Quarters ended September 1950 and 1949; Quarters ended December 1950 and 1949; Quarters ended March 1951 and 1950.
- (18) Quarterly Information Circular, Industrial Minerals, April to June 1951; July to September 1951; October to December 1951; January to March 1952; April to June 1952; July to September 1952; October to December 1952; January to March 1953; April to June 1953; July to September 1953; October to December 1953; January to March 1954; April to June 1954.

Union of South Africa, Bureau of Census and Statistics

- (19) Monthly Bulletin of Statistics, vols. XXXI, XXXII, XXXIII, XXXIV, 1952, 1953, 1954 and 1955. Printed by the Government Printer, Pretoria. SA, MBS, (vol), (year), (month).
- (20) Official Year Book of the Union of South Africa and of Basutoland, Bechuanaland Protectorate and Swaziland, vols. 10, 17, 22-27. Printed by the Government Printer, Pretoria. SA, Yearbook, (year), (page).

State Information Office of the Union of South Africa

- (21) 50 Facts about South West Africa. Printed by the Government Printer, Pretoria, (n.d.). 50 Facts.
- (22) South Africa reports, Union of South Africa Government Information Office, 655 Madison Avenue, New York, 24 June 1954.

Union of South Africa, Public Service Commission

- (23) Annual Report of the Public Service Commission, 1953. Government Printer. SA, PSC, (year), (page).

Union of South Africa, Commissioner of the South African Police

- (24) Annual Report of the Commissioner of the South African Police, 1947, 1948, 1949, 1950, 1951, 1952, 1953. SA, Police, (year), (page).

Union of South Africa, Department of Customs and Excise

- (25) Monthly Abstracts of Trade Statistics (January-December 1951; January-December 1952; January-December 1953; January-August 1954) Government printer. SA, Trade Statistics, (year), (month), (page).
- (26) Annual Statement of the Trade and Shipping of the Union of South Africa and Territory of South West Africa, 1949, 1950, 1951. Government printer. SA, Trade and Shipping, (year), (page).

Reports of Commissions

- (27) Report of the Commission of Enquiry into the Financial Relations between the Union and South West Africa, 1951. Government Printer, Pretoria. SA, Financial Relations.

Official sources published by the Territory of South West Africa

- (28) The Laws of South West Africa. Published by order of the Administrator of South West Africa. SWA, Laws, (year), (page).
- (29) Votes and Proceedings of the Legislative Assembly, 1947-1955, Windhoek, John Meinert Ltd., Government Printer. SWA, LA, (year), (page).
- (30) Estimates of the Revenue to be collected and of the Expenditure to be defrayed from Revenue Funds, Loan Funds and the Territorial Development and Reserve Fund during the years 1946-47 to 1953-54 (SWA. 3, 4 and 5, 1946-1953, Second and Final Print). Printed in South West Africa by John Meinert Ltd., Windhoek. SWA, Estimates, (year), (page).
- (31) Report of the Controller and Auditor-General on the Accounts of the Administration of South West Africa for the Financial Years 1946-47 to 1952-53, Windhoek, John Meinert Ltd., Government Printers, 1948-1954. SWA, Accounts, (year), (page).
- (32) Official Gazette SWAG (number).
- (33) Report of the Commission of Enquiry into Mining, 1953. SWA, Mining Commission.
- (34) Report of the South West Africa Native Labourer's Commission, 1945-1948. SWA, Labour Report.

Abbreviation

- (35) Report of the Commission of Enquiry into certain Educational Matters, 1950. SWA, Education Commission, 1950.
- (36) Report of the Health Commission, 1946. SWA, Health Report, (para.)
- (37) Report of the Long Term Agricultural Policy Commission (1948). SWA, Agriculture Report. (para.)
- (38) Meat Trade Control Board, S.W.A., Annual Reports for the Period 1 January to 31 December 1950-52. SWA, Meat Board, (year), (date).
- (39) Dairy Industry Control Board, South West Africa, Annual Reports for the year ended 30 September 1949-53. SWA, Dairy Board, (year), (page).
- (40) Report of the Commission of Enquiry into the Prices of Crown Lands, Windhoek, September 1952. SWA, Crown Lands Report
- (41) South West Africa. Report of the Roads Construction Commission, 1950. SWA, Roads Report, (page).
- (42) Report of the Board of Management of the Land and Agricultural Bank of South West Africa for the years ended 31 March, 1949-54. SWA, Land Bank (year), (page).
- (43) Report of the Commission to Enquire into a Long-Term Marketing Scheme for Meat at Walvis Bay (1952). SWA, Meat Commission, (page).
- (44) Report of the Commission of Enquiry into Mining Legislation, 1953. Mining Report, 1953
- (45) Report of the Commission of Enquiry into the Sale of Liquor and Desecration of Sunday, South West Africa.

League of Nations

- (46) Minutes of the Permanent Mandates Commission. PMC, (session), (page).

UNITED NATIONS

- (47) Data available in the Statistical Office, United Nations.

Abbreviation

- (48) Report of the Ad Hoc Committee on Forced Labour, 1953
- (49) Reply of the Government of the Union of South Africa to the Trusteeship Council questionnaire on the report of the United Nations on the administration of South West Africa for the year 1946. Trusteeship Council Official Records, Third Session, Supplement. T/337.
- (50) Annual Reports of Governments under the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as Amended by the Protocol of 11 December 1946. E/NR. (year) (number).
- (51) United Nations. General Assembly, Official Records. Ninth Session. Fourth Committee, 407th meeting. A/C.4/SR.407, para.
- (52) Illicit Traffic, Chapters V of Annual Reports for the year 1953 made by Governments under the 1931 Convention. E/CN.7/R.2/Add.2, 1954, (page).
- (53) Illicit Traffic, Chapters V of Annual Reports for the year 1954 made by Governments under the 1931 Convention. E/CN.7/R.4/Add.4, 1955, (page).
- (54) Protocol Signed at Paris on 19 November 1948 Bringing under International Control Drugs Outside the Scope of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as Amended by the Protocol Signed at Lake Success, New York, on 11 December 1946, Notification by the Union of South Africa. C.N.199. 1954. Treaties.
- (55) Statutes of Multilateral Conventions of which the Secretary-General acts as Depositary. ST/LEG/3

International Labour Conference

- (56) Thirty-seventh Session, Geneva, 1954, Summary of Reports on Ratified Conventions, Report III, Part I, Geneva 1954. ILC, 1954, Conventions, (Report), (Part), (pages).
- (57) Thirty-seventh Session, Geneva 1954, Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution) Report III, Part II, Geneva 1954. ILC, 1954, Conventions, (Report), (Part), (pages).



Abbreviation

- (58) Thirty-seventh Session, 1954  
"The Law and Practice Relating to Penal Sanctions for Breaches of Contract of Employment". Report VI(I), 1954. IID, Report VI(I)
- (59) Thirty-seventh Session, 1954  
"Penal Sanctions for Breaches of Contract of Employment." Report VI(2), 1954. IID, Report VI (2)

World Health Organization

- (60) "Malaria Survey of South-West Africa", by Botha De Meillon, Entomologist, South Africa Institute for Medical Research, Johannesburg. Bulletin of the World Health Organization. Geneva: World Health Organization. Vol. 4, 1951, pp. 333-417.

Universal Postal Union

- (61) Recueil de la Convention, 1953 edition. Bureau international de Berne. Les Actes de l'Union postale universelle revisés à Bruxelles 1952 et annotés par les soins du Bureau international, 1er fascicule, Convention Postale Universelle, Bureau international de Berne, 1954.  
Circulaire No. 76, dated 23 April 1954. Bureau international de Berne.  
I. Convention et Divers, Bulletin No. 19, dated 28 December 1954. Bureau international de Berne.

Other official sources

- (62) Statute Law of the Transvaal 1839-1910 (in force on 31st May, 1910), Vol. II 1900-1906 (Crown Colony), compiled and edited by Carl Jeppe, Advocate of the High Court of the late South African Republic, and of the Supreme Courts of the Transvaal and Cape of Good Hope and J. H. Gey van Pittius, LL.D. (Leyden), of the Middle Temple, Barrister-at-Law; Advocate of the Supreme Court of the Transvaal. Published by Authority and Printed under the Superintendence of the Government Printer, Pretoria, G.P.S.O., 1910. Transvaal Statutes, (page).

Abbreviation

- (63) The African Manual on Mining and Industry, 1948. Published by Mining and Industrial Publications of Africa, Ltd., London.
- (64) South West Africa Annual, 1947, 1948, 1950, 1951, 1954. South West Africa Publications Ltd., Windhoek. SWA, Annual, (year).
- (65) The Administration of South West Africa - Welfare of the Indigenous Population, by J. D. Rheinallt Jones, South African Institute of Race Relations, Johannesburg, 1952. Rheinallt-Jones
- (66) Wagner, Guntner (of the Ethnological Division, Department of Native Affairs, Union of South Africa). "Some Economic Aspects of Herero Life." African Studies. Johannesburg: Witwatersrand Univ. Press. Vol. 13, No.3-4, 1954. Economic Aspects of Herero Life
- (67) Universal Postal Convention, Brussels, 1952 (English translation prepared by the British Post Office)
6. Should additional information and documentation become available after the publication of this document the Secretariat will, if necessary, issue addenda and/or corrigenda.
7. With regard to the material provided under the various questions of the Questionnaire, it will be noted that in the interest of economy certain relevant laws, proclamations, notices, etc., have in some cases not been reproduced in full. These sources are available in the Library of the United Nations.
8. The unavailability of an annotated or consolidated text of the laws of South West Africa has made it especially difficult to check amendments, repeals or re-interpretations of some of the laws.
9. With regard to some questions, recent information and documentation was unavailable and, with regard to other questions, the information and documentation was incomplete and fragmentary.

10. The numbering of paragraphs and footnotes relates to each question or to each group of questions. In order to avoid an excessive number of footnotes, sources are indicated in the text. Sources used frequently are abbreviated.

11. The abbreviations, alphabetically arranged, are listed below. (Numbers in parenthesis refer to the sources listed in paragraph 5 above):

Acts	Acts of the Union Parliament
AR 1946	see (11)
ARLN	see (10)
CN.199. 1954, Treaties	see (54)
E/CN.7/R.2/Add.2, 1954	see (52)
E/CN.7/R.4/Add.4, 1955	see (53)
E/NR (year)	see (50)
Economic Aspects of Herero Life	see (66)
50 Facts	see (21)
GN	SWA Government Notice
Hansard	see (6)
ILC, 1954, Conventions	see (56) (57)
ILD, Report VI (I)	see (58)
ILD, Report VI (II)	see (59)
Kaokoveld	see (16)
Mining Report, 1953	see (44)
Ord	Ordinance of the SWA Legislative Assembly
P	Proclamation of the Administrator of SWA
PMC, (session)	see (46)
Rheinallt-Jones	see (65)

SA, Financial Relations	see (27)
SA, General Law Amendment Bill	see (5)
SA, Native Administration	see (15)
SA, MBS	see (19)
SA, Police	see (24)
SA, PSC	see (23)
SA, Revised Statutes	see (2)
SA, Southwest Africa Constitution Amendment Bill	see (4)
SA, Statutes, 1910-47	see (1)
SA, Statutes (year)	see (3)
SA, Trade and Shipping	see (26)
SA, Trade Statistics	see (25)
SA, Yearbook	see (20)
Senate Debates	see (7)
ST/Leg/3	see (55)
SWA, Accounts	see (31)
SWA, Agriculture Report	see (37)
SWA, Annual	see (64)
SWA, Census 1936	see (14)
SWA, Crown Lands Report	see (40)
SWA, Dairy Board (year)	see (39)
SWA, Education Commission, 1950	see (35)
SWA, Estimates	see (30)
SWAG	see (32)
SWA, Health Report	see (36)

SWA, IA	see (29)
SWA, Labour Report	see (39)
SWA, Land Bank (year)	see (42)
SWA, Laws (year)	see (28)
SWA, Meat Board (year)	see (38)
SWA, Meat Commission	see (43)
SWA, Mining Commission	see (33)
SWA, Roads Report	see (41)
Transvaal Statutes	see (62)
UGG	see (8)
UGGE	see (9)
UGN	Union Government Notice
UP	Union Proclamation (Proclamation of the Governor-General)

TABLE OF CONTENTS

The material included in this document has been presented in accordance with the general plan of the Questionnaire adopted by the Permanent Mandates Commission in 1926 and the following list of questions included therein, together with the page references shown, is intended to serve as a table of contents.

	<u>Page</u>
INTRODUCTION . . . . .	28
CHAPTER A. Status of the Territory . . . . .	37
1. Is there any organic law in which the mandatory Power has laid down and defined the status of the mandated territory? Please forward such changes as have been made in this organic law. . . . .	37
2. To what extent is the territory financially and administratively autonomous? . . . . .	39
CHAPTER B. Status of the Native Inhabitants of the Territory . . . . .	95
3. Has a special national status been granted to the native inhabitants? If so, what is the legal or current term used to describe this special status? . . . . .	95
4. Do natives of the territory enjoy the same guarantees as regards the protection of their persons and property in the territory of the mandatory Power and in its colonies, protectorates and dependencies as the native inhabitants of each or any of the latter? If not, what treatment do they receive in this respect? . . . . .	95
CHAPTER C. International Relations . . . . .	96
5. What international treaties or conventions (general or special) apply to the territory? . . . . .	96
6. How fully has effect been given, as a consequence of the stipulations of the Mandate, to the principle of economic equality for all Members of the League of Nations . . . . .	101

Page

CHAPTER D. General Administration . . . . .	102
7. To what extent have legislative and executive powers been delegated to the chief Administrative Officer of the territory? .	102
8. Does the chief Administrative Officer exercise these powers with the assistance of legislative, executive or advisory councils? If so, what are the powers of these councils? How are they constituted and do they include unofficial members and native members? . . . . .	111
9. What are the different Government departments? How are they organized? . . . . .	117
10. Into what administrative districts is the country divided? How are they organized? . . . . .	118
11. How many officials are there? How are they divided between the central administration, technical services (agriculture, public health, public works, etc.) and district administrations? What is their origin and their nationality? What are the conditions required for appointment? What is the status of the officials? Are they entitled to a pension? Are advantages reserved to officials with a knowledge of the native languages? .	120
12. Do natives take part in the general administration and, if so to what extent? Are any posts in the public service open to natives? Have any councils of native notables been created? . .	128
13. Are there any native communities organized under native rulers and recognized by the Government? What degree of autonomy do they possess and what are their relations with the Administration? Do village councils exist? . . . . .	129
CHAPTER E. Public Finance . . . . .	162
14. Please forward the detailed budget of revenue and expenditure for the current fiscal year, and a similar statement for the last completed year of account. Please attach a comparative table of the total revenue and expenditure, section by section, for each of the past five years . . . . .	162
15. Has the territory a public debt? If so, attach figures for the last five years . . . . .	170

CHAPTER E. Public Finance (continued)

16. Has the ordinary and extraordinary expenditure been covered by budgetary revenue or in some other way - either by public loans, or by advances or free grants by the mandatory Government? In the latter cases, state the conditions of the financial transactions involved . . . . . 170
17. Please give the annual and total amounts of advances and grants-in-aid by the mandatory Power to the mandated territory. 171

CHAPTER F. Direct Taxes . . . . . 174

18. What direct taxes - such as capitation, or income, or land taxes - are imposed: (a) On natives? (b) On non-natives? . . 174
19. Are the native direct taxes paid individually or collectively? Are they applicable to all natives without distinction or only to able-bodied male adults? Is the rate of taxation the same throughout the territory or does it vary in different districts? Can a native pay in kind or only in money? . . . . 177
20. Is compulsory labour exacted in default of the payment of taxes in cash or kind? If so, on what basis is the equivalent calculated? . . . . . 177
21. What methods are employed to assess and collect the native taxes? . . . . . 177
22. Is any portion of this tax handed over to the native chiefs or communities? Are chiefs salaried by the administration? . . . 177
23. Are the native chiefs allowed to exact tribute or other levies in cash or in kind or in labour? If so, is this tribute in addition to the Government taxes? . . . . . 178

CHAPTER G. Indirect Taxes . . . . . 179

24. What is the tariff or import and export duties? Are transit and statistical duties charged? . . . . . 179
25. Are there any indirect taxes in force other than import, export and transit duties? . . . . . 180



CHAPTER G. Indirect Taxes (continued)

26. Does the territory form part of a Customs union with neighbouring colonies and dependencies of the mandatory Power? If so, how are the Customs receipts and expenses divided? . . . . . 181
27. Are the products of the mandated territory given preferential treatment when imported into the territory of the mandatory Power, its colonies or dependencies, or do they pay the same duties as similar products from foreign countries? . . . . . 181

CHAPTER H. Trade Statistics . . . . . 182

28. Please forward comparative statistics concerning the general and special trade of the territory, showing both imports and exports for the past five years. (Please indicate the amount of imports and exports of Government material and stores.) . . . . . 182

CHAPTER I. Judicial Organization . . . . . 194

29. Please give a description of the judicial organization, both civil and criminal . . . . . 194
30. How are the courts and tribunals of the various instances constituted? . . . . . 194
31. Do they recognize native customary law, and if so, in what cases and under what conditions? . . . . . 194
32. Are natives entitled to officiate in the courts and tribunals: for example, as assessors or members of the jury? . . . . . 194
33. Does the judicial organization include tribunals exclusively composed of natives? Are these tribunals under direct or indirect control of the mandatory Power? What powers do they exercise? Can they inflict punishments for which the law makes no provision? How are their sentences carried out? . . . . . 194
34. Does the law inflict the penalties of corporal punishment forced residence and deportation? If so, under what conditions and limitations? . . . . . 204
35. Does the penitentiary system obviate the necessity of sending prisoners long distances for confinement? . . . . . 206

	<u>Page</u>
CHAPTER J. Police . . . . .	207
36. Is there any police force apart from the armed forces proper? If so, what is its strength? . . . . .	207
37. Are the police concentrated in centres under direct (European) authority or distributed in detachments in the villages (Japanese) under native subalterns only? . . . . .	207
CHAPTER K. Defence of the Territory . . . . .	210
38. Are any military forces maintained for the defence of the territory? If so, how are they recruited, organized and armed? What is the period of service? What proportion of Europeans or Japanese do they include? What is their strength? Is it provided that discharged soldiers are called up as reservists in case of an emergency? . . . . .	210
39. If the Territory has no armed forces of its own; what are the arrangements for its defence? . . . . .	210
40. If military expenditure and expenditure on the police are included under the same item of the budget, please indicate separately the expenditure on each . . . . .	210
CHAPTER L. Arms and Ammunition . . . . .	211
41. What measures have been adopted to control the importation of arms and ammunition? . . . . .	211
42. What number of arms, and quantity of ammunition of the different categories have been imported during the year, and what approximately is the number of such arms and the quantity of ammunition in the country? . . . . .	212
43. Is the importation (with or without restrictions) allowed of "trade guns" (flint locks) and "trade powder" for self-defence, or for the protection of crops against wild animals, or for any other harmless purpose? . . . . .	213

	<u>Page</u>
CHAPTER M. Social, Moral and Material Condition of the Natives . . . .	214
44. What, generally speaking, are the measures adopted to promote the moral, social and material welfare of the natives? As an indication, please state approximately the total revenue derived from the natives by taxation and the total amount of the expenditure on their welfare (education, public health, etc.). . . . .	214
45. Is the native population divided into distinct social castes? If so, does the law recognize these distinctions and the privileges which may be attached thereto by native tradition and customs? . . . . .	214
46. Does the slave trade or slave-dealing exist in any form? If so, what measures are taken for their suppression and what has been the success of these measures? . . . . .	214
47. Does slavery still exist, and, if so, in what form: (a) in Moslem districts? (b) In other districts? Can a slave be emancipated under native customary law? . . . . .	214
48. What measures are being taken to suppress slavery? What have been the results of these measures? . . . . .	214
49. Do any of the following practices exist in the territory: Acquisition of women by purchase disguised as payment of dowry or of presents to parents? Purchase of children under the guise of adoption? Pledging of individuals as security for debt? Slavery for debts? Are these practices penalized by law? . . . .	215
50. What is the status of freed slaves, especially women and children, in the native social organization? . . . . .	215
51. What is the social status of women? In particular, are polygamy and concubinage universal or prevalent? Are they recognized by law? . .	215
52. Can a native move about freely throughout the entire territory? Are there any regulations in regard to such movement? Is vagrancy a penal offence? If so, how is it defined? . . . . .	215

	<u>Page</u>
CHAPTER N. Conditions and Regulations of Labour . . . . .	216
53. Have measures been taken in accordance with Part XIII of the Treaty of Versailles to ensure the application of conventions or recommendations of the International Labour Conference? Please indicate such local circumstances, if any, as render these provisions inapplicable or ineffective . . . . .	216
54. Does the local supply of labour, in quantity, physical powers of resistance and aptitude for industrial and agricultural work conducted on modern lines appear to indicate that it is adequate, as far as can be foreseen, for the economic development of the territory? Or does the Government consider it possible that sooner or later a proper care for the preservation and development of the native races may make it necessary to restrict for a time the establishment of new enterprises or the extension of existing enterprises and to spread over a longer term of years the "execution of" such large public works as are not of immediate and urgent necessity? . . . . .	220
55. Are there any laws and regulations regarding labour, particularly concerning: Labour contracts and penalties to which employers and employed are liable in the case of their breach? Rates of wages and methods of payments? Hours of work? Disciplinary powers possessed by employers? Housing and sanitary conditions in the camps or villages of workers? Inspection of factories, workshops and yards? Medical inspection before and on completion of employment; medical assistance to workers? Compensation in the event of accident, disease or incapacity arising out of, and in the course of, employment? Insurance against sickness, old age or unemployment? . . . . .	225
56. Do labourers present themselves freely in sufficient numbers to satisfy the local demand for labour? Or has recruiting to be carried out in native centres more or less distant to make good shortage of labour? . . . . .	230
57. Does the Administration recruit labour for the service of the Administrations of other territories or for private employers? If so, under what conditions and safeguards? . . . . .	230

CHAPTER N. Conditions and Regulations of Labour (continued)

58. Are private recruiting organizations or agents of employers permitted to recruit labour within the Territory for service in the territory itself at a distance from the place of recruiting or in another country? If so, under what conditions and safeguards? . . . . . 230
59. Please give a table showing the number of workers of each sex recruited (a) for Government work, (b) for private enterprise . . . . . 235
60. Indicate the nature of the work for which recruiting has taken place during the year (e.g. mines, portorage, agriculture, construction of railways, roads etc.). Give, where possible, mortality and morbidity statistics among the workers. . . . . 235
61. Does the existing law provide for compulsory labour for essential public works and services? What authority is competent to decide what are public works and services the essential nature of which justified recourse to compulsory labour? What payment is made to the workers? May such compulsory labour be commuted for a money payment? Are all classes of the population liable to such labour? For what period can this labour be exacted? . . . . . 236
62. How is the recruiting and supervision of compulsory labour organized? . . . . . 236
63. Are any workers recruited from outside the territory? If so, by whom and under what conditions? . . . . . 237
64. Are the contracts of such workers signed before departure from their native country? Give a specimen contract . . . . . 237
65. Is there any special officer charged with the duty of looking after those workers on arrival, allocating them to employers, seeing that the employer fulfils his obligations through the period of contract, and arranging for their repatriation or re-engagement? . . . . . 238
66. Are they segregated, in camps, compounds or otherwise? What are the regulations in this matter? Has their presence in the territory given rise to any trouble with the native inhabitants? . . . . . 238

CHAPTER N. Conditions and Regulations of Labour (continued)

67. Are these workers encouraged to bring their wives with them, and do they do so? Are they allowed to settle in the territory if they so wish? . . . . . 238
68. Give the nationality of imported workers, the number of new arrivals, repatriations, deaths and the total present at the end of the year (men and women) . . . . . 238
69. Are there any trade unions in the territory? If so, have these unions put forward any protests or demands? . . . . . 238

CHAPTER O. Liberty of Conscience and Worship . . . . . 240

70. Is freedom of exercise of all forms of worship and religious instruction ensured? . . . . . 240
71. Has it been considered necessary, in the interest of public order and morality, to impose restrictions on the free exercise of worship or to enact regulations on the subject? . . . . . 240
72. Are there any restrictions on missionaries, who are nationals of States not Members of the League of Nations? . . . . . 240

CHAPTER P. Education<sup>1/</sup> . . . . . 241

73. State the general policy and principles adopted in regard to the education of the natives. How do the methods in use illustrate the application of the different characteristics of these principles? . . . . . 241
74. Please give a brief analysis of the education budget indicating the amounts allocated respectively to: Government schools, Non-Government schools, Inspection of educational institutions. . . . . 241
75. Is official authorization necessary for opening Non-Government educational institutions? If so, under what conditions is such authorization granted? . . . . . 241
76. Are non-Government educational institutions subject to a compulsory official inspection, and if so, how is it carried out? . . . . . 241

---

<sup>1/</sup> Questions 73 to 84 refer only to the education of natives.

CHAPTER P. Education (continued)

77. What conditions are attached to any grants-in-aid made to non-Government schools? On what basis are the grants made? . . . . .	241
78. Please give a table showing the number of boys' schools of the different grades in the following categories: Government schools; Non-Government schools subsidized by the Government; Non-Government schools not subsidized. State the numbers enrolled and the average attendance in each category of schools . . . . .	241
79. Please give the same information regarding girls' schools. . . . .	242
80. Is any vocational training, or instruction in agriculture, or domestic science given in the territory? . . . . .	242
81. Are there any normal classes or training institutions for the education of native teachers? . . . . .	242
82. Give some general indication of the curricula in each class of school mentioned above. Do they include the teaching of a European or Japanese language, and if so, how far does this teaching go? Does the curriculum in Government schools include religious instructions (compulsory or optional)? . . . . .	242
83. What language is used as a medium of instruction? . . . . .	242
84. What are the numbers of the teaching staff (Government and non-government, certificated and uncertificated)? How are they distributed among the different categories of schools? . . . . .	
85. Are there any schools for non-natives? . . . . .	242
CHAPTER Q. Alcohol, Spirits and Drugs . . . . .	261
86. Are the natives much addicted to the use of alcohol and spirits? . . . . .	261
87. What is the accepted definition of the term "liquor traffic" and "trade spirits"? . . . . .	261

CHAPTER Q. Alcohol, Spirits and Drugs (continued)

88.	Have legal measures concerning the liquor traffic been enacted to give effect to the Mandates and the Convention of St. Germain of 10 September 1919? . . . . .	262
89.	Is there any licensing system for the sale of imported alcoholic liquors? . . . . .	262
90.	What are the import duties on (a) spirituous liquors, (b) wines, (c) beer and other fermented beverages? Has any limit of strength of (b) and (c) been adopted? Are the duties higher or lower than those in the neighbouring countries? . . . . .	262
91.	What are the quantities of each class imported each year for the last five years, and what are the principal countries of origin? . . . . .	262
92.	What steps are taken to prevent smuggling and the illicit traffic in imported alcohol and spirits? . . . . .	263
93.	Is the process of distillation known to the natives? Have any measures been taken to restrict (a) the manufacture, (b) the sale, (c) the consumption of intoxicants manufactured by the natives? . . . . .	263
94.	Is any encouragement given to communities or associations which, for religious or other reasons, are trying to suppress the use of these intoxicants? . . . . .	266
95.	Is the population of the Territory addicted to the use of drugs (including hashish and hemp)? If so, what measures are in force to prohibit or regulate their use? . . . . .	266
CHAPTER R. Public Health. . . . .		268
96.	What health organization is in charge of research work and the prevention, control and treatment of disease? State the work done by this organization and the results observed . . . . .	268
97.	Does this organization train natives as medical and sanitary assistants, or women as midwives and as nurses? What is the method adopted? . . . . .	268
98.	How many doctors, both official and private, are there in the Territory? Has official and private action as regards sanitation and preventive and curative medicine been co-ordinated? . . . . .	268



CHAPTER R. Public Health (continued)

99.	What progress has been made in inducing the natives, especially the chiefs, to adopt sanitary reforms in the towns and villages? . . . . .	268
100.	What endemic or epidemic diseases have been responsible for the greatest mortality? Are there statistics regarding the morbidity and death rate attributable to these diseases? If no general statistics exist, please supply any which have been compiled for certain centres or certain specified areas. . . . .	275
101.	Give any other information of importance from the epidemiological point of view, particularly as regards the spread of dangerous diseases, such as sleeping-sickness, etc., which are not covered by the preceding question . . . . .	275
102.	Does the health organization deal with the supervision of prostitution? What is the position with regard to prostitution? . . . . .	279
CHAPTER S. Land Tenure . . . . .		280
103.	Is the Government's policy directed towards the exploitation of the arable land by the establishment of large agricultural undertakings under foreign management or by the development of the system of native small-holdings? . . . . .	280
104.	What are the various classes of property which, in the view of their nature, origin or use, constitute the domain of the Territory? Under what item of the local budget do the revenues of this domain appear, or, in the case of the sale of such property, the sum realized? Under what items of the local budget do the costs of exploiting such domain appear? Are the recruiting and employment of the labour required for the exploitation of this domain regulated by the common law? . . . . .	280
105.	Does the law provide a definition of the term "vacant lands"? What authority is competent to decide whether land is vacant? Does the law recognize the rights of use and enjoyment that may be exercised by the natives in the "vacant lands" (the right of gathering produce, cutting of wood, grazing, hunting, fishing, etc.)? . . . . .	280

CHAPTER S. Land Tenure (continued)

Page

106.	Has the mandatory Power acquired on its own account (and not in its capacity as Mandatory) any property or rights whatsoever in the Territory? If so, what property or rights? On what basis does the State's proprietary title rest? Is this property subject to the same dues and charges as the property of private individuals? Is the State subject to the ordinary regulations regarding the recruiting and employment of the labour needed for the exploitation of these lands? How is the revenue of these lands employed? . . . . .	280
107.	What is the system of land registration in force? Is it applicable to land owned or occupied by natives? Is there a land registry department? . . . . .	281
108.	What is the native system of land tenure? Is it uniform through the Territory? Have the natives any notion of the right of individual property? Does the law recognize the right of natives to hold property as individuals? . . . . .	281
109.	Do the authorities exercise control over land transactions with a view to safeguarding the customary rights of the natives on such land? What is the maximum term of land-leases to non-natives? Does the law reserve land for the natives or native communities, from which they cannot be dispossessed for the benefit of non-natives? . . . . .	281
110.	Have the native chiefs the power of dispossessing existing occupiers and of granting land to third parties? If so, have the persons dispossessed the right of appeal to the authorities? . . . . .	281
111.	What is the (approximate) proportion in the whole Territory of: Native land, State land, Land leased or sold to non-natives (including any property of the mandatory Power referred to in Section 106)? . . . . .	281
112.	What are the regulations with regard to expropriation for reasons of public utility? How is the compensation determined? . . . . .	281

CHAPTER T. Forests . . . . .	402
113. State the main provisions of the forest law (if any). Does it provide for the protection of forests and for afforestation of cleared or waste lands? . . . . .	402
CHAPTER U. Mines . . . . .	403
114. Is any legislation in force with regard to mines? What are the main provisions? If there is no special legislation on this subject, does the State claim the ownership of the sub-soil? . . . . .	403
115. What mineral resources (a) are known to exist, (b) have been leased, (c) are actually exploited by the State or privately? . . . . .	412
CHAPTER V. Population . . . . .	429
116. What is the population of the territory in natives, coloured persons other than natives, Asiatics, Europeans and Americans? Are the figures supplied the result of a census or are they merely an estimate? . . . . .	429
117. Please supply, if possible, quinquennial or decennial comparative statistics of the population. . . . .	429
118. Is there any considerable emigration from or immigration into, the Territory? If so, what are the causes? What are the countries of destination or origin of emigrants and immigrants respectively? . . . . .	431

INTRODUCTION

For information concerning the historical sketch on South West Africa, its boundaries and area, its physical characteristics and its climate, reference is made to the Introduction in A/AC.73/L.3 and A/AC.73/L.3/Corr.1, under the paragraphs with the above-mentioned headings. For information concerning agriculture and livestock reference is made to Chapter 8 of this document as well as to the above-mentioned Introduction. Additional information is given below concerning rainfall, water supply, fisheries, railways, roads and transport, and harbours and shipping.

Rainfall (see A/AC.73/L.3 pp. 32-33 of the English text)

RAINFALL STATISTICS - SOUTH WEST AFRICA (In millimetres)

Stations	Normal		1951-52		Percentage of Normal
	Mms.	Days	Mms.	Days	
Aroab	186.1	24	102.7	15	55
Bethanie	113.7	19	80.7	9	71
Gibeon	173.8	27	126.7	22	73
Gobagis	363.0	45	260.2	44	72
Grootfontein	529.3	54	330.1	40	62
Karibib	197.8	25	189.8	15	96
Keetmanshoop	133.3	24	177.0	19	134
Luderitz	14.8	6	26.1	16	176
Maltahohe	159.5	24	168.6	14	106
Okahandja	372.1	51	243.9	43	65
Omaruru	305.8	34	213.2	15	70
Ondangua	517.3	48	245.5	43	47
Otjiwarongo	441.5	44	353.0	64	80
Outjo	409.4	40	413.3	61	101
Rehoboth	243.0	29	258.9	24	107
Runtu	621.3	61	712.6	56	115
Swakopmund	17.9	10	7.8	7	44
Warmbad	85.5	15	60.7	11	71
Windhoek	362.9	53	289.5	50	80

Water Supply (see A/AC.73/L.3, paragraphs 27-29, pp. 33-34)

The population is almost entirely dependent on underground water for its water supply, which is generally obtained from springs or from wells and boreholes.

Owing to insufficient rainfall, the Avis Dam which was built to supply Windhoek with fresh water, has not for several years been sufficiently filled to supply the municipality. At Luderitz there are no adequate supplies of fresh water, and the water used is distilled sea water. Except in the case of Windhoek the water available is rather hard.

The municipality of Windhoek has a water-borne sewerage system. In the remainder of the Territory, owing to the inadequacy of the water supply and the sparseness of the population, conservative methods of nightsoil removal are in use.<sup>1/</sup>

Fisheries.

Fishing on a commercial basis is carried on at Luderitz and Walvis Bay. Five rock lobster canning factories are established at Luderitz, and are operating on an extensive scale. Figures showing the quantity and value of rock lobster, pilchards and fresh fish exported during the fishing seasons from 1950-52 are given below.

In Walvis Bay the fishery industry developed apace. There are four canning factories in operation and a fifth will start soon.

(i) ROCK LOBSTER EXPORTED FROM LUDERITZ

Season	Quantity lb.	Value £
1949-50	2,048,580	420,796
1950-51	2,339,154	478,190
1951-52	4,830,090	1,303,753

(ii) FISH EXPORTED FROM THE TERRITORY

(a) Fresh Fish

Season	Quantity lb.	Value £
1950	4,641,315	48,202
1951*	7,419,853	81,594
1952*	5,755,431	67,375

<sup>1/</sup> SA, Yearbook, 1952-53, pp. 1161-62.

(b) Fish Dried, Salted and Cured

Season	Quantity lb.	Value £
1950	21,117	965
1951*	46,827	989
1952*	196,329	4,155

(c) Fish Preserved

1950	4,231,374	141,690
1951*	4,616,496	149,791
1952*	5,825,965	327,940

\* Preliminary figures.

SA, Yearbook, 1952-53, pp. 1180-81

Railways, roads and transportGerman railway system - See A/AC.73/L.3, p.36Railway extension

With a view to expediting the advance of the Union forces during World War I and securing direct lines of communication, the work of connecting the Union railway system with the German terminus at Kalkfontein (South) was rapidly pushed forward, and the whole of the line from Prieska to Kalkfontein - a distance of 315-1/2 miles - was completed between September, 1914, and June, 1915. During this time there was a delay of about four months owing to floods, which prevented the construction of the Orange River Bridge.

A short line was also run from Walvis Bay to Swakopmund - 21 miles 2 chains - and the Otavi Company's line from Swakopmund was converted from 2' gauge to 3'6" to Karibib by the Railway Engineers Corps, thus ensuring a standard gauge from Walvis Bay throughout the Territory to the Union. The remainder of the 2' gauge German State Railway from Rossing to Karibib was taken up by the Union railway authorities, shortly after the cessation of hostilities.

During October, 1949, the 2 ft. narrow gauge line between Upington and Kakamas was converted to 3 ft. 6 in. standard gauge.

Fifty-two class 24 engines have been placed in service, thereby replacing the majority of the obsolete engines previously employed on the main line.

Only the Windhoek-Usakos section is still being served by class 7 engines, but as soon as the strengthening of the curves with heavier rails, which is now being undertaken, is completed, class 24 engines will also be employed over this section.

On the northern narrow gauge lines five new class 15 engines, three additional first, and two third-class saloons have been placed in service and more saloons are on order. 108 additional narrow gauge trucks have arrived from overseas all of which will be in service in the near future. These engines and trucks are intended to cope with the ever increasing demand for the conveyance of ore traffic for export.

A mile from Aris siding a ballast quarry has been opened up at a cost of £194,000. Suitable housing has been provided for the White and non-White staff employed at the quarry. The plant is entirely new and modern in design. The electric power is obtained from the Windhoek municipal power station by means of transmission line which is 17 miles long. The quarry is used to supply stone ballast for railway lines and concrete stone required for other purposes. When in full production the output will be 6,000 to 8,000 cubic yards per month.

Organization under Union Railway Management

In terms of Act No. 20 of 1922, the railways in South West Africa were incorporated in the Union system from the 1st April, 1922, and are under the administration of a system manager with headquarters at Windhoek. In addition, the control of the system manager extends over the Union sections: Walvis Bay to Swakopmund (border) and De Aar (exclusive) to Nakop (border). The total mileage of the South West Africa railway system is shown hereunder:-

Union Lines

3 ft. 6 in. Gauge:	Miles	Chains
Walvis Bay to Swakop River (border)	25	19
De Aar to South West Africa Border	343	39
Upington to Kakamas	54	60
Total	<u>423</u>	<u>38</u>

South West Africa Territory Lines

	Miles	Chains
3 ft. 6 in. Gauge:		
South West Africa Border to Mid-Swakop River Bridge*	769	43
Seeheim Junction to Luderitz	197	69
Gammams Junction to Bobabis	140	-
2 ft. Gauge:		
Usakos to Grootfontein*	272	40
Otavi to Tsumeb	42	8
Otjiwarongo to Outjo	45	37
Total*	<u>1,467</u>	<u>37</u>
Grand total	<u>1,890</u>	<u>75</u>

\* Includes 6 miles 73 chains of tri-rail (Usakos-Kransberg).

The Railway Administration operates the following road motor services in the Territory:

Area 901

	Route Mileages
Mariental-Eindpaal	137
Stampriet-Airob	9
Helgoland-Gomuchab	78
Mariental-Nomtsas	123
Airob-Arahoab	64
Mariental-Toeval	<u>85</u>
Total	<u>496</u>

Area 902

Windhoek-Albano	139
Windhoek-Jonkersgrab	69
Mileage 24-Isabis	89
Mileage 33-Otjomulona	19
Dordabis-Nina	80
Windhoek-Grootfontein) Tsumeb )	318
Achanib-Zaniasand	<u>32</u>
Total	<u>746</u>



	Route mileages
<u>Area 903</u>	
Konkiep-Maltahohe	177
Helmeringhausen-Spur Rooiberg Suid	7
Total	<u>184</u>
<u>Area 904</u>	
Rehoboth-Dorp-Omutunda	103
Rehoboth-Uhlenhorst	68
Total	<u>171</u>
<u>Area 905</u>	
Karasburg-Warmbad	34
Karasburg-Noordoewer	102
Karasburg-Kais	92
Total	<u>288</u>
<u>Area 906</u>	
Outjo-Kamanjab	106
Outjo-Fransfontein-Noord	56
Outjo-Fransfontein-Suid	88
Ongolo-Biermanskool	15
Total	<u>265</u>
<u>Area 907</u>	
Keetmanshoop-Aroab	107
Keetmanshoop-Koes	95
Total	<u>202</u>
<u>Area 908</u>	
Omitara-Otjinene	134
Diksand-Okatjukuli	102
Spur Okaruako-Lousitz	4
Spur Marina-Lowriesdale	8
Total	<u>248</u>
<u>Area 909</u>	
Grootfontein-Oshikango	274
Grootfontein-Abenab	21
Total	<u>295</u>
<u>Area 911</u>	
Gobabis-Pretorius	87
Gobabis-Buitepos	80
Gobabis-Epukiro	85
Drimiopsis-Okavarumendu	83
Hekel-Disal	52
Kalkrif-Sukses	68
Spur-Wasserrose	1
Total	<u>456</u>

Railway Traffic: Passengers, Goods, and Live-stock Carried.

The following table gives particulars of the number of passengers, the tonnage of goods, and the number of live-stock carried during five years:-

## RAILWAY TRAFFIC, 1948 TO 1952

Year ending 31 December	Passengers	Tonnage of Goods		Live-stock carried		
		Forwarded	Received	Total	Large	Small
		No.	Tons	Tons	Tons	No.
1948	171,527	295,516	408,729	704,245	194,677	474,704
1949	175,083	327,548	466,313	793,861	206,107	190,063
1950	201,297	340,300	505,272	845,572	181,870	269,760
1951	211,231	421,373	591,299	1,012,672	152,465	209,414
1952	223,198	477,576	768,207	1,245,783	179,540	144,405

SA, Yearbook, 1952-53, pp. 1195-97.

Harbours and Shipping

Luderitz. See A/AC.73/L.3, p. 40

Walvis Bay

This port is situated in the small enclave of British territory retained when Germany annexed South West Africa, and is 735 miles distant by sea from Cape Town and 21 miles south of Swakopmund. Walvis Bay was never developed, and served only as a detached magistracy and police post for the protection of British interests.

The port has a natural and well-sheltered harbour, and during World War I, its advantages over the port of Swakopmund for the handling of troops and stores brought it into prominence as the northern base of operations. Swakopmund has since been closed as a port, and the whole of the landing and shipping work has been transferred to Walvis Bay.

The port has a great asset in its natural harbour, which is protected from the Atlantic Ocean by a peninsula 5-1/2 miles long, known as Pelican Point. The approach channel is 29 feet deep, and leads, with a turning base 2,150 feet long by 700 feet wide. The main wharf, opened in 1927, is 1,500 feet long, and has berthing space for three large vessels. Seven electric cranes are available, and large reserves of bunker coal are stocked.

Oil pipe lines connect ships to three oil storage tanks of an aggregate capacity of 3,900 tons.

No. 1 berth adjoins a modern cold storage and refrigerating plant, capable of handling over 500 animals per day, with storage capacity for 15,000 carcasses.

The remaining two berths have covered goods sheds with 60,000 square feet floor space, and outside platform facilities covering the area of 137,000 square feet.

The 1,000 ton slipway accommodates fishing vessels, lighters, launches, and other light craft.

Considerable industrial development is taking place in the port's largest commercial enterprise, the fishing industry. Three major factories with modern canning, fish-meal and vitamin oil plants are now in operation, and several are under construction. Snoek, pilchards, and surface swimming fish are exploited, and the annual catch of snoek alone exceeds 2-1/2 million.

Walvis Bay is also destined to be the base of the new tuna fishing industry, which is engaging considerable attention.

Guano is another of the port's flourishing industries, and the average annual output from Blue Rock, a man-made platform in the sea, is 900 tons.

Indications are that the present flow of exports will be maintained, for when the mines in the northern hinterland are in full operation, it is expected to ship 20,000 tons of lead ore concentrates monthly.

Considerable development has taken place here, and warehouses, engine sheds, dwelling houses, etc., have been erected; a new slipway has been constructed, and improved and extended goods and station yards have been provided. A cold storage and refrigerating plant has been erected, capable of handling 150 cattle and 200 to 300 sheep per day. A concrete wharf, 1,500 feet long, has been constructed with a suitable approach channel, 29 feet deep, thus enabling vessels to come alongside for discharge and to take on board passengers and cargo. The wharf is equipped with electric cranes. A seagoing tug, the "Otto Siedle", and a smaller tug, the "J.W. Herbert", are attached to the port.

A whaling station was erected at Walvis Bay in 1916 and was used as a factory until 1930, when, owing to the migration of the whales, whaling operations ceased. The station is now being maintained by the Interessentskapet, Walvis Bay a concern of Norwegian Whaling Companies, as a repair depot.

The Rooibank water scheme has been completed, and provides a sufficient supply of water for the requirements of the port and the new township which has been laid out. A wireless station is established near the port.

Four petrol companies have established depots at the port, and petrol is distributed in tins and metal containers. One company has erected five bulk storage tanks, and in addition, manufactures tins and cases at its depot.<sup>1/</sup>

### Shipping

The following table shows the number and tonnage of vessels which entered at South West Africa harbours from 1948.

#### NUMBER AND TONNAGE OF STEAM\* VESSELS ENTERED, 1948 TO 1952

Year	Coastwise**		Overseas		Total	
	No.	Tonnage	No.	Tonnage	No.	Tonnage
1948	205	74,041	239	1,185,526	444	1,259,567
1949	178	97,627	310	1,436,915	488	1,534,542
1950	227	211,049	271	1,355,437	498	1,566,486
1951	179	174,690	159	964,872	338	1,139,562
1952	150	157,940	177	1,079,546	327	1,237,486

\* Includes motor vessels.

\*\* Includes shipping from Union ports

### Cargo

Particulars are given in the following table of cargo handled at South West Africa harbours from the year 1948.

#### CARGO DEALT WITH, 1948 TO 1952

Year	Walvis Bay		Luderitz		Total	
	Cargo Landed	Cargo Shipped	Cargo Landed	Cargo Shipped	Cargo Landed	Cargo Shipped
	tons	tons	tons	tons	tons	tons
1948	114,919	119,185	27,375	10,730	142,294	129,915
1949	95,090	155,547	25,604	11,627	120,694	167,174
1950	95,175	175,910	26,419	15,187	118,594	191,097
1951	116,154	205,623	25,786	17,364	141,940	222,987
1952	128,252	299,554	21,005	15,164	149,257	314,718

SA, Yearbook, 1952-53, p. 1194

<sup>1/</sup> SA, Yearbook, 1952-53, pp. 1193-94.

CHAPTER A  
STATUS OF THE TERRITORY

QUESTION 1

Is there any organic law in which the mandatory Power has laid down and defined the status of the mandated territory? Please forward such changes as have been made in this organic law.

1. Information relevant to this question is included in document A/AC.73/L.3, Question 1, paragraphs 1-10, submitted to the first session of the Committee on South West Africa.
2. During 1954, the South West Africa Constitution Act, 1925 (Act No. 42 of 1925), was again amended, effective 1 April 1955, to provide for the transfer from the Administrator of South West Africa to the Minister of Native Affairs of the Union of South Africa of the power to administer Native affairs or any matters specially affecting Natives, including the imposition of taxes on their persons, land, habitations or earnings (section 2 of the South West Africa Native Affairs Administration Act, 1954 (Act No. 56 of 1954); for text of this Act, see below, Question 2, Annex I). Prior to this amendment, the power of administration in these matters devolved under the South West Africa Constitution Act, 1925, upon the Administrator, subject to the direction and control of the Governor-General of the Union (sections 7 and 26 (a) of Act No. 42 of 1925, as amended prior to 1954).
3. A Bill (A.B.48-'54) proposing further amendments to the South West Africa Constitution Act, 1925, was introduced in the Union Parliament by the Prime Minister in 1954 but not disposed of and a second reading of this Bill was consequently dropped (Hansard, 1954, col. 6864). The Bill proposed that: the Administrator in Executive Committee be authorized to delegate to the Administrator any power, authority or function vested in the Administrator in Executive Committee (see Question 7, para. 16); the Assembly be authorized to empower the Administrator to legislate by proclamation on matters within the Assembly's competence (see Question 7, paras. 5-6); and that the total sum of moneys which the Administrator may authorize to be issued from the Territory Revenue Fund to defray certain unforeseen or excess expenditure be increased from a maximum of twenty-five to one hundred thousand pounds.

4. It appears of interest to note, in connexion with the status of South West Africa, that the Universal Postal Convention of Brussels, 1952, was applied to South West Africa, during 1954, under article 6 b)<sup>1/</sup> of the Convention, as a territory subordinate to the Union of South Africa from the postal point of view although the Convention contained an article (Article 5)<sup>2/</sup> providing for its application to a territory under mandate. Until 1954, the Universal Postal Convention of Paris, 1947, had applied to the Territory as a Territory under Mandate. Moreover, the official listing of the Territory in the Universal Postal Union as a Territory under Mandate to the Union of South Africa was changed in 1954, pursuant to a communication by the Union of South Africa, to show South West Africa as a Territory administered by the Union Government (B.I. of UPU, I. Convention et Divers, Bulletin No. 19, dated 28 December 1954; Recueil de la Convention, 1953 édition, p. 153; Les Actes de l'Union postale universelle révisés à Bruxelles 1952 et annotés par les soins du Bureau international, 1er fascicule, Convention Postale Universelle, Bureau international de Berne, 1954, p. 9; B.I. of UPU, Circulaire No. 76, dated 23 April 1954).

1/ Article 6 b) reads:

The following are considered as belonging to the Universal Postal Union:

a) ...

b) other territories which, without being members of the Union, are included in it because from the postal point of view they are subordinate to member-Countries (English translation prepared by the British Post Office).

2/ Sections 1 and 2 of Article 5 read:

1. Any member-Country may declare, either at the **time** of signature, ratification or application for admission, or later, that its acceptance of the present Convention and where appropriate of the Agreements includes all its Colonies, all its overseas Territories, Protectorates or Territories under suzerainty, mandate or trusteeship, or certain of them only. This declaration, unless made at the time of signature or ratification of the Convention, is to be addressed to the Government of the Swiss Confederation.
2. The Convention will apply only to those Colonies, overseas Territories Protectorates or Territories under suzerainty, mandate or trusteeship in respect of which declarations have been made under 1/ (English translation prepared by the British Post Office).

## QUESTION 2

To what extent is the Territory financially and administratively autonomous?

1. The Information and Documentation in respect of the Territory of South West Africa submitted to the Committee on South West Africa in 1954 contains, in document A/AC.73/L.3, information relevant to this Question dealing with

- a) the reserved powers of the Union of South Africa (paras. 1-5, pp. 51-54);
- b) the extent of administrative autonomy of the Territory (para. 6, p. 54);
- c) the extent of legislative autonomy of the Territory, including the legislation applied to the Territory since 1946 (paras. 7-19 and Annex to Question 2, pp. 54-59 and 90-140);
- d) the extent of financial autonomy of the Territory (paras. 20-41, pp. 60-72);
- e) the representation of the Territory in the Parliament of the Union of South Africa (paras. 42-62, pp. 73-84); and
- f) the administration of the Eastern Caprivi Zipfel (paras. 63-70, pp. 84-89).

2. Accordingly, reference is made to the above-mentioned sections of document A/AC.73/L.3.

3. The supplementary information provided below deals with the integration of administrative services, legislation applied to South West Africa during 1953 and 1954, legislation by the Legislative Assembly on reserved matters, a question of legal interpretation relating to the legislative authority over mines and minerals, and the transfer of the administration of Native affairs to the Union Minister of Native affairs. Further information relating to the extent of financial autonomy of the Territory is also presented below in connexion with the transfer of the administration of Native affairs.

Integrated services

4. With the coming into operation of the Immigrants Regulation Amendment Act, 1953 (Act No. 43 of 1953), on 1 January 1955 (by U.P. 266/1954; SWAG 18

and of the South West Africa Native Affairs Administration Act, 1954 (Act No. 56 of 1954), on 1 April 1955, two further sections of the administration of South West Africa became integrated with the Union administration. Formerly, both administrative and legislative control with regard to immigration and Native affairs had in practice been exercised by the Administrator of South West Africa under the authority of the Governor-General.

5. The immigration services of the Territory, including services for the prevention of the entrance of prohibited immigrants and the removal of undesirable persons, were brought under the control of the Union Minister of the Interior (Act No. 43 of 1953, and Act. No. 22 of 1913 (SWAG 1871), and SA Yearbook, 1952-53, p. 83). The Administrator of South West Africa was, however, given the authority, by Union Proclamation No. 267 of 1954, to deport from the Territory as an undesirable person any person born in the Union of South Africa who had been convicted of certain specified offences or sentenced to imprisonment for certain specified offences (SWAG 1872).

6. The administration of Native affairs was brought under the control of the Union Minister of Native Affairs. (This question is treated in detail below; see Question 2, paras. 21 to 78.)

7. The integrated services, comprising matters over which the South West Africa Legislative Assembly was not given the competence to legislate except with the prior consent of the Governor-General on any particular occasion (see section 26 of the South West Africa Constitution Act, 1925, as amended, doc. A/AC.73/L.3, Question 2, para. 12, p. 56), now include, therefore: Native affairs; civil aviation; railways and harbours; the public service; police; defence; immigration; and customs and excise.

8. Administrative and legislative control over the following matters over which the Legislative Assembly had not been delegated legislative power continued, however, to be exercised by the Administrator under the authority of the Governor-General: the constitution, jurisdiction and procedure of Courts of justice in the Territory (see A/AC.73/L.3, Question 29); posts, telegraphs and telephones (SA Yearbook, 1952-53, p. 1199); and currency and banking (P.29/1930, as amended).



9. Mr. A.J. van Niekerk, a member of the Union House of Assembly from South West Africa, made the following statement, on 7 April 1954, with regard to the matters over which the Union Government had reserved jurisdiction from the Legislative Assembly:

The idea was that in the course of time the Union would take over the administration of certain departments - and we hope that the Department of Native affairs will still be taken over this year - and that other departments in regard to which the Union reserved jurisdiction would be taken over later ... (Hansard, 1954, col. 3587).

10. Subsequently, on 7 June 1954, during the second reading of the South West Africa Native Administration Bill in the Union House of Assembly, he expressed the following views on the subject:

The supporters of the Nationalist Party feel ... that the time might possibly arrive for us in this Parliament to take over all those departments to which I have already referred and over which the Union has retained its authority. It would be in the interests not only of the Union, but also of South West Africa. I just want to point out that by virtue of the mandate, the Union may control South West Africa as an integral part of it. With the present position in regard to the departments which the Union controls, such as Railways, Defence, Airways, Police, etc., and now Native affairs as well, we are a long way from attaining the position aimed at by the mandate. Thus we are continuing to act according to the spirit of the mandate, and as long as we fulfil the mandate in that manner no blame can attach to the Government (Hansard, 1954, col. 6473).

Legislation applied to South West Africa during 1953 and 1954

11. Annex II to Question 2 lists legislation applied to South West Africa during 1953 and 1954, including: Acts of the Union Parliament, Proclamations issued by the Governor-General, Proclamations issued by the Administrator, and Ordinances of the Legislative Assembly.<sup>1/</sup> Only those Ordinances of the Legislative Assembly passed during 1954 are included in the list, those passed in 1953 having been listed in the Information and Documentation presented to the Committee on South West Africa in 1954 (see A/AC.73/L.3, Question 2, Annex).

<sup>1/</sup> The texts of the laws applied to the Territory during 1953 and 1954 as well as during earlier years have been retained in the files of the Secretariat and are available to members of the Committee upon request.

Legislation by the Legislative Assembly on Reserved Matters

12. The Legislative Assembly of the Territory is not competent to legislate in relation to any subject falling within certain classes of matters listed in section 26 of the South West Africa Constitution Act, 1925, as amended, except with the consent of the Governor-General, previously obtained on each particular occasion and communicated to the Assembly by message of the Administrator (for text of section 26, see A/AC.73/L.3, Question 2, para. 12, p. 56).

13. During 1954, the Legislative Assembly appears to have obtained the consent of the Governor-General to include in the following Ordinances provisions relating to subjects reserved under section 26 of the above-mentioned Act: the General Laws Amendment Ordinance, 1954 (No. 11 of 1954) (SWA, LA, 1954, p. 38); the Currency and Banking Amendment Ordinance, 1954 (No. 12 of 1954) (SWA, LA, 1954, p. 22); the Natives (Urban Areas) Proclamation, 1951, Further Amendment Ordinance, 1954 (No. 25 of 1954) (SWA, LA, 1954, p. 29); and the Mines, Works and Minerals Ordinance, 1954 (No. 26 of 1954) (SWA, LA, 1954, p. 33). (For Ordinances passed prior to 1954 in connexion with which the Legislative Assembly appears to have obtained the prior consent of the Governor-General to legislate on certain restricted matters, see A/AC.73/L.3, Question 2, paras. 16-18, pp. 58-59.)

14. On the basis of the information available, the Legislative Assembly appears to have passed the Natives (Urban Areas) Proclamation Amendment Ordinance, 1954 (No. 2 of 1954), without obtaining the consent of the Governor-General (SWA, LA, 1954; SWAG 1823, p. 410). The amending Ordinance adds Kaffir beer to other substances listed in section 17 (9) (c) of the original Proclamation. By this amendment, moneys accruing to the local urban authority as a result of the contravention by a Native of certain provisions of the Liquor Licensing Proclamation, 1920, are payable into the Native Revenue Account.

Legislative authority with regard to mines and minerals

15. It will be recalled that in 1949 the Union Parliament transferred control over mines, minerals, mineral oils and precious stones, or moneys derivable therefrom, to South West Africa by empowering the Legislative Assembly to make Ordinances with respect to these matters (Section 16 of Act No. 23 of 1949,

amending section 26 of the South West Africa Constitution Act, 1925, as amended; see A/AC.73/L.3, Question 2, para. 11, p. 55).

16. During the period under review, a question arose regarding the interpretation of the authority thus given to the Legislative Assembly in relation to the Atomic Energy Act, 1948, which was applied to the Territory.

17. A territorial Commission of Inquiry into Mining Legislation, asked to report, inter alia, on whether the provisions of the Atomic Energy Act, 1948, in connexion with the prospecting and development of possible uranium deposits in South West Africa were in conformity with the South West Africa Constitution Act, 1925 (as amended, inter alia, by Act No. 23 of 1949), defined the problem as follows:

The question arises whether there is conflict between the Acts of 1948 and 1949; whether the Act of 1949, being a later Act does not by implication repeal the Act of 1948; which in this case lays down that the Atomic Energy Act of 1948 shall apply to this Territory.

18. Soon after the publication of the Terms of Reference of the Commission, a communication was received from the office of the Prime Minister stating, inter alia:

Whatever the position may be, it appears open to doubt whether the abovementioned Commission of Inquiry affords the most desirable means of considering and determining the constitutional issue, which seems to be more properly a matter for legal opinion.

19. The Commission expressed itself as fully in accord with this statement and considered that the matter should be submitted to the Law Advisers for clarification. The Commission noted that the Executive Committee of the Territory apparently shared this view since, on 1 April 1952, it passed a resolution to the effect that the Commission be requested to report on whether it was equitable that the Union should derive all the financial interest obtained from the recovery of uranium in the Territory in view of the fact that since 1949 mines and minerals, etc., were vested in the Legislative Assembly. "Unfortunately", the Commission stated, "the Terms of Reference were not officially amended accordingly."

20. The Commission concluded by recommending, under its original terms of reference, that the Executive Committee negotiate with the Union Government in regard to the following matters: that the Union Minister of Mines should consult with the Administrator before issuing a licence for uranium prospecting; that all correspondence between the Minister and prospectors should take place via the Department of Mines in the Territory so that this Department might be kept fully informed; that the Territory should be represented on the Atomic Energy Board; and that the Territory should share in the profits from uranium mining on a pro rata basis (SWA, Mining Commission, pp. 38-40).

#### Transfer of the Administration of Native Affairs

21. The South West Africa Native Affairs Administration Act, 1954, (Act No. 56 of 1954) (for text, see Annex I to Question 2), which came into operation on 1 April 1955, contains provisions relating to administration, land, and financial arrangements, which are dealt with in detail below, under three separate headings.

22. The members of the Rehoboth Community and other Coloured people in South West Africa are excluded from the provisions of the Act<sup>2/</sup> according to a statement made by the Union Minister of Native Affairs during the debate in the Union Parliament on the Bill (Hansard, 1954, col. 6711).

---

<sup>2/</sup> It should be noted, however, that "Coloured persons" are regarded as "Natives" for the purposes of certain laws and regulations in force in the Territory relating to the administration of Natives. Thus, any Coloured person residing in a Native reserve or in a Native location in a proclaimed urban area is regarded as a Native during such residence under the Native Administration Proclamation, 1922, as amended, and the Natives (Urban Areas) Proclamation, 1951 (see A/AC.73/L.3, Question 13, para. 6, p. 324 of the English text; SWA Laws, 1951, p. 100), respectively, and any Coloured person residing in any tribal area set aside as such by the Administrator is regarded as a Native under the Native Administration Proclamation, 1928 (SWA Laws 1928, p. 78). In all other areas, excepting specified areas outside of the Police Zone including Ovamboland and the Okavango Native Territory, a "Native" includes "every male over fourteen years of age one of whose parents is a member of some aboriginal race or tribe of Africa" (P. 11 of 1922, SWA Laws, 1915-1922, p. 750).

Neither does the Act appear to change the control vested in the Legislative Assembly over education, health and other social services for Natives (Hansard, 1954, cols. 6464, 6683; see also below, Question 2, paras. 53-54, statements made in Parliament concerning education).

23. The information presented below with respect to the 1954 Act deals with the interpretation of the Act in relation to the Mandate, the reason for the transfer of Native administration, and the investigation and consultation preceding the introduction of the Bill in Parliament, as reflected in statements made in Parliament by the Minister of Native Affairs and members of Parliament from South West Africa. A brief section showing the reaction in the South West Africa Legislative Assembly follows. The three succeeding sections relate to administration and legislation with respect to Native affairs under the Act, Native land, and the financial provisions of the Act; each of these sections includes relevant statements made in Parliament by the Minister of Native Affairs and members from South West Africa.

Statements regarding interpretation of the 1954 Act in relation to the Mandate

24. Replying to comments made in the Union Senate by Senator Ballinger concerning the international aspects of the Bill to transfer Native affairs, the Minister of Native Affairs stated:

This is a "C" mandate ...This Bill has nothing to do with annexation. The "C" mandate which we have, refers precisely to that point. It means that the Union must administer the affairs of South West Africa -- not only Native affairs but all its affairs -- as an integral part of the Union of South Africa... In the past we have dealt with the Native affairs of South West Africa as an integral part of the Union,

and now we still deal with it as an integral part of the Union, as far as the Department of Native Affairs is concerned. The Union has actually given that territory certain own responsibilities, which makes it more independent than the mandate demands. If we have therefore done anything we have, to a large extent, set South-West Africa free from jurisdiction which we could have exercised much more fully than we are doing. Therefore there can be nothing whatsoever in this argument that because it is a "C" mandate there will be international complications if we exercise our mandate by re-arranging our administration according to this Bill. I think we are dealing **very**, very fairly indeed with our "C" mandate (Hansard, 1954, col. 2978).

25. Later during the same meeting, in answering questions raised by Senator Jackson, the Minister stated:

His first question was whether there is anything contained here that clashes with the literal provision of the mandate, because it can draw unfavourable criticism from the UNO and he would not like to be a party to anything that would deliberately cause damage to good relations -- I think that is putting it correctly -- and my reply I really gave just now to Senator Ballinger. Under the "C" mandate all matters relating to South West Africa have to be dealt with as an integral part of the Union. If the Union therefore is now going to handle the Native affairs only as an integral part of its Native affairs, then it can obviously not clash with the "C" mandate. Any unfavourable criticism by UNO would

obviously be prejudiced and incorrect, and we are therefore quite convinced that we are acting in the best interests of the population of South-West, European and non-European, and also in complete agreement with our mandate (Hansard, 1954, cols. 2982-83).

Statements regarding reason for the transfer of Native administration

26. During the debate in the Union Parliament on the South West Africa Native Affairs Administration Bill, the Minister of Native Affairs indicated that the transfer of Native administration to his Department had been proposed for the purpose of relieving the Prime Minister of this responsibility (Hansard, 1954, cols. 6455-56). He described the transfer as a "purely administrative re-arrangement" which was "being carried out in regard to a task that we already have" (Senate Debates, 1954, col. 2962).

27. Throughout the debate, it was emphasized by the Minister of Native Affairs and members of Parliament from South West Africa that the authority of the Territory was in no way being curtailed since the Legislative Assembly had never obtained jurisdiction over Native affairs. The Minister stated:

During the years 1919 to 1925 the Governor-General of the Union was mainly entrusted with the administrative and legislative powers over that territory in general while these powers were exercised by his plenipotentiary, the Administrator of South West Africa... (Hansard, 1954, col. 6454).

The position was that while the Administrator had to act on the advice of the Governor-General-in-Council, the natural canal for instructions was the Prime Minister as the head of the Government (Senate Debates, 1954, cols. 2959-60).

28. Pointing out that in 1925, when the Legislative Assembly was established, and even in 1949, "when the status of South West Africa was raised", the position regarding Native affairs remained unchanged "in order to have uniformity of administration and policy in the Union and the mandated territory", the Minister of Native Affairs added:

If hon. members examine the Native legislation of the territory, legislation which was often introduced by proclamation, they will see that, with minor differences to suit local conditions, this legislation is practically word for word identical with the Native legislation of the Union (Hansard, 1954, col. 6455).

29. In describing to Members of the House of Assembly the necessity for the proposal to transfer Native affairs, the Minister of Native Affairs indicated that it was clear that the representatives of South West Africa in the Union Parliament "were intended to act as agents of that territory and that they had to serve the interests of the territory here particularly in respect of those matters over which the Legislative Assembly possesses no authority". Stating that it was thus specifically intended that these representatives should be able to participate in the handling of the Native affairs of South West Africa in Parliament, the Minister of Native Affairs pointed out that this development had made the task of the Prime Minister vastly greater and more difficult. Whereas previously he had only to advise the Governor-General on Native affairs, the Prime Minister now had also to be directly responsible to Parliament and to the representatives of South West Africa, and it was impossible for him to continue bearing such responsibilities while



at the same time fulfilling his task as Minister of External Affairs<sup>3/</sup> and as Prime Minister. There was also the desire that in the future, as far as possible, legislation in respect of Native affairs in South West Africa should be passed by Parliament, and this would further increase the task of the Prime Minister (Hansard, 1954, col. 6455).

30. Asked in the Union Senate whether the representatives from South West Africa could not deal with Native affairs in the Union Parliament without the passing of the South West Native Affairs Administration Bill, the Minister of Native Affairs replied:

Yes, they can raise any discussions in regard to such matters here. My very point is that if they do it, then the person who should really account here, is really not in a position to take that upon himself, because it should now be the Prime Minister. The intention is that, to effectively exercise our custodianship, the Minister of Native Affairs should not only be the person but he should be able to act, to reply, to act legislatively and to make promises by virtue of the fact that he controls the administration directly. It is for that reason that these first clauses have been inserted into the legislation. The intention is that the Minister of Native Affairs should be given the responsibility for the Native affairs of South-West on behalf of the Union Government and that he should take over the control of the administration on behalf of the Union Government so that he can exercise his responsibility properly (Senate Debates, 1954, cols. 2961-62).

---

<sup>3/</sup> The portfolio of External Affairs was transferred with effect from 10 January 1955 from J.G. Strijdom to E.H. Louw, who thus became Minister of Finance and of External Affairs (UGN 89, 1955, UGG 5401).

31. The transfer of Native affairs administration, according to statements made in the Union House of Assembly by Mr. Basson, a member from South West Africa, followed as a logical result of an agreement reached in August 1948 between the two political parties in South West Africa and an agreement subsequently concluded between the two parties and the Prime Minister in October 1948, prior to the amendment in 1949 of the South West Africa Constitution Act, 1925. Mr. Basson quoted from the agreement with the Prime Minister as follows:

Joint authority will obviously cover all legislative and administrative powers which the Union has reserved for itself in regard to South West Africa, and which it can exercise either directly through its own departmental administration, or indirectly through the Administrator.

32. Accordingly, Mr. Basson stated, the moment South West Africa received representation in the Union Parliament, Native affairs were destined to fall directly under Parliament and the ten members of Parliament from South West Africa requested the Prime Minister to give practical effect to the agreement (Hansard, 1954, col. 6479).

33. Mr. Basson expressed the following views with respect to legislation by proclamation on Native affairs:

Native affairs is a very important part of the government of a country and it is ridiculous that we should have the position that South West should be represented in this Parliament but that the greater proportion of its population, 500,000 people, should be governed by proclamations by an administrative representative of this Parliament, of the Central

Government, however good and able such administrative representative may be. That is contrary to all the rules of modern government that one should have a Parliament but that the majority of the people in a whole territory are governed by proclamation... (Hansard, 1954, col. 6483).

34. The Minister of Native Affairs, asked by Mr. Davidoff (Labour Party) whether he was going to give the Natives of South West Africa direct representation in Parliament in the future, replied: "In the past it has already been stated very clearly that that is not our policy" (Hansard, 1954, cols. 6690-91, 6713).

Statements regarding prior investigation and consultation

35. The Minister of Native Affairs stated that he was instructed by the Prime Minister to institute an investigation into the feasibility and desirability of transferring the administration of Native Affairs in South West Africa to the Union Department of Native Affairs (Hansard, 1954, col. 6454).

36. Mr. Basson, in a statement endorsed by the Minister of Native Affairs (Hansard, 1954, col. 6710), described this investigation as follows:

...the Minister of Native Affairs personally went to South West and had discussions with officials, with members of the Executive Committee and with members of Parliament with regard to this matter. But in order to give further satisfaction in connection with the arrangements in this Bill he appointed a departmental committee, and all they had to do was to work out the practical effect of this Bill, and they reported<sup>4/</sup> in November, 1952. The existence of that departmental committee was common

<sup>4/</sup> This report is not available in the files of the Secretariat; nor was it available to members of Parliament during the consideration of the South West Africa Native Affairs Administration Bill (Hansard, 1954, col. 6681).

knowledge in Windhoek. They had discussions with the Administration, which, after all, is in control of South West. They had consultations with members of the Legislative Assembly and they took evidence. Everyone was free to give evidence. They travelled through the country and visited Native headmen and Native territories, and we have the assurance that this committee gave a very full hearing to all those people who were interested in the transfer of this matter to this Parliament... (Hansard, 1954, col. 6482).

37. Asked whether there had been any consultation with the Natives of South West Africa regarding the proposed transfer of administration, the Minister of Native Affairs replied:

... If I had to consult the Natives in connection with every aspect of administration work would become absolutely impossible. Besides, whom are we to consult there as to whether in this particular case the Prime Minister or the Minister of Native Affairs should undertake the responsibility for the administration which is the Union Government's acknowledged responsibility? What has that to do with consultation with the Natives? What have they to say as to which member of the Union Government must take the responsibility on behalf of the Government? Surely that is carrying the idea of consultation too far? My clear and simple reply is that if anyone expects my Department or any other Department of State to consult with the people affected in connection with each phase of administration, a perfectly impossible demand is made (Senate Debates, 1954, col. 2979).

Reaction in the South West Africa Legislative Assembly

38. The following motions were proposed and defeated in the Legislative Assembly of South Africa:

(a) Motion by Mr. S.J. de Villiers and seconded by Mr. Lategan, put and negatived (no record of vote available) on 13 May 1954:

That this House expresses its strong disapproval of the manner in which the Union Government intends breaking the 1949 agreement between the Union and South West Africa, in which it was agreed that the Territory shall retain full control of its finances and, the way in which the existing Constitution is being amended (SWA, IA, 1954, p. 34).

(b) Motion by Mr. McDonald, seconded by Mr. Lategan, put and defeated by 10 votes to 2, on 18 March 1954:

That this House deplores the fact that the Union Government intends introducing legislation which will transfer the control of Native Affairs in South West Africa from the Department of the Prime Minister to the Department of the Minister of Native Affairs and requests the Union Department not to proceed with this intended legislation (SWA, IA, 1954, p. 15).

Administration and Legislation with respect to Native Affairs

39. The South West Africa Native Affairs Administration Act, 1954 (Act No. 56 of 1954), integrates the Native affairs administration of the Territory with the Native affairs administration of the Union (for text of the Act, see Annex I to Question 2). While the integration of other sections of the administration has been effected in the past (see above, Question 2, para. 7), only in the case of Native affairs has section 7(1) of the South West Africa

Constitution Act, 1925, been amended. Prior to this amendment, section 7(1) stated:

Subject to the direction and control of the Governor-General, the Administrator shall carry on the administration of the affairs of the territory in regard to all matters in respect of which the Assembly is not competent to make ordinances.

Under the amendment (section 2 of Act No. 56 of 1954), this constitutional authority of the Administrator no longer obtains with respect to Native affairs.

40. The power of the Administrator to administer Native affairs or any matters specially affecting Natives, including the imposition of taxation upon their persons, land, habitations or earnings, has been transferred by the 1954 Act (section 2) to the Union Minister of Native Affairs, subject to the provisions of section 3 of the Act.

41. Section 3 provides, inter alia, that for the application of the relevant laws already in force in the Territory, a reference to the Administrator<sup>5/</sup> or to the Administration shall be construed as a reference to the Governor-General unless the context indicates otherwise or the Governor-General by proclamation declares otherwise with respect to any law or provision thereof. Any power or function thus conferred upon the Governor-General by the laws in force in the Territory, he may delegate, by proclamation, to the Minister of Native Affairs, who may in turn delegate his powers and functions to any officer of the Department of Native Affairs.

42. Under section 7 of the Act, the Administrator is made a member of the Union Native Affairs Commission, thus permitting the Minister of

---

<sup>5/</sup> See, for example, power and authority vested in the Administrator under the Native Administration Proclamation, 1928, Document A/AC.73/L.3, Question 13, para.4, pp. 320-323.

Native Affairs to delegate to him "any of the powers, duties or functions conferred or imposed upon him under any law."<sup>6/</sup>

43. The 1954 Act seems not materially to affect the legislative authority heretofore vested in the Union Parliament and the Governor-General and, by delegation from the latter, in the Administrator (section 44 of the South West Africa Constitution Act, 1925, as amended; section 2 of the Treaty of Peace and South West Africa Mandate Act, 1919; and UP No. 1 of 1921. See A/AC.73/L.3, Question 2, para. 1-4, pp. 51-53 and Question 7, paras. 2-3, pp. 148-149). The 1954 Act does not appear to confer legislative power upon the Minister of Native Affairs. Moreover, it should be noted that under the Treaty of Peace and South West Africa Mandate Act, 1919, the Governor-General may delegate his authority to legislate only "to such officer in the said Territory as he may designate to act under his instruction" (section 1(c) of the Act; see A/AC.73/L.3, Question 7, para. 2, p. 148).

44. From statements made by the Minister of Native Affairs in the Union Parliament, it appears that future legislation with regard to Native affairs will be promulgated "as far as possible" by Act of Parliament (Hansard, 1954, col. 6455). It cannot yet be ascertained to what extent the power to legislate by Proclamation will be exercised or whether this power will in practice be exercised by the Governor-General or the Administrator, or both. In this

<sup>6/</sup> Under the following sub-section, inserted by Act No. 68 of 1951 at the end of section 2 of Act No. 23 of 1920:

(2) The Minister of Native Affairs may in his discretion and subject to such conditions as he may deem fit, assign to a member of the commission any of the powers, duties or functions conferred or imposed upon him under any law (SA, Statutes, 1951, p. 1170).

The Minister of Native Affairs explained that this was a technical arrangement since "an administrator as such cannot act on behalf of a member of the Cabinet" (Hansard, 1954, col. 6712).

connexion, it should also be noted that the provision in section 3 of the 1954 Act that a reference to the Administrator in laws in force shall be construed as a reference to the Governor-General might be interpreted as divesting the Administrator of legislative as well as administrative authority in regard to Native affairs. Despite this possible interpretation, however, there does not appear to be any provision in the 1954 Act which would curb the existing authority of the Governor-General to delegate his legislative authority to the Administrator.

45. Selected statements made in the Union Parliament by the Minister of Native Affairs and members from South West Africa during the debate on the South West Africa Native Affairs Administration Bill are summarized or reproduced below. These statements include relevant supplementary information or indications of policy or future intentions with regard to the administration of Native affairs in South West Africa. They deal with administrative organization, the advantages of the transfer for the inhabitants of South West Africa, the general policy of administration, Native education, and Native labour and control measures.

#### Statements regarding Administrative Organization

46. The Minister of Native Affairs observed in both Houses of Parliament that the Administrator would continue to be the agent of local administration. Following are excerpts from the Minister's statements with regard to the authority of the Administrator, his membership on the Native Affairs Commission and consultation with the territorial Executive Committee:

It remains a fact however that it will always have to be possible to take local decisions in regard to cases demanding speedy action.



The powers of the Administrator were always very effective in regard to that as he is on the spot in South-West Africa. In order not to lose the advantage of that local authority, we will make use of precisely the same person, namely the Administrator (Senate Debates, 1954, col. 2962).

... He will be administering matters in the same way... (Hansard, 1954, col. 6712).

The method that will be employed will be to appoint the Administrator as the fifth member of the Native Affairs Commission. In his capacity as a member of the Native Affairs Commission, he will then be able to receive the necessary delegated powers from the Minister of Native Affairs, enabling him to act expeditiously there... (Hansard, 1954, col. 6458).

...the Administrator will not be expected to attend all the meetings of the Native Affairs Commission. He will be expected to attend those meetings where principles are dealt with and laid down, principles that will be applicable to both that part of the work administered by him on our behalf and the work administered by the other members of the Native Affairs Commission. So when important meetings are held where principles are discussed it will be in his interest and in the interests of the work that he should be present. When matters specifically related to South West Africa are dealt with it stands to reason that he will also be present (Hansard, 1954, col. 6712).

I also give the assurance here that while in the past it was purely a matter of courtesy when the Administrator consulted the Executive

Committee of South West Africa in connection with steps which he intended to take, I shall now instruct this representative to see to it that he always properly consults the Executive Committee as the legal authority acting on behalf of the Legislative Assembly (Hansard, 1954, col. 6458).

47. The Minister of Native Affairs announced that a seventh Chief Native Commissioner would be appointed to the Department of Native Affairs as a result of the transfer of administration. Pointing out that the smallest of the six Chief Native Commissionerships in the Union contained more than twice as many Natives as South West Africa, the Minister stated:

We are therefore adding to our duties a seventh Chief Native Commissionership which is relatively small as regards the number of Natives that must be handled. It is only large in so far as it contained large reserve areas, but I should add to that the size of the Native areas makes control easier because it means that due to the sparse population there are very much less problems. In this sense it is an easy Chief Native Commissionership (Senate Debates, 1954, col. 2984).

48. The Minister of Native Affairs considered that this appointment would bring about a better organization of Native activities in the Territory since the Secretary for South West Africa who was at the same time Chief Native Commissioner of the Territory, had had to fulfil a double function. The Minister further stated:

...Native affairs officials of South West Africa are nearly all seconded from my Department, in this sense that they become temporary officials there. As soon as they come into consideration for promotion on my staff lists, however, we bring them back again unless they can receive a promotion there -- which seldom happens -- and then other officials of ours go there... As regards the

officials there is therefore really no real change, although they will not of necessity all remain there. I do not intend bringing about sudden changes there; that I must add (Senate Debates, 1954, col. 2983).

... There will be no changes of an unwise nature... (Ibid., col. 2984)

49. With respect to district administration, the following statement was made by Mr. A.J. van Niekerk, a member of the House of Assembly from South West Africa:

The local administration will continue to function as it has done up to now. The magistrates will still act as local Native commissioners and in that respect there will be no changes (Hansard, 1954, col. 6469).

Statements regarding advantages for inhabitants of South West Africa

50. The Minister of Native Affairs held that the transfer of Native administration would be advantageous to both the European and the Native population of South West Africa. With respect to the former, he stated:

....it is self-evident that we have built up an administration in the Union with an experience over the years which can be of great importance to South West Africa if it is applied directly. South-West is today in a very fortunate position. The evils and the difficulties that we have here have not yet developed there to the same extent. They can come there but the administration of South-West does not know the problems as we deal with them daily. We do not only know the problems of to-day, we also know what the position was 40 years ago which is perhaps comparable with theirs; in South-West we can therefore with the experience of to-day try to prevent that the same confusion develops there as developed in the Union of South Africa when one did not know what the future would hold for one. That is one great advantage to the European inhabitants.

51. The better control of the illegal entry of South West Africa labourers into the Union was described as the second great advantage to the Europeans (see below Question 2, para. 57) (Senate Debates, 1954, col. 2981).

The Minister of Native Affairs spoke as follows of the advantage to Natives:

The Department of Native Affairs has quite considerable experience in regard to Native affairs that are to their advantage. I say again that the position in South-West is in many respects healthier. Just take for example the question of Bantu authorities; in the Reserves of South-West Africa all the authorities are Bantu authorities practically without their having been established. The result is that there is a healthy state of affairs. Now we can help retain that there and help retain the peace, happiness and contentment of the people. There are therefore advantages for both Europeans and Natives... (Senate Debates, 1954, col. 2982).

Statement regarding general policy of administration

52. Following a suggestion that the financial provisions of the Bill might be inadequate if the administration were expanded by the introduction of Union systems of administration, the Minister of Native Affairs observed:

We will ... naturally maintain as far as possible the general customs that exist at the moment in South West Africa amongst the natives.

The administration there is also not going to be made complicated and expensive just to copy the Union. I am obviously going to keep it as effective and as simple as possible in accordance with the conditions prevailing there. At the same time, when we have good systems here that we can introduce there within the financial means we have at our disposal in terms of the formula, then I am going to apply those systems. I have already referred to the pass book system<sup>7/</sup> as something about which we will have to think seriously because I believe that it can probably be introduced with an eventual saving or without great additional expenditure, even if some funds have to be advanced to be able to introduce it. If one receives the amount back later, then it is after all in order. We will in any case use our sound judgment (Senate Debates, 1954, cols. 2989, 2990).

Statements regarding Native education

53. Asked whether he intended taking over Native education as in the case of the Union provinces, the Minister of Native Affairs stated:

... My reply to that question is that there is the following difference between the two cases. According to the Act of Union the

---

<sup>7/</sup> See below, Question 2, paras. 57-58.

provinces received control over Native education for a certain period but it was clearly stated that the position could change, namely after 10 years. Then, in the course of time, repeated investigations have been made to determine whether a transfer is desirable and repeated recommendations have been made that it is desirable. It was therefore a right automatically possessed by the Union Parliament and it was even an expectation cherished in respect of the Union Parliament that it would transfer Native education from the provinces to the Union Government. In the case of South West Africa, however, control over Native education was allocated to the Legislative Assembly although such control was not given to it over Native affairs. So while we can introduce an administrative change in respect of the method of control over Native affairs it would not be fitting for us to take away Native education from the control of the Legislative Assembly. But the Legislative Assembly is fully competent to decide for itself, if it finds that the control exercised by the Union Department of Native Affairs over Native education is working well, to ask us also to take over that task. I now want to make it quite clear here that if they were to make that request, my opinion would be that it would be very wise to combine everything in respect of Native affairs in South West Africa in that way under one controlling authority and I would certainly support such a step. But the authority and the right to take that decision lies with the Legislative Assembly of South West Africa in this case, so the position is not the same as it was in the case of the Union and its provincial councils (Hansard, 1954, cols. 6711-12).

54. Attention should also be drawn in this connexion to the following statement by Mr. A. J. van Niekerk, member of the House of Assembly from South West Africa:

... At this stage it might not be feasible to take education over, but I can imagine that shortly it could be done, as soon as we are ready to do so. For the sake of uniformity this step would be quite justifiable (Hansard, 1954, col. 6469).

Statements regarding Native labour and control measures

55. With regard to the allegation that the Union Government intended to use South West Africa as a source of Native labour, the Minister of Native Affairs made the following statement in the Union House of Assembly:

... I now want to give an official assurance here that the existing agreements which have been entered into between the administration of South West Africa and recruiting organizations and Native chiefs in connection with Native labour will be strictly observed. I also want to give the assurance that the Union has no intention of exploiting the Native labour of South West Africa or to detribalize the Natives of that territory where tribal bonds are still very strong. It is not necessary to pass legislation to give effect to this policy. The necessary measures exist already and when my Department is in control of Native administration on both sides of the border we shall be able to exercise much more effective control in this respect. The verbal assurance which I have given here will be confirmed by way of regulation ... (Hansard, 1954, cols. 6457-58).

56. Commenting in the Union Senate on the question, Senator E. Nel, from South West Africa, expressed the following views:

... On this point the United National South-West Africa Party is trying very hard to bring the administration of South-West Africa and the Union Government under suspicion with the voters ... We do have a shortage of labour in South-West Africa and we have many problems. We also have the problem, Mr. President, that much of our labour flows illegally to the Union. Thousands of Ovambos are to-day going around illegally in the Union ...

... the Union together with us will be able to control the labour more effectively in the interest of the Union and in our interest. It often happens that numbers of Ovambos move to the Union. They go to areas where labour is not required. They practically become squatters in the Union. They become a problem for the Union. We have great need of them and, if we have surpluses, then it is very easy, if we have control, to tell the Union we have surpluses for them (Senate Debates, 1954, cols. 2975-76).

57. The Minister of Native Affairs reiterated in the Union Senate that the control of the "backwards and forwards movement of an unhealthy nature" would be more effective after the transfer of the administration of Native affairs. He described this as a great advantage to the European inhabitants. Observing that the inhabitants of South West Africa were afraid "that the Union perhaps will draw away labour from South-West which they require there," the Minister stated:

My reply is that under the proclamations which have been issued in South-West, and which we will maintain, the movement from there to the Union is illegal. I undertook in the Other Place [House of Assembly] that we would maintain those regulations, and I now maintain that when we have control on both sides of the border, there need not be continual negotiations such as there have to be when on the one hand the Department



of Native Affairs and on the other hand the Administration of the Administrator has control. As soon as the Department of Native Affairs has control on both sides of the border then that illegal backwards and forwards movement can be more directly and therefore very much better controlled ...

I assume that we are in the course of time going to apply the pass-book system in South West Africa as we have it in the Union of South Africa, and with the pass-book system properly applied in South West Africa, we will know whether the Natives are moving illegally through Bechuanaland, or through the Caprivi-Zipfel, or in whatever way they may come into the Union. In other words we will bring our control machinery into order and we have very much more experience of control machinery than the authorities there. In this respect it has an advantage ... (Senate Debates, 1954, cols. 2981-82).

58. Asked by Senator Nel to "get the small matter of the pass-books in order as soon as possible" since South West Africa labour, urgently needed in the Territory, was actually streaming illegally towards the Union, the Minister of Native Affairs observed:

... I can of course not do anything before the administration comes into my hands on 1 April 1955. I cannot now begin to introduce the pass-book system ... any arrangements that I make, I could, of course, only bring into force after the Native Affairs Administration comes under my department ... (Senate Debates, 1954, cols. 2989, 2991).

#### Land

59. The South West Africa Native Affairs Administration Act, 1954 (for text, see Annex I to Question 2) reserves and sets apart for the sole use and

occupation of Natives a further area of land, 32,000 hectares in extent, situated in the north-eastern Okavango area of South West Africa. This land and all other land earlier or in the future reserved or set apart for the sole use and occupation of Natives is to be vested in the South African Native Trust administered by the Union Minister of Native Affairs (see section 4, sub-sections (1) and (2) of the Act, and notes thereto, reproduced in Annex I to Question 2).

60. The Act provides, in section 5, that notwithstanding anything to the contrary in any law contained, the Governor-General, may, by proclamation, with the approval by resolution of both Houses of Parliament, rescind any reservation or setting apart of such land subject to the reservation or setting apart for the sole use and occupation of Natives of another area of land at least equivalent in pastoral or agricultural value.<sup>8/</sup>

61. When introducing the South West Africa Native Affairs Administration Bill in the Union House of Assembly, the Minister of Native Affairs made the following statement:

Then there is another point which I might perhaps also confirm and that is that there are no grounds whatever for the idea that the effect of this Bill will be to give the Union Government authority which it did not possess before over land or mineral rights in Native areas. There is no change whatsoever as far as that position is concerned (Hansard, 1954, col. 6464).

---

<sup>8/</sup> This provision may be compared with the following provision which has heretofore governed the alienation of land in Native reserves:

No land within the said Territory now or hereafter set apart as a reserve for natives or coloured persons shall be alienated save under the authority of Parliament: Provided that nothing in this section contained shall be deemed to prohibit the Governor-General, in respect of land contained in any such reserve, to grant individual title to any person lawfully occupying and entitled to such land (Section 4, sub-section (3) of the Treaty of Peace and South West Africa Mandate Act, 1919).

62. Commenting in the Union Senate on criticism from South West Africa in connexion with the Bill, Senator E. Nel, member from South West Africa, described as completely incorrect a contention appearing in the newspaper Suidwes-Afrikaner that South-West Africa would give up control over land.

He stated:

The Native reserves there have always been under the Union Government. South West Africa could therefore not give it up and reserve lands are also not crown lands. South-West Africa does have control over its crown land, but reserves are not crown land. Not a single inch of ground is therefore being given up. What is true is the piece of land that is inserted into the Bill and is described in the heart of Ovamboland<sup>9/</sup> on the Kunene River which was originally kept out by the South-West African Administration for administrative purposes. That we can to-day practically describe as European territory although no European has even been able to inhabit it, this has now been added to the Native area but in reality it was Native territory that was reserved for administrative purposes (Senate Debates, 1954, cols. 2974-75).

63. Discussion on this question continued as follows:

The Minister of Native Affairs: It has been inserted in the Bill at the request of South-West Africa.

Senator Jackson: What size is it?

Senator E. Nel: It is 32,000 hectares. That is about 36,000 morgen.

We therefore have not violated the agreement that was entered into

---

<sup>9/</sup> See section 4 (1) of the South West Africa Native Affairs Administration Act, 1954, and schedule thereto. The land in question is situated in the north-eastern Okavango area.

between the two parties and the Union Government by giving any crown land to the Union. There is nothing behind this ... (Senate Debates, 1954, col. 2975).

64. Answering a question raised in the Union Senate with respect to land, the Minister of Native Affairs stated:

A third question was whether there will be any change in the land system, that is to say whether the reserves are now going to be enlarged or decreased. My reply to that is that no change is to be made in the land system. The reserves are obviously in reality under the control of the Union as has already been pointed out by Senator Nel. Crown land out of which it can be enlarged is under the control of the Administration and of the legislative Assembly of South-West Africa, we can say nothing about that. I cannot enlarge the reserves. We will not in any case be able to do so. Even if we could do so by means of an Act of the Union Parliament I would still not do so. It has been handed over to the Legislative Assembly for its jurisdiction and it will exercise it (Senate Debates, 1954, cols. 2984-85).

65. Following the expression by Senator Jackson of a wish to protect both sides, the Minister continued as follows:

Both sides are protected, yes. I will not enlarge nor decrease. If the necessity for changes should arise — and it is to that that the one clause has reference that can perhaps be misunderstood, I think it is Clause Five, the withdrawal of the reservation of ground — the method that is proposed here is very simple. Formerly if we wanted to make a piece of a reserve European in order to make another piece of European land a Native area — or if we wished to decrease a Native area, then both Houses of Parliament had to decide that. In the Union we have a very simple procedure and that is that a piece of Native land can become a European area provided compensating land of equal value is provided. All that we now do in this clause is to introduce the same method here, and what is proposed here in regard to equal compensatory land is the practice in South West Africa. There the executive committee will never take away a portion of a Native area without giving a compensating piece of land of equal value, that is to say, of agricultural or pastoral value. That is the custom and all that is proposed here is that in future the same thing can happen as happens in the Union. It should therefore also not cause any difficulty to anyone. It is the function here and it is the custom there ... (Senate Debates, 1954, col. 2985).

66. Asked by Senator Jackson whether it was intended eventually to accommodate Union Natives in the Reserves in South West Africa, the Minister of Native Affairs replied:

... it is not at all, not at all, the intention; I want to make that very clear. It would be just looking for trouble on all sides. Our Natives will not want to go there and South West will not want our Natives to be taken there. There is therefore no such intention at all

(Senate Debates, 1954, cols. 2965, 2985-86).

Financial provisions

67. The provisions for the future financing of the administration of Native affairs are contained in section 6 of the South West Africa Native Affairs Administration Act, 1954 (for text, see Annex I to Question 2).

The Territory is required to pay annually out of its Territory Revenue Fund to the Union Consolidated Revenue Fund:

- a) a sum equal to one-fortieth of its expenditure, other than for development purposes, from its Territory Revenue Fund during the preceding year;<sup>10/</sup> and
- b) an additional amount set at £50,000 for the first ten years.<sup>11/</sup>

At the end of that period (i.e., after 1 April 1965) this sum may be increased or decreased by agreement between the Administrator of South West Africa and the Union Minister of Native Affairs in consultation with the Union Minister of Finance. A sum equal to this fixed amount is to be paid annually out of the Consolidated Revenue Fund into the South African Native Trust Fund (section 4, sub-section (5) of the Act).

68. In addition, all the assets, rights, liabilities and obligations of any special Native funds, such as the Native Reserves Administration Funds, the Native Tribal Trust Funds and the Native Revenue Accounts in urban areas, are to vest in or devolve upon the South African Native Trust,<sup>12/</sup> subject to such conditions and reservations as may be agreed upon between

---

<sup>10/</sup> This appears to correspond to the annual expenditure of the Territory for the administration of Native affairs under the "Native Affairs Vote", the main item of expenditure under that heading of the budget being for salaries and transport of Administration officials (see A/AC.73/L.3/Add.1, Question 44, para. 82).

<sup>11/</sup> This appears to correspond to the annual allocation to the Native Areas Account of the Territorial Development and Reserve Fund (see A/AC.73/L.3/Add.1, Question 44, para. 116).

the Administrator and the Minister of Native Affairs; the moneys accruing to these special funds are also to be paid into the South African Native Trust Fund and are to be used exclusively for the purposes prescribed by the law in pursuance of which such moneys accrue (section 4, sub-section (3) of the Act).

69. Such separate accounts as the Minister of Native Affairs may determine are to be kept with respect to any moneys paid under the Act into the South African Native Trust Fund (section 4, sub-sections (4) and (5) of the Act).

70. During the consideration of the South West Africa Native Affairs Administration Bill in the Union Parliament, the Minister of Native Affairs explained that the financial arrangements had been worked out by a committee of Union and South West Africa officials and had been considered by the Executive Committee in South West Africa and by the Treasury and the Department of Native Affairs in the Union (Senate Debates, 1954, cols. 2962-63).

#### Expenditure for Administration

71. The formula arrived at, the Minister stated, was based on the principle that one-fortieth of the annual expenditure of South West Africa should be spent on Native affairs, and on the statistical facts of the past ten years.

He added:

If we apply this particular formula to every budget of every year for the past 10 years — no, not to the budget but to the actual expenditure in the past 10 years — then it will be found that in most years the amount of one-fortieth is a little more than the actual expenditure, and that in the case of a few years it was a little less than the actual expenditure. It maintains a very good average

balance. In other words the formula is based on actual facts.<sup>13/</sup> ... The Treasury is satisfied that it will not land the Union in difficulties, and the people of South West Africa are satisfied that it will also meet their position (Hansard, 1954, col. 6705).

... Year after year the expenditure has increased, and the ratio of expenditure on Natives to general expenditure has remained the same. So the present position is that we have not decided on a fixed contribution which, according to our experience, can land us in the position that the Union will have to spend more and more money on that service while the revenue remains the same...<sup>14/</sup> (Hansard, 1954, col. 6706).

72. The possibility of a contribution by the Union Government toward meeting excess expenditure for the administration of Native affairs was, however, recognized by the Minister of Native Affairs, who made the following statements in this respect in the Union Senate:

... if we as the Union are the mandatory power for South-West Africa, then we should at least know that it brings with it obligations on us. We cannot be a custodian without any obligations. Although there is here every expectation that the costs that will be incurred there will be provided by the formula, we are for our part, prepared, if there should be minor differences, at least temporarily to meet them... South-Westerners are our friends, we are the custodians of the Native there, we have a duty in regard to the Native affairs of South-West

---

<sup>13/</sup> It should be understood that the proportion of one-fortieth referred to as the amount spent on Native affairs does not include expenditure for education, health and other services for Natives.

<sup>14/</sup> Earlier, the Minister of Native Affairs had referred to the arrangement whereby South West Africa pays a fixed annual sum of £114,000 to the Union Treasury for police services, the costs of which consistently exceeded that amount, the Union being responsible for the balance. The experience of the Union in this connexion, the Minister pointed out, had been taken into account with respect to the transfer of the administration of Native affairs (Hansard, 1954, cols. 6456-57).



Africa; if there is a minor amount that has to be added because the expenditure does not correspond exactly with the income from the formula, then we can at least do something for our blood relations in South West Africa (Senate Debates, 1954, col. 2986).

... We expect, in other words, not to place an additional burden on the inhabitants of the Union which will be so great that they cannot be prepared to bear it ... (Senate Debates, 1954, col. 2987).

... Assume that we should have to add a small amount for the benefit of the natives of South West Africa, will it form one-tenth of a penny in the form of increased taxation on the taxpayer's pound? I wonder. The total amount in connection with native affairs that is spent at the moment in South West Africa is after all only between £90,000 and £100,000 ... Assume that we should have to add £10,000 which is a tenth and therefore relatively a large amount, assume that we should add that, what does that mean to the taxpayer of the Union of South Africa? Does it befit anyone to become envious if it is not obtained from the taxpayers of South West Africa? No, look, we should now at least not look after our interests in a petty way and forget our good relations ... (Senate Debates, 1954, cols. 2994-95).

#### Expenditure for Development

73. The fixed sum of £50,000 payable annually by the Territory, the Minister of Native Affairs explained, "will be paid to the South African Native Trust for the development of the Natives and the Native reserves in South West Africa. This sum of £50,000 paid for this particular purpose will be entered in the South African Native Trust Fund as a separate South West Africa Native Trust Account and will be used exclusively for the

purposes of South West Africa. In that territory there are also other trust funds which will be taken over by our Native Trust subject, however, to the existing trust arrangements. This only involves a transfer of administration." (Hansard, 1954, col. 6457).

74. Since it was provided that the sum of £50,000 fixed for development works would remain static for ten years, the Minister was asked whether the development of the Native areas in South West Africa might not require additional contributions from the Union Government and whether the Natives would receive any further benefits should the resources of the Territory increase appreciably during the ten-year period. After pointing out that conditions in the Territory and in South Africa were not comparable, the Minister of Native Affairs replied, inter alia, as follows:

...The Native areas in South West Africa are extensive and, in view of their population, they are tremendous. So the activities there are not conservation works such as we have here but work which is done to protect or conserve and which can be done at much lower cost ... (Hansard, 1954, col. 6711).

In the years before 1951 an average of £38,000 was set aside annually. Since then, in 1951-52 and in 1952-53, a sum of £50,000 was set aside annually. During that period an amount of £117,268 was saved out of the money set aside from year to year for this particular purpose.<sup>15/</sup> In the meantime the Executive Committee is utilizing this saving on special work which is being done now, so that we are inheriting these areas in a very good state of repair as far as reclamation work is concerned. But that shows that £50,000 was

---

<sup>15/</sup> See appropriations and expenditure under the Native Areas Account, A/AC.73/L.3/Add.1, Question 44, para. 116, p. 73.

really more than the amount needed, and consequently we have accepted that a sum of £50,000 per annum at least will be guaranteed. This means that we are actually accepting a sum of £50,000 per annum, guaranteed for ten years, and at a stage when £50,000 is really a little more than the sum actually expended. To that extent we are safeguarding ourselves. But if there is an increase in income in South West Africa and if there is a possibility of needing more money, then we can approach them once again ... (Hansard, 1954, col. 6791).

Compatibility with existing financial arrangements between the Union and South West Africa 16/

75. During the consideration of the South West Africa Native Affairs Administration Bill in the Union Parliament, some concern was expressed by members of the Opposition that the financial provisions of the Bill might constitute a breach of the financial arrangements agreed upon by the Union and South West Africa and guaranteed by the South West Africa Affairs Amendment Act, 1949 (section 28, sub-sections (2) and (3), of the South West Africa Constitution Act, 1925, as amended by Act No. 23 of 1949; for text, see document A/AC.73/L.3, Question 2, para. 23, p. 61.

76. Answering an argument that the Territory would have to make an annual financial contribution without having any say in connexion with the disposal of the money, Mr. A.J. van Niekerk, member from South West Africa, stated:

... That is not quite correct either. As I have already said, the Administrator will act in the closest co-operation with the Executive Committee of the Territory.

My second point in this connection is this. Seeing that the Legislative Assembly will have to vote that sum annually, must allocate

16/ See also motion proposed in the Legislative Assembly of South West Africa, Question 2, para. 38 (a), above.

it for payment to the Union, it will also retain a certain measure of say. We can assume that they will not simply allocate the money unless they are satisfied with the administration of the Territory. Seeing that this contribution is in the interests of the welfare and well-being of the Native population, and seeing that South West Africa will have the benefit of the labour of that Native population, I think that the least we can expect of South West Africa is that it will make that contribution ... (Hansard, 1954, col. 6470).

77. Mr. Basson, another member from South West Africa, explained the situation as follows:

Now in connection with the financial arrangements in the final agreement, these simply stipulated that the two territories, South West Africa and the Union, would retain their own powers of taxation separately. I maintain that this measure does not encroach upon the fiscal powers of South West Africa in the least; not at all. The only body with authority to levy taxes in South West Africa still remains the Legislative Assembly. That is the position and it remains unchanged and all that is now happening here or all that is being sought under this measure is that South West Africa shall pay for services rendered to it. The same principle obtains in the case of the Police. There is no encroachment on the fiscal powers of South West Africa. If it will help the Opposition I can also say that the particulars of this measure came before the Legislative Assembly in Windhoek last month and the measure was approved by a majority of more than two-thirds ... (Hansard, 1954, col. 6675).

The hon. the Leader of the Opposition also asked whether we could not allow this measure to stand over until the financial relations

between South West Africa and the Union had been finally settled. My reply to that is that it cannot be done because these two matters have absolutely nothing to do with each other ... (Hansard, 1954, col. 6677).  
... The Legislative Assembly of South West Africa has the right to decide whether it wants to integrate its finances with those of the Union. The initiative cannot be taken by this Government. I should like the Opposition to become clear on this point. We had a commission. The Holloway Commission presented a very good report<sup>17/</sup> but both parties in South West Africa decided that in view of favourable circumstances which I cannot now explain here, it was best for South West Africa to retain its separate fiscal powers for the present. That decision by both parties was communicated to the hon. the Prime Minister and that is the position at the moment; I think it should remain unchanged until South West Africa itself decides to make a change. It is part of the agreement ... (Hansard, 1954, col. 6678).

78. The Minister of Native Affairs, after subscribing unconditionally to every statement by Mr. Basson, added:

... The position is very simple and quite clear. Section 18, of Act No. 23 of 1949, which amends Section 28 of the South West Africa Constitution Act of 1925, lays down that no Act of Parliament which imposes a tax, right, levy or burden on the people of the Union shall be in force in the territory of South West Africa. But this Bill imposes no burden or anything on the population of the Union and therefore the provisions of Section 18 of Act No. 23 of 1949 are not applicable to this at all ... (Hansard, 1954, col. 6710).

---

<sup>17/</sup> Report of the Commission of Enquiry into the Financial Relations between the Union and South West Africa, 1951 (Government Printer, Pretoria); see A/AC.73/L.3, Question 2, paras. 32-38, pp. 67-71.

Annex I to Question 2

SOUTH-WEST AFRICA NATIVE AFFAIRS  
ADMINISTRATION ACT, 1954 (ACT NO. 56 of 1954)

To provide for the transfer of the administration of native affairs and matters specially affecting natives from the Administrator of the territory of South-West Africa, acting under the direction and control of the Governor-General, to the Minister of Native Affairs, for the reservation or setting apart of land for the use and occupation of natives in that territory in substitution for any other land so reserved or set apart, and for matters incidental thereto.

---

(Afrikaans text signed by the Governor-General.)  
(Assented to 18 June 1954)

---

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:-

1. In this Act, unless the context otherwise indicates - Definitions.
- (i) "Administrator" means the Administrator of the territory; (i)
  - (ii) "Minister" means the Minister of Native Affairs; (iv)
  - (iii) "Territory Revenue Fund" means the fund referred to in section thirty-six of the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925); (iii)
  - (iv) "the territory" means the territory of South-West Africa and includes the port and settlement of Walvis Bay. (ii)

2. Section seven of the South-West Africa Constitution Act, 1925, is hereby amended -

Amendment of section 7 of Act 42 of 1925 as amended by section 5 of Act 19 of 1940 and substituted by section 5 of Act 23 of 1949.

(a) by the insertion in sub-section (1)<sup>18/</sup> after the expression "Governor-General" of the words "and the provisions of sub-section (1) bis"; and

(b) by the insertion after sub-section (1) of the following sub-section:

"(1) bis. Subject to the provisions of section three of the South-West Africa Native Affairs Administration Act, 1954, the Minister of Native Affairs of the Union shall carry on the administration of the affairs of the territory in regard to all matters referred to in paragraph (a) of section twenty-six."<sup>19/</sup>

3. (1) For the purpose of the application of the laws in force in the territory at the commencement of this Act in so far as they relate to any matter referred to in sub-section (1) bis of section seven of the South-West Africa Constitution Act, 1925, but subject to the provisions of this Act, any reference in any such law -

Provisions regarding existing laws.

(a) to the Legislative Assembly of the territory, shall be construed as a reference to Parliament;

(b) to the Administrator or to the Administration of the territory, shall be construed as a reference to the Governor-General;

<sup>18/</sup> Sub-section (1) of section seven of the South-West Africa Constitution Act, 1925, prior to the present amendment read: "Subject to the direction and control of the Governor-General, the Administrator shall carry on the administration of the affairs of the territory in regard to all matters in respect of which the Assembly is not competent to make ordinances."

<sup>19/</sup> Paragraph (a) of section twenty-six of the South-West Africa Constitution Act, 1925, as amended, reads: "(a) native affairs or any matters specially affecting natives, including the imposition of taxation upon the persons, land, habitations or earnings of natives. Whenever any Ordinance of the Assembly imposes taxation upon persons, lands habitations, or incomes or earnings generally, natives and their lands, habitations and earnings shall be exempt from its provisions;"

(c) to the Secretary for South-West Africa, shall be construed as a reference to the Secretary for Native Affairs;

(d) to the Accounting Officer of South-West Africa, shall be construed as a reference to the accounting officer of the Department of Native Affairs;

(e) to the Territory Revenue Fund, shall be construed as a reference to the Consolidated Revenue Fund;

(f) to any other person or officer not hereinbefore mentioned, shall be construed as a reference to any officer of the Department of Native Affairs to whom the functions of that other person or officer may be assigned by the Minister,

unless the context indicates otherwise.

(2) The Governor-General may by proclamation in the Gazette and in the Official Gazette of the territory declare the provisions of paragraph (a), (b), (c), (d), (e), or (f) of sub-section (1) to be inapplicable in respect of any law referred to in sub-section (1) or any provision of such law, and may by such proclamation determine in what manner any relevant reference is to be construed for the purpose mentioned in sub-section (1).

(3) The Governor-General may by proclamation in the Gazette and in the Official Gazette of the territory delegate any power or function conferred on or assigned to him by virtue of paragraph (b) of sub-section (1) to the Minister, and the Minister may delegate any such power or function so delegated to any officer of the Department of Native Affairs.

(4) Anything done in terms of any law referred to in sub-section (1) prior to the commencement of this Act shall have effect as if it had been done under such law as applied by that sub-section.

4. (1) The land described in the Schedule hereto is hereby reserved and set apart for the sole use and occupation of natives, and that land, and any other land or area in the territory which has at any time prior to the commencement of this Act been so reserved or set apart or which may at

Transfer of reserves and funds.



any time after such commencement be so reserved or set apart, in terms of any law, shall be vested in the South African Native Trust established by section four of the Native Trust and Land Act, 1936 (Act No. 18 of 1936).<sup>20/</sup>

(2) In relation to any such land or area -

(a) the Trustee referred to in the Act shall, subject to the provisions of this Act, have the same powers and functions, and be subject to the same duties, as if the territory were included in the Union;

(b) section five of the Native Trust and Land Act, 1936 <sup>21/</sup> shall apply as if such land or area were the property of any trust mentioned in that section, and as if the reference therein to the commencement of that

---

20/ Section four of Act No. 18 of 1936 as amended, reads:

(1) A corporate body, to be called the South African Native Trust, hereinafter referred to as the Trust, is hereby constituted with perpetual succession and power to sue and be sued in its corporate name and, subject to the provisions of this Act and any regulations framed thereunder, to do all such acts and things as bodies corporate may lawfully do.

(2) The Trust shall, in a manner not inconsistent with the provisions of this Act, be administered for the settlement, support, benefit, and material and moral welfare of the natives of the Union.

(3) The affairs of the Trust shall be administered by the Governor-General as Trustee with power, subject to the provisions of this Act, to delegate any of his powers and functions as Trustee to the Minister who shall act in consultation with the Native Affairs Commission (SA, Revised Statutes, vol. 10, 1910-47).

The Governor-General has delegated his powers as trustee to the Minister of Native Affairs (SA, Native Administration).

21/ Section five of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), as amended, provides for the merger of former Native Trusts in the South African Native Trust.

Act were a reference to the commencement of this Act, or to the date of the reservation or setting apart of the land or area affected, as the circumstances may require.

(3) As from the commencement of this Act -

(a) all the assets, rights, liabilities and obligations of any fund established under any law referred to in sub-section (1) or under any other law for the purposes of or in connection with any matter referred to in sub-section (1) bis of section seven of the South-West Africa Constitution Act, 1925, shall vest in or devolve upon the said South African Native Trust, subject to such conditions and reservations as may be agreed upon between the Administrator and the Minister; and

(b) there shall be paid into the South African Native Trust Fund, established under section eight of the Native Trust and Land Act, 1936 (hereinafter called the Fund), all moneys which in terms of any law accrue to a fund mentioned in paragraph (a), and any moneys so paid shall be used exclusively for the purposes prescribed by the law in pursuance of which such moneys accrue.

(4) There shall be kept in respect of any moneys paid into the Fund in terms of sub-section (3), such separate accounts as the Minister may determine.

(5) An amount equal to the amount represented by the symbol b in section six shall be paid annually out of the Consolidated Revenue Fund into the Fund to the credit of such account, referred to in sub-section (4), as the Minister may determine.

5. (1) Notwithstanding anything to the contrary in any law contained, the Governor-General may, by proclamation in the Gazette and in the Official Gazette of the territory, with the approval by

Rescission of reservation of land.

resolution of both Houses of Parliament, rescind any reservation or setting apart of any land or area referred to in sub-section (1) of section four, or of any portion of such land or area, subject to land of at least an equivalent pastoral or agricultural value being reserved or set apart, in terms of any law in force in the territory, for the sole use and occupation of natives.

(2) Any land or area in respect of which the reservation or setting apart is rescinded in terms of sub-section (1) shall become unalienated State property and may be dealt with as such, and the provisions of sub-section (1) of section four shall apply to any land reserved or set apart in pursuance of the provisions of sub-section (1).

6. There shall be paid annually out of the Territory Revenue Fund to the Consolidated Revenue Fund for the purpose of and in connection with any expenditure relating to any matter referred to in sub-section (1) bis of section seven of the South-West Africa Constitution Act, 1925, an amount calculated in accordance with the formula:

Financial provisions.

$$y = \frac{a}{40} + b$$

in which y represents such amount, a the actual total expenditure out of the Territory Revenue Fund during the financial year immediately preceding the year in respect of which such payment is made, less -

- (a) any sum which may in terms of any law be paid out of the Territory Revenue Fund to any fund referred to in paragraph (a) of sub-section (3) of section four; and
- (b) any loan or capital expenditure incurred in connection with the development of the territory,

and b an amount of fifty thousand pounds: Provided that after the lapse of a period of ten years from the commencement of this Act the said amount of fifty thousand pounds may be increased or reduced by such amount as may be determined by agreement between the Administrator and the Minister acting in consultation with the Minister of Finance.

7. Section one of the Native Affairs Act, 1920, is hereby amended by the insertion after the words "meeting of the commission" of the words "of the Administrator of the territory of South-West Africa". 22/ Amendment of section 1 of Act 23 of 1920.
8. This Act shall be called the South West Africa Native Affairs Administration Act, 1954, and shall come into operation on the first day of April, 1955. Short title and commencement.

---

Schedule.

LAND RESERVED AND SET APART IN TERMS OF SECTION FOUR.

A piece of land, 32,000 hectares in extent, situated in the territory on the Okavango River east of Runtu and bounded as follows:

From a point in the Okavango River on the common border between Portuguese Angola and South-West Africa nine kilometres eastwards from the mission station Utokota, generally eastwards along the common border between Portuguese Angola and South-West Africa to a point in the Okavango River on the aforementioned common border eight kilometres upstream from the confluence of the Omatako Omuramba and Okavango Rivers; thence due south in a straight line for a distance of sixteen kilometres; thence westwards in a straight line for a distance of sixteen kilometres to a point sixteen kilometres due south of a point in the Okavango River on the said common border nine kilometres eastwards from the mission station Utokota; thence due north in a straight line for a distance of sixteen kilometres to the point of beginning.

---

22/ Section one of the Native Affairs Act, 1920 (Act No. 23 of 1920), as amended, provides for the constitution of the Native Affairs Commission in the Union of South Africa. The present amendment adds the Administrator of South-West Africa to this Commission.

## Annex II to Question 2

## LEGISLATION APPLIED TO SOUTH WEST AFRICA DURING 1953 AND 1954

Acts of the Union of South Africa Applied to South West AfricaActs Applied in 1953

- Act No. 22 of 1913: Immigrants Regulation Act, 1913, which consolidates and amends the laws in force in the various Provinces of the Union relating to Prohibited Immigrants, provides for the establishment of a Union Immigration Department, regulates immigration into the Union or any Province thereof, and provides for the removal therefrom of undesirable persons. (Applied to South West Africa by Act No. 43 of 1953) (SWAG 1871, pp. 1494-1511).
- Act No. 55 of 1952: Electoral Laws Amendment Act, 1952, which amends the South Africa Act, 1909, and the Electoral Consolidation Act, 1946 (SWAG 1758, pp. 277-80).
- Act No. 3 of 1953: Public Safety Act, 1953, which makes provision for the safety of the public and the maintenance of public order in cases of emergency and for matters incidental thereto (SWAG 1750, pp. 2-6).
- Act No. 7 of 1953: Wills Act, 1953, which consolidates and amends the law relating to the execution of wills (SWAG 1750, pp. 8-12).
- Act No. 8 of 1953: Criminal Law Amendment Act, 1953, which provides for increased penalties for offences committed under certain circumstances; prohibits the offer or acceptance of financial or other assistance for any organized resistance against the laws of the Union; and provides for matters incidental thereto (SWAG 1750, pp. 14-18).
- Act No. 15 of 1953: Deeds Registries Amendment Act, 1953, which amends Act No. 47 of 1937 (SWAG 1779, p. 2).
- Act No. 17 of 1953: Police (Amendment) Act, 1953, which amends Act. No. 14 of 1912 (SWAG 1779, p. 4).
- Act No. 22 of 1953: Archives Act, 1953, which consolidates and amends the law relating to the custody and control of the public archives of the Union and provides for the custody and control of the public archives of South West Africa, and for other incidental matters (SWAG 1785, pp. 2-8).

- Act No. 30 of 1953: War Measures Amendment Act, 1953, which amends certain regulations made under section one bis of the War Measures Act, 1940 (SWAG 1799, p. 1137).
- Act No. 35 of 1953: Excise Amendment Act, 1953, which amends the law relating to excise (SWAG 1787, pp. 2-6).
- Act No. 36 of 1953: Customs Amendment Act, 1953, which amends the law relating to customs (SWAG 1787, pp. 8-16).
- Act No. 37 of 1953: Matrimonial Affairs Act, 1953, which amends the law relating to the property rights of spouses, to orders for maintenance, to the guardianship and custody of minors and to divorce. (SWAG 1791, pp. 2-10).
- Act No. 40 of 1953: Railways and Harbours Acts Amendment Act, 1953, which amends the Railways and Harbours Regulation, Control and Management Act, 1916 and the Railways and Harbours Service Act, 1925; and which provides for the refund of certain pension contributions to certain servants, and for the validation of certain changes in conditions of employment (SWAG 1789, pp. 2-4).
- Act No. 41 of 1953: Railways and Harbours Special Pensions Act, 1953, which enables members of the several Railways and Harbours pension and superannuation funds to pay contributions to those funds on amounts in excess of their actual pensionable emoluments, and which provides for matters incidental thereto (SWAG 1789, pp. 6-10).
- Act No. 43 of 1953: Immigrants Regulation Amendment Act, 1953, which amends the Immigrants Regulation Act, 1913, applies the provisions of that Act to the Territory of South West Africa, and makes provision for matters incidental thereto (SWAG 1789, pp. 12-14).

#### Acts Applied in 1954

- Act No. 15 of 1954: Riotous Assemblies and Suppression of Communism Amendment Act, 1954, which amends the Riotous Assemblies and Criminal Law Amendment Act, 1914 and the Suppression of Communism Act, 1950. (Note: Not all of the amending Act is applicable in South West Africa since the Riotous Assemblies and Criminal Law Amendment Act, 1914, is not applicable in the Territory) (SWAG 1821, pp. 3-9).
- Act No. 27 of 1954: Standards Amendment Act, 1954, which amends Act No. 24 of 1945, as amended (SWAG 1839, p. 3).
- Act No. 29 of 1954: Medical, Dental and Pharmacy Amendment Act, 1954, which amends Act No. 13 of 1928, as amended (SWAG 1839, pp. 5-31).
- Act No. 35 of 1954: Excise Amendment Act, 1954, which amends the law relating to excise (SWAG 1842, pp. 3-13).

- Act** No. 47 of 1954: Merchandise Marks Amendment Act, 1954, which amends Act No. 17 of 1941, as amended (SWAG 1843, p. 3).
- Act** No. 54 of 1954: Customs Amendment Act, 1954, which amends the law relating to customs (SWAG 1845, pp. 3-21).
- Act** No. 56 of 1954: South West Africa Native Affairs Administration Act, 1954, which provides for the transfer of Native affairs and matters specially affecting Natives from the Administrator of the Territory of South West Africa, acting under the direction and control of the Governor-General, to the Minister of Native Affairs, for the reservation or setting apart of land for the use and occupation of Natives in that Territory in substitution for any other land so reserved or set apart, and for matters incidental thereto (SWAG 1843, pp. 5-9).

Proclamations of the Governor-General of the Union of South Africa  
Applied to South West Africa

Proclamations Applied in 1953.

Proclamation No. 39 of 1953, which cancels Union Proclamation No. 239 of 1950 and applies the provisions of Regulations 22.9 and 22.16 of the Air Navigation Regulations, 1950, to aerodromes belonging to or exclusively used by Union or other Her Majesty's Forces (SWAG 1747, p. 116).

Proclamation No. 41 of 1953, which dissolves, effective 4 March 1953, the House of Assembly of the Parliament of the Union of South Africa (SWAG 1746, p.i).

Proclamation No. 42 of 1953, which proclaims 14 March 1953 as nomination day and 15 April 1953 as polling day for the election of members of the House of Assembly (SWAG 1746, pp. ii-vii).

Proclamation No. 94 of 1953, which declares 2 June 1953 a public holiday throughout the Union and South West Africa, on the occasion of the coronation of Her Majesty Queen Elizabeth II (SWAG 1765, p. 367).

Proclamation No. 100 of 1953, which amends local transportation areas under the Motor Carrier Transportation Act, 1930, as amended (SWAG 1767, p. 395).

Proclamation No. 130 of 1953, which grants most-favoured-nation treatment to Liberia (SWAG 1773, p. 542).

Proclamation No. 131 of 1953, which withdraws the provisional application of the General Agreement on Tariffs and Trade in relation to Liberia (SWAG 1773, p. 542).

Proclamation No. 145 of 1953, which declares that 31 July 1953 has been fixed as the date from which a general registration of voters throughout the Union and South West Africa shall commence (SWAG 1777, p. 639).

Proclamation No. 158 of 1953, which declares that 3 August 1953 has been fixed as the date from which a general registration of voters throughout the Union and South West Africa shall commence and withdraws Proclamation No. 145 of 1953 (SWAG 1777, p. 640).

Proclamation No. 180 of 1953, which applies section 2(1) of the Air Services Act, 1949, to certain visiting aircraft (SWAG 1782, p. 743).

Proclamation No. 250 of 1953, which further amends local transportation areas under the Motor Carrier Transportation Act, 1930, as amended (SWAG 1799, p. 1137).



Proclamations Applied in 1954

Proclamation No. 181 of 1953, which amends regulations made under the International Sanitary Regulations Act, 1952 (SWAG 1825, pp. 516-17).

Proclamation No. 257 of 1953, which applies the General Agreement on Tariffs and Trade provisionally in relation to the Oriental Republic of Uruguay (SWAG 1801, p. 2).

Proclamation No. 11 of 1954, which declares 30 January 1954 as the date from which the new voters' lists prepared throughout the Union and South West Africa after a general registration of voters shall come into operation (SWAG 1804, p. 46).

Proclamation No. 14 of 1954, which designates Jan Smuts and Windhoek Airports as sanitary airports under the International Sanitary Regulations Act, 1952 (SWAG 1813, p. 234).

Proclamation No. 15 of 1954, which amends regulations made under the International Sanitary Regulations Act, 1952, (SWAG 1825, pp. 517-18).

Proclamation No. 199 of 1954, which amends local transportation areas under the Motor Carrier Transportation Act, 1930, as amended (SWAG 1865, p. 1331).

Proclamation No. 222 of 1954, which applies the provisions of the Commission Act, 1947 (Act No. 8 of 1947), to the Commission of Enquiry in regard to undesirable literature (SWAG 1867, p. 1385).

Proclamation No. 266 of 1954, which declares 1 January 1955 as the date of commencement of the Immigrants Regulation Amendment Act, 1953 (Act No. 43 of 1953) (SWAG 1872, p. 1).

Proclamation No. 267 of 1954, which provides for the deportation of undesirable persons from South West Africa (SWAG 1872, p. 2).

Proclamations of the Administrator of South West Africa during  
1953 and 1954 23/

Proclamation No. 5 of 1953, which proclaims a portion of the Magisterial District of Gobabis a cattle improvement area (SWAG 1751, pp. 146-47).

Proclamation No. 13 of 1953, which declares 1 May 1953 as the date of coming into force of the Factories, Machinery and Building Work Ordinance, 1952 (SWAG 1762, p. 299).

Proclamation No. 14 of 1953, which declares 1 May 1953 as the date of coming into operation of the Roads and Outspans Ordinance, 1952 (SWAG 1762, p. 299).

23/ Proclamations of the Administrator relating to the summoning or prorogation of the Legislative Assembly and the declaration of district roads have been omitted from this listing.

Proclamation No. 25 of 1953: Stampriet Periodical Court Local Limits Amendment Proclamation, 1953, which further amends Proclamation No. 33 of 1920 (SWAG 1773, p. 543).

Proclamation No. 28 of 1953, which declares that the Wage and Industrial Conciliation Ordinance, 1952, shall commence and come into force on 1 August 1953 (SWAG 1778, p. 642).

Proclamation No. 51 of 1953, which confers powers upon the Commission appointed to enquire into alleged irregularities in connexion with boring carried out on behalf of the Administration (SWAG 1799, p. 1139).

Proclamation No. 52 of 1953, which establishes soil conservation districts (SWAG 1799, pp. 1139-40).

Proclamation No. 14 of 1954, which establishes the township of Tsumeb (Extension No. 1). (SWAG 1807, pp. 138-40).

Proclamation No. 15 of 1954, which designates the South African Bureau of Standards as an institution for the purposes of section 226 (4) of the Criminal Procedure and Evidence Proclamation, 1935 (SWAG 1810, p. 188).

Proclamation No. 16 of 1954, which establishes the township of Welwitschia (SWAG 1811, pp. 200-02).

Proclamation No. 20 of 1954, which proclaims 26 May 1954 as nomination day and 23 June 1954 as polling day for a by-election to fill a vacancy in the representation of the Electoral Division of Warmbad in the Legislative Assembly (SWAG 1828, p. 613).

Proclamation No. 22 of 1954: Rehoboth Gebiet Mixed Marriages Prohibition Proclamation, 1954, which applies Ordinance No. 19 of 1953 to the Gebiet (SWAG 1830, pp. 617-18).

Proclamation No. 23 of 1954, which establishes the township of Aranos (SWAG 1830, pp. 618-21).

Proclamation No. 24 of 1954, which establishes the township of Leonardville (SWAG 1830, pp. 621-24).

Proclamation No. 25 of 1954, which establishes the township of Koës (Extension No. 1). (SWAG 1830, pp. 625-28).

Proclamation No. 26 of 1954, which confers powers upon the Commission appointed to enquire into the grazing rights of small settlers at Okahandja (SWAG 1832, p. 666).

Proclamation No. 32 of 1954, which confers powers upon the Commission appointed to enquire into certain alleged irregularities in the Roads Branch of the Administration (SWAG 1838, p. 774).

Proclamation No. 36 of 1954: Rehoboth Gebiet Boundaries Amendment Proclamation, 1954, which alters the boundaries of the Gebiet (SWAG 1844, p. 816).

Proclamation No. 40 of 1954, which establishes the township of Vineta (SWAG 1848, pp. 928-931).

Proclamation No. 44 of 1954, which applies the Wives and Children Protection and Maintenance Ordinance, 1927, to Southern Rhodesia (SWAG 1854, p. 1124).

Proclamation No. 45 of 1954, which provides for the filling of vacancies in the representation in the Legislative Assembly of the Electoral Divisions of Outjo and Gobabis (SWAG 1856, p. 1156).

Proclamation No. 51 of 1954: Redefinition of Magisterial Districts Proclamation, 1954, which redefines the boundaries of the Magisterial Districts of Karibib, Omaruru and Swakopmund (SWAG 1860, pp. 1219-22).

Proclamation No. 52 of 1954, which declares that the Companies Amendment Ordinance, 1954, shall come into force on 1 October 1954 (SWAG 1860, p. 1222).

Proclamation No. 55 of 1954, which amends the Eighth Schedule of the Companies Ordinance, 1928 (SWAG 1864, p. 1295).

Proclamation No. 56 of 1954, which appoints Usakos as an additional place for the holding of courts under the Magistrates Courts Proclamation, 1935 (SWAG 1864, p. 1295).

Proclamation No. 57 of 1954, which confers powers upon the Commission appointed to enquire into the purchase of a house by the Administration (SWAG 1865, pp. 1331-32).

Ordinances of the Legislative Assembly of South West Africa during 1954<sup>24/</sup>

Ordinance No. 1 of 1954: Additional Appropriation (1953/54) Ordinance, 1954, which applies a further sum not exceeding £638,080 towards the service of the Territory of South West Africa for the financial year ending on 31 March 1954 (SWAG 1823, p. 409).

Ordinance No. 2 of 1954: Natives (Urban Areas) Proclamation Amendment Ordinance, 1954, which amends the Natives (Urban Areas) Proclamation, 1951 (SWAG 1823, p.410).

Ordinance No. 3 of 1954: Game Preservation Amendment Ordinance, 1954, which amends the law relating to the preservation of game (SWAG 1823, p.410).

Ordinance No. 4 of 1954: Entertainment Tax Amendment Ordinance, 1954, which amends Ordinance No. 11 of 1930 (SWAG 1823, p. 410).

Ordinance No. 5 of 1954: Teachers' Pensions Proclamation Amendment Ordinance, 1954, which amends Proclamation No. 39 of 1931 (SWAG 1823, p. 411).

Ordinance No. 6 of 1954: Appropriation (1954/55) Ordinance, 1954, which applies a sum not exceeding £8,999,980 towards the service of the Territory of South West Africa for the financial year ending on 31 March 1955 (SWAG 1840, p. 805).

Ordinance No. 7 of 1954: Unauthorized Expenditure (1952-53) Ordinance, 1954, which applies a further sum of money towards the service of the Territory of South West Africa for the year ended on 31 March 1953 for the purpose of meeting and covering certain unauthorized expenditure (SWAG 1840, p. 806).

Ordinance No. 8 of 1954: Income Tax Amendment Ordinance, 1954, which amends the law relating to income tax (SWAG 1840, pp. 806-807).

Ordinance No. 9 of 1954: Personal Tax Amendment Ordinance, 1954, which amends the law relating to the imposition of a tax on persons resident in the Territory (SWAG 1840, pp. 807-808).

Ordinance No. 10 of 1954: Promotion of Farming Interests Amendment Ordinance, 1954, which amends Ordinance No. 29 of 1952 (SWAG 1840, pp. 808-809).

Ordinance No. 11 of 1954: General Laws Amendment Ordinance, 1954, which amends the laws relating to liquor licensing, police offences, solemnization of marriages, Native Reserves Trust Funds, Native Administration, Prohibited Areas, Extra-Territorial and Northern Natives Control, criminal procedure and evidence, magistrates courts, arms and ammunition and certain admissions of guilt (SWAG 1846, pp. 857-861).

<sup>24/</sup> The list of twenty-five Ordinances passed by the Legislative Assembly in 1953 is included in Doc. A/AC.73/L.3, Annex to Question 2, pp. 138-140.

Ordinance No. 12 of 1954: Currency and Banking Amendment Ordinance, 1954, which amends the law relating to currency and banking (SWAG 1846, p. 861).

Ordinance No. 13 of 1954: Immorality Amendment Ordinance, 1954, which amends the Immorality Proclamation, 1934 (Afrikaans text only). (SWAG 1846, p. 861).

Ordinance No. 14 of 1954: Karakul Industry Development Amendment Ordinance, 1954, which amends the law relating to the Karakul Industry Development Fund (SWAG 1846, p. 862).

Ordinance No. 15 of 1954: Municipal Amendment Ordinance, 1954, which amends the law relating to municipalities (SWAG 1846, p. 862).

Ordinance No. 16 of 1954: Stamp Duties and Fees Amendment Ordinance, 1954, which amends the law relating to stamp duties and fees (SWAG 1846, p. 863).

Ordinance No. 17 of 1954: Commissioners of Oaths Proclamation Amendment Ordinance, 1954, which amends the Commissioners of Oaths Proclamation, 1928 (SWAG 1846, p. 863).

Ordinance No. 18 of 1954: Town Planning Ordinance, 1954, which makes provision for the preparation and carrying out of town planning schemes and for matters incidental thereto (SWAG 1846, pp. 864-82).

Ordinance No. 19 of 1954: Land Bank Amendment Ordinance, 1954, which amends the law relating to the Land and Agricultural Bank of South West Africa (SWAG 1846, pp. 882-83).

Ordinance No. 20 of 1954: Soil Conservation Amendment Ordinance, 1954, which amends the law relating to soil conservation (SWAG 1846, p. 883).

Ordinance No. 21 of 1954: Sheep-farming Industry Protection Repeal Ordinance, 1954, which repeals the laws relating to the protection of sheep-farming (SWAG 1846, p. 883).

Ordinance No. 22 of 1954: Preservation of Trees and Forests Amendment Ordinance, 1954, which amends the law relating to the preservation of trees and forests (SWAG 1846, p. 884).

Ordinance No. 23 of 1954: Roads Amendment Ordinance, 1954, which amends the law relating to roads (SWAG 1846, p. 884).

Ordinance No. 24 of 1954: Water Amendment Ordinance, 1954, which amends the law relating to the diversion, storage and use of water (SWAG 1846, p. 885).

Ordinance No. 25 of 1954: Natives (Urban Areas) Proclamation, 1951, Further Amendment Ordinance, 1954, which amends the Natives (Urban Areas) Proclamation, 1951 (SWAG 1846, pp. 885-90).

Ordinance No. 26 of 1954: Mines, Works and Minerals Ordinance, 1954, which consolidates and amends the laws in force in the Territory relating to minerals and to the operating of mines, works and machinery (SWAG 1847, pp. 892-926).

Ordinance No. 27 of 1954: Companies Amendment Ordinance, 1954, which amends the law relating to companies (SWAG 1849, pp. 954-1056).

CHAPTER B

STATUS OF THE NATIVE INHABITANTS OF THE TERRITORY

QUESTION 3

Has a special national status been granted to the native inhabitants? If so, what is the legal or current term used to describe this special status?

QUESTION 4

Do natives of the Territory enjoy the same guarantees as regards the protection of their persons and property in the Territory of the mandatory Power and in its colonies, protectorates and dependencies as the native inhabitants of each or any of the latter? If not, what treatment do they receive in this respect?

No information relevant to these questions is available for the period under review.

CHAPTER C

INTERNATIONAL RELATIONS

QUESTION 5

What international treaties or conventions (general or special) apply to the Territory?

1. On the basis of the information available, it is not possible to compile a complete and authoritative list of international treaties and conventions applying to the Territory of South West Africa, nor does the list presented below purport to be a complete list of such international instruments applied to South West Africa during the years 1947 to 1954. For further information, reference is made to the Annual Report for the year 1939 submitted by the Government of the Union of South Africa to the League of Nations (ARLN, 1939, pp. 234-239). With respect to commercial agreements, reference is also made to the information presented to the Committee on South West Africa in 1954 in document A/AC.73/L.3, under Question 6 (pp. 142-147).

2. The following international treaties, conventions and other instruments, listed in alphabetical order, were extended or applied to South West Africa during the period from 1947 to 1954, inclusive:

- (a) Agreement between the Governments of the United Kingdom, Australia, New Zealand and the Union of South Africa in relation to the disposal of certain wool:

Ratified by the Union of South Africa on 1 March 1947.

Approved by Act No. 19 of 1946, which Act was applied to South West Africa in 1947.

(SWA Laws, 1947, pp. 20-60).

- (b) Convention on International Civil Aviation:

Ratified by the Government of the Union of South Africa on 1 March 1947.

Adopted by Act No. 42 of 1947, which Act was applied to South West Africa in 1947.

(SWA Laws, 1947, pp. 86-130).



(c) Convention on Road Traffic:

Entry into force on 26 March 1952.

Instrument of ratification or accession deposited on 9 July 1952 by the Union of South Africa, including South West Africa.

(ST/LEG/3, pp. XI-10 and 13).

(d) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others:

Entry into force on 25 July 1951.

Instrument of ratification or accession to the Convention and the Final Protocol deposited by the Union of South Africa on 10 October 1951.

Applied to South West Africa by virtue of article 23, paragraph 5, of the Convention, which reads:

"For the purposes of the present Convention the word 'State' shall include all colonies and Trust Territories of a State signatory or acceding to the Convention and all territories for which such State is internationally responsible."

(ST/LEG/3, pp. VII-22, 24, 25).

(e) Extradition Treaty between the Union of South Africa and the United States of America - Application of the British Extradition Act, 1870, as amended:

Extended to South West Africa as from 1 October 1951 by Government Notice No. 43 of 16 February 1952, issued in terms of Extradition (South West Africa) Proclamation, 1934 (UP. 78 of 1934).

(SWA, Laws, 1952, pp. 814-824).

(f) General Agreement on Tariffs and Trade, Protocol of Provisional Application:

Signed by the Union of South Africa, including South West Africa, on 14 May 1948.

(ST/LEG/3, pp. X-7 and 9).

- (g) International Convention for the Safety of Life at Sea, 1948:  
Applied to the Union of South Africa, including South West Africa, by Act No. 57 of 1951, subject to the provisions of that Act.  
(SA, Statutes, 1951, pp. 418-1054; SWA, Laws, 1951, p. viii).
- (h) International Convention Respecting Load Lines, 1930:  
Applied to the Union of South Africa, including South West Africa, by Act No. 57 of 1951, subject to the provisions of that Act.  
(SA, Statutes, 1951, pp. 418-1054; SWA, Laws, 1951, p. viii).
- (i) International Labour Convention No. 19, concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents:  
Ratified by the Union of South Africa on 30 March 1926.  
Accepted by the Union of South Africa on behalf of South West Africa in 1949.  
(ILO, Report III (Parts I and IV), to 36th Conference).
- (j) International Labour Convention No. 45, concerning the employment of women on underground work in mines of all kinds:  
Ratified by the Union of South Africa on 25 June 1936.  
Accepted by the Union of South Africa on behalf of South West Africa in 1949.  
(ILO, Report III (Parts I and IV) to 36th Conference).
- (k) International Regulations for Preventing Collisions at Sea, 1948:  
Applied to the Union of South Africa, including South West Africa, by Act No. 57 of 1951, subject to the provisions of that Act.  
(SA, Statutes, 1951, pp. 418-1054; SWA, Laws, 1951, p. viii).
- (l) International Sanitary Regulations (WHO Regulation No. 2), adopted by the World Health Assembly on 25 May 1951:  
Applied to the Union of South Africa, including South West Africa, by Act No. 38 of 1952, subject to the provisions of that Act.  
(SA, Statutes, 1952, pp. 297-375; SWAG 1692).

- (m) International Telecommunication Convention, Buenos Aires, 1952:  
Instrument of ratification, dated 5 February 1954, to the Convention, Final Protocol, and Additional Protocols annexed thereto, deposited on 29 March 1954 by the Union of South Africa, including South West Africa.  
(ITU, General Secretariat, Notification No. 694, Geneva, 1 April 1954).
- (n) Protocol amending the Slavery Convention signed at Geneva on 25 September 1926:  
Entry into force on 7 December 1953.  
Signature without reservation as to acceptance by the Union of South Africa, including South West Africa, on 29 December 1953.  
(ST/LEG/3, pp. XVIII-2, 3, 4).
- (o) Protocol Bringing under International Control Drugs Outside the Scope of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol signed at Lake Success, New York, on 11 December 1946:  
Entry into force on 1 December 1949.  
Signed without reservation as to acceptance by the Union of South Africa on 8 December 1948.  
Notice of extension to South West Africa given by notification received on 5 October 1954.  
(ST/LEG/3, pp. VI-34 and 37).
- (p) Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and use of Opium.  
Not yet in force.  
Signature by the Union of South Africa, including South West Africa, on 29 December 1953.  
(ST/LEG, pp. VI-39 and 43).

(g) Universal Postal Convention, Brussels, 1952:

Instrument of ratification deposited by the Union of South Africa  
on 24 March 1954.

Subsequently applied to South West Africa.

(B.I. of UPU: Circulaire No. 76, dated 23 April 1954;

I. Convention et Divers, Bulletin No. 19, dated 28 December 1954).

QUESTION 6

How fully has effect been given, as a consequence of the stipulations of the Mandate, to the principle of economic equality for all Members of the League of Nations?

During 1954, dumping duties were established on certain goods when imported or originating from specific countries. Such measures were taken in application of section 82 of the Customs Act No. 35 of 1944, which enables the Minister of Finance to act in such a manner if he is "satisfied that goods are being imported into the Union<sup>1/</sup> under conditions which are detrimental to industries in the Union<sup>1/</sup> and that it would be in the public interest to impose such dumping duties". The goods and the countries affected were the following: bolts and nuts, and motors, when imported from France; woodscrews, when imported from Austria and the Federal Republic of Germany; electric motors, when imported from Belgium; hot plate controls (switches), when imported from the Federal Republic of Germany; and hardboard, when imported from Belgium, Finland, Norway and Sweden (UGN 1596, Ge 10 August 1954 and UGN 2196, Ge 15 November 1954).

---

<sup>1/</sup> N.B. In this context the words "the Union" are deemed to include also South West Africa.

CHAPTER D

GENERAL ADMINISTRATION

QUESTION 7

To what extent have legislative and executive powers been delegated to the Chief Administrative Officer of the Territory?

1. The legislative and executive powers of the Administrator prior to their alteration during the period under review are outlined in the information and Documentation in respect of the Territory previously submitted to the Committee on South West Africa (A/AC.73/L.3, question 7, paras. 1-32). The extent to which the transfer to the Union of control over the Territory's immigration and Native affairs (see question 2, paras. 4-6 and 21-78) has affected the Administrator's powers, and the manner in which they are altered is dealt with below.

Legislative powers of the Administrator

2. The legislative powers of the Administrator do not appear to have been altered in law by the provisions of the Immigrants Regulation Amendment Act, 1953, which applies the Union immigration legislation to the Territory, or by the South West Africa Native Affairs Administration Act, 1954, which transfers the administration of the Territory's Native affairs to the Union Minister of Native Affairs. In addition to the legislative powers of the Union Parliament, the Governor-General in law has the power to legislate on these matters by proclamation (Treaty of Peace and South West Africa Mandate Act, 1919, section 2, and South West Africa Affairs Amendment Act, 1951, section 2; A/AC.73/L.3, question 7, paras. 2 and 7), and these powers have been delegated by him to the Administrator of the Territory (Union Proclamation No. 1 of 1921, A/AC.73/L.3, question 7, para. 3).

3. However, although in law the Administrator retains the power to legislate on these matters, there is no evidence to indicate that in practice he would now do so. The exercise of his legislative powers with regard to immigration appears to have passed to the Union Parliament (Immigrants Regulation Amendment Act, 1953). With regard to Native affairs no legislation has been passed since the

coming into operation of the South West Africa Affairs Native Administration Act, 1954, on 1 April 1955. In the absence of such legislation there is no information available as to whether the Administrator, the Governor-General or the Union Parliament will in future legislate regarding the Territory's Native affairs.

4. During the discussion of the South West Africa Native Affairs Administration Bill in the Senate on 15 June 1954, the Minister of Native Affairs stated that "in the future the idea is that as far as possible - and I say 'as far as possible' because just as in the Transkei and similar Native territories within the Union, there is still sometimes legislation by proclamation - the territory's Native affairs will be controlled by legislation of the Central Parliament instead of by proclamations". (Senate Debates, 1954, vol. 13, col. 2960).

5. In connexion with the legislative powers of the Administrator it may be noted that during 1954 the Prime Minister introduced a bill in the Union House of Assembly to amend the South West Africa Constitution Act, 1925. The bill (the South West Africa Constitution Amendment Bill) was read a first time only, the second reading being dropped among other matters not disposed of at the end of the session. (Hansard, 1954, vol. 18, col. 6864).

6. Section 2 of the bill, however, is of interest in relation to the legislative powers of the Administrator, and in particular to the Administrator's Legislative Powers Ordinance, 1952, by which the Territorial Legislative Assembly empowered the Administrator to make laws applicable to the Territory on any matter within the competence of the Assembly which he considered to be a matter of urgency. (see A/AC.73/L.3, question 7, para. 9). Section 2 of the new bill would amend section 25 of the South West Africa Constitution Act, 1925, which deals with the legislative powers of the Legislative Assembly. (SA, Statutes, 1910-1947, vol. 3, p. 659). To this section would be added two new sub-sections as follows:

(2) The Assembly may by ordinance empower the Administrator, subject to such conditions and reservations as it may deem fit, to make laws for the territory by proclamation in the Official Gazette of the territory in relation to any matter in regard to which the Assembly is competent to make ordinances.

(3) A proclamation issued by the Administrator under the powers vested in him by an ordinance made under sub-section (2), shall have effect in and for the territory so long and as far only as it is not repugnant to or inconsistent with an Act of Parliament applicable to the territory or an ordinance made by the Assembly. (SA, South West Africa Constitution Amendment Bill, A.B. 48 - '54).

#### Executive powers of the Administrator

7. The executive powers of the Administrator have been altered in both law and in practice during the period under review by transfer to the Union of control over the Territory's immigration and Native affairs.

8. With regard to immigration, the Immigrants Regulation Amendment Act, 1953, which applied to South West Africa the provisions of the Union's Immigrants Regulation Act, 1913, gave the Union Minister of Immigration<sup>1/</sup> responsibilities with regard to immigration into the Territory similar to those which had formerly been assumed by the Administrator under the Immigrants Regulation Proclamation, 1924 (Proclamation No. 23 of 1924 as amended). (SWAG, No. 1871; SWA, Laws, 1924, p. 70 ff). Since the Immigrants Regulation Amendment Act, 1953, did not come into operation until 1 January 1955 (U.P. 266 of 1954; SWAG, No. 1872, p. 1), it is of this date that the transfer of powers with regard to immigration from the Administrator to the Union Government was effective.<sup>2/</sup>

9. With regard to the transfer of the administration of Native affairs from the Administrator to the Union Minister of Native Affairs, the section of the South West Africa Constitution Act, 1925, dealing with the powers of the Administrator was amended as follows by the South West Africa Native Affairs Administration Act, 1954, (words added underlined):

---

<sup>1/</sup> Although the Immigration Act provides for the establishment of an Immigration Department under the control of a Minister, there is no Department of Immigration in the Union. However, in the Department of the Interior there is a Commissioner for Immigration and Asiatic Affairs (SA Yearbook 1952-53, p. 1223).

<sup>2/</sup> It must be noted in this connexion, however, that under Union Proclamation No. 267 of 1954 the Administrator is empowered to order that certain persons whom he deems to be undesirable persons under the provisions of the proclamation, depart from the Territory or be deported (SWAG, No. 1872, pp. 2-3).



7. (1) Subject to the direction and control of the Governor-General and the provisions of sub-section (1) bis, the Administrator shall carry on the administration of the affairs of the territory in regard to all matters in respect of which the Assembly is not competent to make ordinances.

(1) bis. Subject to the provisions of section three<sup>3/</sup> of the South-West Africa Native Affairs Administration Act, 1954, the Minister of Native Affairs of the Union shall carry on the administration of the affairs of the territory in regard to all matters referred to in paragraph (a) of section twenty-six.<sup>4/</sup> (SWA, Laws, 1949, p. 172; SWAG, No. 1843, p. 5).

10. It is further provided in the Act that, for the purpose of the application of laws in force in the Territory in so far as they relate to Native affairs, any reference in the laws to the administrator or to the Administration of the Territory is to be construed as a reference to the Governor-General unless the context indicates otherwise or unless the Governor-General by proclamation declares this provision to be inapplicable in respect of any law (SWAG, No. 1843, pp. 5-7).

11. The Administrator, however, is given a new function in connexion with the Territory's Native affairs by the South West Africa Native Affairs Administration Act, 1954. He is made a member of the Union Native Affairs Commission, which, inter alia, considers and makes recommendations to the Minister of Native Affairs on any matter relating to the general conduct of the administration of Native affairs, or to legislation which may affect the Native population. Moreover the Minister of Native Affairs may assign to him, as to any member of the Commission, any of the powers, duties or functions of the Minister. The relevant sections of the Native Affairs Act (Act No. 23 of 1920 as amended) read as follows:

---

<sup>3/</sup> Section 3 makes provision for the amendment of existing laws in the Territory dealing with Native affairs and provides that the Governor-General may declare these provisions inapplicable in specific cases and that he may delegate any of his powers and functions which formerly belonged to the Administrator to the Minister of Native Affairs. (SWAG, No. 1843, pp. 5-7).

<sup>4/</sup> "native affairs or any matters specially affecting natives, including the imposition of taxation upon the persons, land, habitations or earnings of natives." (SA, Statutes, 1910-47, vol. 3, p. 659).

1. Constitution of Native Affairs Commission. - The Governor-General may establish a commission which shall be known as the Native Affairs Commission and is hereinafter referred to as the commission. The commission shall consist of the Minister of Native Affairs (who shall be chairman), or alternative to him some fit and proper person designated by the Minister to be deputy chairman in his absence from any meeting of the commission, of the Administrator of the territory of South-West Africa and of not less than three nor more than five other members... The chairman and the deputy chairman when presiding shall have a deliberative as well as a casting vote...

2. Functions and Duties. - (1) The functions and duties of the commission shall include the consideration of any matter relating to the general conduct of the administration of native affairs, or to legislation in so far as it may affect the native population (other than matters of departmental administration), and the submission to the Minister of Native Affairs of its recommendations on any such matter. The commission shall also consider, and make recommendations with regard to, any matter of administrative routine submitted to it by direction of the Minister.

(2) The Minister of Native Affairs may in his discretion and subject to such conditions as he may deem fit, assign to a member of the commission any of the powers, duties or functions conferred or imposed upon him under any law.

3. Divergence of view between Commission and Government. -

(1) If in regard to any matter the Minister does not accept the recommendation of the commission or takes any action contrary thereto the commission may require that such matter, together with a memorandum of its views thereon, be submitted to the Governor-General;

and thereupon if the Governor-General does not accept the commission's recommendation the commission may require that all papers relative to the matter be laid before both Houses of Parliament, and the Minister, if such request is made, shall lay such papers before both Houses.

(2) Where a question has been decided by the casting vote of the chairman or the deputy chairman at any meeting of the commission, any member who dissented from the decision of the commission may request that his views, as stated by him in writing, shall be recorded and laid before both Houses of Parliament, and the Minister, if such request is made, shall lay the record of such member's views before such Houses (SA, Statutes, 1910-47, vol. 10, pp. 11-13; SA, Statutes, 1951, p. 1170; SWAG, No. 1843, p. 9).

12. These changes in the powers of the Administrator with regard to Native affairs were effective on 1 April 1955, the date on which the South West Africa Native Affairs Administration Act, 1954, came into operation. (SWAG, No. 1843, p. 9).

13. The role of the Administrator under the new Native affairs arrangements was described by the Minister of Native Affairs of the Union at the time of the second reading of the South West Africa Native Affairs Administration Bill in the Union Senate on 15 June 1954. He stated:

The intention is that the Minister of Native Affairs should be given the responsibility for the Native affairs of South West on behalf of the Union Government and that he should take over the control of the administration on behalf of the Union Government so that he can exercise his responsibility properly. It remains a fact however that it will always have to be possible to take local decisions in regard to cases demanding speedy action. The powers of the Administrator were always very effective in regard to that as

he is on the spot in South West Africa. In order not to lose the advantage of that local authority, we will make use of precisely the same person, namely the Administrator. That authority can be granted as a result of one of the last clauses in the Bill by which he is appointed as a member of the Native Affairs Commission. As such he can then be appointed as one of those members who are given full power to act on behalf of the Minister of Native Affairs in all prescribed cases. He will also have the necessary contact with the administration of South West Africa which is necessary for the exercise of that authority. What we are therefore achieving by means of this Bill is a proper method of dealing with the Native Affairs by the Union which has always had to deal with them, but just in a slightly different and more effective manner in the light of the fact that South West Africa is now represented in this Parliament. We are still using the person of the Administrator in terms of the only other method that is possible in practice in terms of our present legislation. That is really the crux of the Bill, nothing more and nothing less. A purely administrative re-arrangement is being carried out in regard to a task that we already have. (Senate Debates, 1954, vol. 13, col. 2962).

14. When the Opposition in the House of Assembly criticized the appointment of the Administrator as a member of the Native Affairs Commission on the ground that it would be difficult for him to attend the frequent meetings of the Commission in Pretoria, the Minister of Native Affairs replied as follows:

Then another point was mentioned, namely that the fact that the Administrator is becoming a fifth member of the Native Affairs Commission is only a "sop" for South West Africa. No, it is not a "sop"; it is a practical administrative measure. In reply to the question put to me I

want to say that the Administrator will not be expected to attend all the meetings of the Native Affairs Commission. He will be expected to attend all those meetings where principles are dealt with and laid down, principles that will be applicable to both that part of the work administered by him on our behalf and the work administered by the other members of the Native Affairs Commission. So when important meetings are held where principles are discussed it will be in his interest and in the interests of the work that he should be present. When matters specifically related to South West Africa are dealt with it stands to reason that he will also be present.

Mr. LAWRENCE: Is it not an awkward position?

The MINISTER OF NATIVE AFFAIRS: No, it is a very sensible arrangement. In such a remote area it stands to reason that there are many matters in connexion with which decisions have to be taken immediately and from day to day, while in the past the Administrator was given the authority to act on behalf of the Prime Minister in such cases it will be equally effective if he does so on behalf of the Minister of Native Affairs. He will be administering matters in the same way. Technically, however, an administrator as such cannot act on behalf of a member of the Cabinet, but as a member of the Native Affairs Commission he is allowed to do so. It is a technical arrangement to make that possible (Hansard, 1954, vol. 18, col. 6712).

15. In conclusion therefore it appears that the powers of the Administrator with regard to the administration of Native affairs are transferred by the South West Africa Affairs Native Administration Act, 1954, to the Union Minister of Native Affairs, but that the Union Minister is empowered to, and has stated that he would, in turn again delegate some of these powers to the Administrator.

16. The South West Africa Constitution Amendment Bill, which was introduced in the Union House of Assembly in 1954 but not yet debated at the close of the session (see above, para. 5) would also affect the powers of the Administrator by amending section 3 of the South West Africa Constitution Act, 1925, which deals with the powers and functions of the Executive Committee. This section at present provides that the Administrator in Executive Committee shall carry on the administration of those matters in respect of which the Assembly is

competent to make Ordinances, and that the powers, authorities and functions other than legislative powers, which before the constitution of the Executive Committee were vested in or exercised by the Administrator shall, in so far as they relate to matters within the competence of the Legislative Assembly, be vested in the Administrator in Executive Committee (see A/AC.73/L.3, question 7, para. 17). To this section the new South West Africa Constitution Amendment Bill would add another sub-section, as follows:

(3) The Administrator in Executive Committee may, notwithstanding the provisions of sub-section (2) or of any other law, by resolution delegate to the Administrator, subject to such conditions as may be specified in the resolution, any power, authority or function vested in the Administrator in Executive Committee under this Act or any other law, and any power, authority or function exercised by the Administrator under such a delegation shall for all purposes be deemed to have been exercised by the Administrator in Executive Committee. (SA, South West Africa Constitution Amendment Bill, A.B. 48-'54).

17. The bill also raises from twenty-five to one hundred thousand pounds the maximum total sum which the Administrator may draw from the Territory Revenue Fund to defray unforeseen expenditure of a special character not provided for by law or to meet an excess on any head of expenditure which is provided for by law. (SA, Statutes, 1910-1947, vol. 3, p. 667; SA, South West Africa Constitution Amendment Bill, A.B. 48-'54).

## QUESTION 8

Does the Chief Administrative Officer exercise these powers with the assistance of legislative, executive or advisory councils? If so, what are the powers of these councils? How are they constituted and do they include unofficial members and native members?

1. The Administrator continues to exercise his powers with the assistance of the Legislative Assembly and the Executive Committee. The constitution and powers of these bodies are outlined in the Information and Documentation previously submitted to the Committee on South West Africa. (A/AC.73/L.3, question 8, paras. 1-28, 49-69). During the period under review the only changes in the situation previously prevailing were in the qualifications of members of the Legislative Assembly, the actual membership of the Legislative Assembly after the death or resignation of three of its members and the holding of elections to fill the vacancies, the coming into operation of new voters' lists, and the question of consultation of the Executive Committee by the Administrator.

Qualifications of members of the Legislative Assembly

2. The qualifications and disqualifications of members of the Legislative Assembly are described in document A/AC.73/L.3, question 8, paras. 7-8. To this material the following information may be added:

3. The Suppression of Communism Act, 1950, as amended in 1951 and again in 1954, contains provisions disqualifying certain persons from membership in the Legislative Assembly of the Territory. The 1950 Act as amended in 1951 contains provisions summarized below regarding membership in the South West Africa Legislative Assembly.

4. If a Committee of the Union House of Assembly reports to the House

(1) that the name of a member of the Legislative Assembly of the Territory of South West Africa appears on a certain list of persons who are or have at any time been office-bearers, officers or active supporters of an organization declared to be an unlawful organization;<sup>1/</sup> or

<sup>1/</sup> The Communist Party of South Africa and any other organization declared by the Governor-General inter alia to have Communist aims, to be engaged in Communist activities, or to be Communist controlled.

(2) that the Legislative Assembly member is a Communist or has been convicted of an offence under section 11 of the Suppression of Communism Act, 1950;<sup>2/</sup> or

(3) that such a member is or was at any time an office-bearer, officer, member or active supporter of the Communist Party of South Africa, whether or not his name appears on the above-mentioned list, or that he has at any time professed to be a Communist or advocated, advised, defended or encouraged the achievement of any of the objects of Communism or any act or omission calculated to further the achievement of any such object, the Minister of Justice may, if the report is approved by the House of Assembly and the House does not recommend that no action be taken, notify that member and also the Chairman of the Legislative Assembly of the Territory of South West Africa in writing that the said member shall, as from a date specified in the notice cease to be such a member and as from that date he shall for all purposes be deemed to be incapable of sitting as a member of the Legislative Assembly in terms of section 17 of the South West Africa Constitution Act, 1925, and his seat shall become vacant. (SA, Statutes, 1950, pp. 549-573; 1951, pp. 328-336).

5. The Minister of Justice may at any time in like manner withdraw or vary any such notice.

6. The legislation in force prior to 1954 also contained a provision that no person in respect of whom a notice as described in para. 4 above had been issued by the Minister of Justice should be capable of being chosen as a member of the Legislative Assembly of South West Africa except with the approval of the Union House of Assembly. (SA, Statutes, 1951, p. 334). This section was amended in 1954 by the Riotous Assemblies and Suppression of Communism Amendment Act, 1954, to read in substance as follows:

7. No person in respect of whom a notice issued by the Minister of Justice as described above and no person whose name appears on a list of office-bearers, officers or active supporters of an organization declared to be

---

<sup>2/</sup> Offences under section 11 include inter alia performance of any act calculated to further the achievement of any of the objects of Communism, advocacy, advice, defence of or encouragement of the achievement of any such object, or any act or omission which is calculated to further the achievement of such object, as well as contravention of various provisions of the Act.



unlawful,<sup>3/</sup> or has been convicted of an offence under section 11 of the Act,<sup>4/</sup> or is a Communist, whether he has been nominated for election before or after the date of commencement of the Riotous Assemblies and Suppression of Communism Act, 1954, (15 April 1954), shall be capable of being chosen and, if he is chosen, of sitting as a member of the Legislative Assembly of South West Africa unless he has, prior to his election, obtained the written approval of the Minister of Justice or of the House of Assembly. If any person so incapable of being chosen as a member of the Legislative Assembly is chosen, the Minister shall notify that member and also the Chairman of the Legislative Assembly of the Territory in writing that the member was incapable of being chosen as such a member and thereupon his seat shall be deemed vacant.

(SWAG, No. 1821, pp. 3-5).

8. The 1954 Act also adds a new sub-section to the legislation in force which states that any person who, while being incapable under the provisions outlined above of being chosen as a member of the Legislative Assembly of South West Africa, accepts nomination for election as such a member shall be guilty of an offence and liable to imprisonment for a period not exceeding three years. (SA, Statutes, 1950, pp. 567-69; SWAG, No. 1821, p. 7).

#### Holding of elections to fill vacancies in the Legislative Assembly membership

9. The election of members to the Sixth Legislative Assembly and the membership of that Assembly are dealt with in document A/AC.73/L.3, question 8, paras. 53-57 and 66. This information may be supplemented by the following material regarding the holding of elections to fill vacancies which occurred in the membership of the Legislative Assembly during the period under review.

10. On 22 April 1954, a vacancy occurred in the representation in the Legislative Assembly of the electoral division of Warmbad due to the death of a member from that division Mr. J.D. de Villiers. (Gen. Notice No. 46 of 1954; SWAG, No. 1825, p. 556). The Administrator subsequently proclaimed that 26 May 1954 should be the day on which nominations of candidates to fill

---

<sup>3/</sup> See footnote 1/ above.

<sup>4/</sup> See footnote 2/ above.

the vacancy should be received and that 23 June 1954 should be the polling day. (P. 20 of 1954; SWAG, No. 1828). The election of Albert Oscar Niederheitmann was announced in Government Notice No. 178 of 15 July 1954. (SWAG, No. 1848).

11. On 31 July 1954, Dr. Herman Johannes Steyn resigned from the Legislative Assembly leaving a vacancy in the representation of the electoral division of Gobabis, while the death on 4 August 1954 of Mr. J.D. Herholdt left a similar vacancy with regard to the electoral division of Outjo (Gen. Notices Nos. 80 and 82 of 1954; SWAG, No. 1854, pp. 1133 and 1134). The Administrator proclaimed 15 September 1954 as the day on which nominations of candidates to fill the two vacancies should be received and set 20 October 1954 as the polling day in the by-elections to fill these two vacancies. (P. 45 of 1954; SWAG, No. 1856). Government Notice No. 287 of 15 November 1954 announced the election of Simon Frank and Daniel Johannes Theunissen as members of the Legislative Assembly for the divisions of Gobabis and Outjo respectively. (SWAG, No. 1865, p. 1340).

12. The following statistics relating to the elections were published:

Electoral Division	Candidates	Votes polled for	Number of ballot papers rejected	Total number of votes polled	Number of voters on voters' list
Warmbad	Maritz, Gysbert Jacobus	556	7	1193	1229
	Niederheitmann, Albert Oscar	630			
Gobabis	Frank, Simon	757	8	1398	1508
	Michau, Carel Petrus	633			
Outjo	Theunissen, Daniel Johannes	844	14	1263	1568
	Thompson, Brian Ogilvie	405			

(SWAG, No. 1848, p. 941; No. 1865, p. 1340)

General registration of voters

13. Information regarding the general registration of voters in the Union and South West Africa is provided in the Information and Documentation previously submitted to the Committee on South West Africa (A/AC.73/L.3, question 8, paras. 63-64). As stated, the date of commencement of the general registration of voters was fixed as 3 August 1953.

14. The law further provides that the lists prepared after the registration shall come into operation as from a date fixed by proclamation in the Gazette. (Electoral Laws Amendment Act, 1952; SA, Statutes, 1952; p. 833), and that this date shall be not later than one hundred and eighty days after the date of commencement of the general registration.

15. The date on which the new voters' lists would come into operation was fixed as 30 January 1954. (U.P. 11 of 1954; SWAG, No. 1804, p. 46)

Consultation of the Executive Committee by the Administrator

16. The constitution and the powers of the Executive Committee are outlined in the Information and Documentation in respect of the Territory previously submitted to the Committee on South West Africa (A/AC.73/L.3, question 8, paras. 24-28). During the period under review there have been no changes in those sections of the Territory's constitution which deal with the Executive Committee. However, the Minister of Native Affairs in introducing the South West Africa Native Affairs Administration Bill in the Union House of Assembly on 7 June 1954 made the following statement:

I also give the assurance here that while in the past it was purely a matter of courtesy when the Administrator consulted the Executive Committee of South West Africa in connexion with steps which he intended to take, I shall now instruct this representative to see to it that he always properly consults the Executive Committee as the legal authority acting on behalf of the Legislative Assembly. (Hansard, 1954, vol. 18, col. 6458).

This assurance of the Minister of Affairs was given with regard to the administration of Native affairs in the Territory only.

17. The legal basis for such consultation of the Executive Committee by the Administrator is section 7 of the South West Africa Constitution Act, 1925, as amended, which declares that it shall be competent for the elected members of the Executive Committee to advise the Administrator in respect of his administrative duties concerning the administration of matters on which the Legislative Assembly is not competent to make ordinances. The areas in which such advice may be given include matters of general policy, his assent to or reservation of an ordinance, and any other matter upon which he requests the advice of the Executive Committee. (SWA, Laws, 1949, pp. 172-4).

QUESTION 9

What are the different Government departments? How are they organized?

Reference is made to the information presented to the Committee on South West Africa in 1954 with respect to this Question (see document A/AC.73/L.3, Question 9, pp. 231-268). No further information is available for the period under review.

QUESTION 10

Into what administrative districts is the country divided? How are they organized?

1. Reference is made to the material presented under this Question in the Information and Documentation submitted to the Committee on South West Africa in 1954 concerning Magisterial Districts and District administration, the Police Zone, local government authorities (Municipal Councils and Villagement Management Boards), and townships (A/AC.73/L.3, Question 10, paras. 1-35, pp. 269-286). Supplementary information for the period under review is provided below.

Redefinition of Magisterial Districts

2. By Proclamation No. 51 of 1954, the boundaries of the Districts of Karibib, Omaruru and Swakopmund were redefined (SWAG 1860).

Extensions of the Police Zone<sup>1/</sup>

3. The extension of the Police Zone boundary in 1953, by Government Notice No. 2 of 1953 (see A/AC.73/L.3, Question 10, para. 6, p. 270 and A/AC.73/L.3/Corr.1, para. 20), brought within the Police Zone a further area of land extending westwards and northeastwards from the northwestern corner of the boundary south of the Kaokoveld District to the Western border of the Etosha Pan.

4. In 1954, the Police Zone boundary was further extended: in the west, from the Ugab River to the area of the previous extension; and in the north and northeast from the eastern border of the Etosha Pan to a point on the Eastern Native Reserve (GN. 198/1954, SWAG 1874).

---

<sup>1/</sup> See map of South West Africa, 1952 (A/AC.73/L.3/Add.2); in the absence of information regarding the boundaries of newly surveyed farms referred to in the redefinitions of the Police Zone boundary in 1953 and 1954, the Secretariat is unable to plot the present boundary of the Police Zone.

Establishment of Townships

5. The following six approved townships were established by proclamation during 1954, as compared with eight such townships established during the preceding seven years (see A/AC.73/L.3, Question 10, para. 35, p. 286):

Tsumeb (Extension No. 1), by Proclamation No. 14 of 1954 (SWAG 1807);

Welwitschia, by Proclamation No. 16 of 1954 (SWAG 1811);

Aranos, by Proclamation No. 23 of 1954 (SWAG 1830);

Leonardville, by Proclamation No. 24 of 1954 (SWAG 1830);

Koës (Extension No. 1), by Proclamation No. 25 of 1954 (SWAG 1830); and

Vineta, by Proclamation No. 40 of 1954 (SWAG 1848).

6. In addition, the boundaries of the approved township of Otavi (Proclaimed in 1949) were extended (GN. 183/1954; SWAG 1851).

QUESTION 11

How many officials are there?

How are they divided between the central administration, technical services (agriculture, public health, public works, etc.) and district administrations?

What is their origin and their nationality?

What are the conditions required for appointment?

What is the status of the officials? Are they entitled to a pension? Are advantages reserved to officials with a knowledge of the native languages?

1. The Information and Documentation presented to the Committee on South West Africa in 1954 contains material relating to the above questions (see A/AC.73/L.3, paras. 1 - 38, pp. 287 - 317). Reference is accordingly made to that material, which deals, inter alia, with the Public Service (paras. 1 - 4); the Public Service Commission (paras. 5 - 8); the Public Service Joint Advisory Council (paras. 12 - 16); salaries and allowances (paras. 18 - 28); the Pensions and Provident Fund (para. 29); and the staff position in South West Africa for the years 1945 - 46 to 1952 - 53 (para. 31).
2. Supplementary information is presented below concerning recruitment, qualifications of Public Service candidates, salaries and allowances, the staff position in South West Africa as at 31 March 1954, and the comments of the Public Service Commission on an Ordinance passed by the Legislative Assembly.

Recruitment

3. The Public Service Commission observed in its report for 1953 that the recruitment of candidates for the Public Service during the year was generally more satisfactory than in previous years. It was estimated, the report stated, that in competition with other employers the Public Service obtained its due share of the educationally qualified candidates who became available for



employment during the year (SA, PSC, 1953, p. 11).

4. However, the demand for candidates qualified for appointment to posts of medical officer, civil engineer, architect, geologist, librarian, mechanic, electrician, pharmacist, radiographer, surveying assistant and draughtsman still exceeded the supply. The recruitment for certain posts in the Clerical Division also fell far short of the needs of the Public Service, and departments and administrations were consequently permitted to continue engaging candidates under certain conditions in a temporary capacity pending their appointment in a permanent capacity if they fulfilled the necessary requirements (SA, PSC, 1953, p. 8).

#### Qualifications of Public Service Candidates

5. According to a statement by the Union Government Information Office, in June 1954, Native law has been added to the syllabus for the public servants' law examination and all candidates for this examination will be required to take Native law as a subject. For those employed in the Department of Native Affairs, Native administration will be another compulsory subject (SA reports, 24 June 1954; SA Government Information Office, New York).

#### Salaries and Allowances

6. As indicated in the Information and Documentation presented to the Committee on South West Africa in 1954, revised salary scales, partially consolidating existing cost of living allowances, became effective on 1 October 1953 for certain posts in the administrative, clerical and professional divisions of the Public Service (see A/AC.73/L.3, Question 11, paras. 21-22, pp. 304-305). The main features of the new salary scales and cost of living allowances were described by the Public Service Commission as follows:

- (i) the introduction of a key range (£48 x £6--£90 x £12--£114 x £18--£186 x £24--£330 x £30--£750 x £36--£894 x £42--£1,020 x £60--£1,200) into which individual scales have been slotted thus providing for uniform notches and incremental progression on all scales in contrast to the diverse salary patterns and differentiated notching which previously applied to the various

classified and non-classified groups of officials; a departure from the key range has, however, been made in favour of the Professional Division (Higher Branch) where the following key range now applies: £450 x £30--£540 x £48--£1,020 x £60--£1,200;

- (ii) the substitution in all but a few special cases, of fixed annual salaries for salary scales where the minimum notch of the old scale was £1,000 per annum or higher; and
- (iii) the reduction of the maximum rate of cost of living allowance drawn by a married official (i.e. one in receipt of a basic salary of more than £450 per annum) from £320 per annum to £234 per annum and in the case of unmarried staffs the introduction of tapering-off cost of living allowances with a maximum of £60 per annum for persons drawing basic salaries between £186 and £234 per annum, to £12 per annum for persons drawing basic salaries of £420 per annum and £450 per annum while single officials earning basic salaries of more than £450 per annum receive no cost of living allowance. Under the old scheme the rates of allowance for single staffs increased to £100 per annum when a basic salary of more than £150 was reached and that rate remained applicable to all single staff irrespective of basic earnings (SA, PSC, 1953, p. 6).

7. The new salary scales introduced on 1 October 1953, as reproduced in the SA Yearbook, 1952-53, p. 88, are as follows:

PUBLIC SERVICE - SCALES OF PAY FIXED IN TERMS OF  
ACT NO. 27 OF 1923, AS AMENDED

Division	Post	Grade	S C A L E		
			Minimum	Increment	Maximum
Administrative	Secretary	-	£ -	£ -	£ 2,700 (Fixed)
	Under-Secretary	-	-	-	1,900 (Fixed)
	Chief Clerk	First	-	-	1,380 (Fixed)
	Chief Clerk	Second	1,020	60	1,200
	Principal Clerk	-	894	42	1,020
	Senior Clerk	-	750	36	894
Clerical	Clerical Assistant	First	510	30	750
	Clerical Assistant	Second	£210 x £24-£330 x £30-£600		
	Woman Clerk	First	£306-£330 x £30-£540		
	Woman Clerk	Second	£168-£186 x £24-£330-£360		
	Typist	-	£186 x £24-£330 x £30-£570		
Professional	Chief Professional Officer	-	-	-	1,380 (Fixed)
	Principal Professional Officer	-	-	-	1,380 (Fixed)
	Senior Professional Officer	-	1,020	60	1,380
	Professional Officer	-	780	48	1,020
	Assistant Professional Officer	-	£450 x £30-£540 x £48-£780		

8. Details of the consolidation schemes to be applied to certain groups of permanent and all classes of temporary officials were still under consideration at the end of 1953, according to the report of the Public Service Commission for that year. The groups whose remuneration had yet to be consolidated or otherwise adjusted were listed in that report as follows:

- (i) teaching and nursing personnel: owing to the substantial improvement of the basic remuneration of these classes during 1952, it was not possible to apply the normal consolidation rules to the groups in question;
- (ii) temporary officials: since temporary classes are normally remunerated either on daily or weekly bases or on annual scales which differ from the annual scales applicable to permanent staffs, it will be necessary to evolve a special consolidation scheme for these categories of staff; and
- (iii) non-European employees: since non-European staffs, earning basic salaries or wages of £200 per annum or less, receive cost of living allowances under two separate schemes both of which differ from those applicable to Europeans an entirely new basis of consolidation will also require to be evolved (SA, PSC, 1953, p. 7).

9. On 9 April 1954, the Union Minister of the Interior made the following statement in the Union House of Assembly concerning the individual classes which had still to be finalized:

The finalization of this work has been delayed, because use was made of the opportunity in co-operation with the provincial administrations to create uniform salary scales as far as it was possible, and as far as it was possible to overcome overlapping salary scales which commonly occurs in the Civil Service. A considerable amount of success has already been achieved, and we trust that finality will be reached in this matter during the course of this year (Senate Debates, 1954, col. 1511).

Staff Position

10. The following table shows the distribution of the European and Non-European staff employed by the Administration of South West Africa as at 31 March 1954, and the costs in salaries and wages for the financial year 1953-54, according to a return furnished by the Accounting Officer of the Territory and included in the SWA, Accounts, 1953-54 (p. 20).

Branch/Office	Number of persons in service as at 31/3/54		Total cost in salaries and wages for period 1/4/53 to 31/3/54
	Europeans	Non-Europeans	
			£
Administration (Public Service and temporary staff)	616	503	484,754
Works (field staff only)	293	598	264,397
Roads (field staff only)	328	1,138	297,054
Postal (including field staff)	543	272	248,563
Education (Teachers - permanent and temporary)	407	394 (including 83 part-time)	449,102
Education (hostel staff)	312	759	34,647 (Wages of Non-Europeans outside Windhoek not included)
TOTALS	2,499	3,664	£1,778,517

11. For purposes of comparison, the totals for the years 1948-49 to 1952-53, inclusive, are reproduced below:<sup>1/</sup>

Year	Total European Staff	Total Native Staff	Total Cost £
1948-49	925	297	596,831
1949-50	1,040	518	670,697
1950-51	1,085	952 (includes 394 Native and coloured teachers)	729,360
1951-52	1,099	982 (includes 421 Native and coloured teachers)	821,416
1952-53	1,163	975 (includes 349 Native and coloured teachers)	940,723

<sup>1/</sup> Figures concerning the distribution of staff among the various branches and offices of the South West Africa Administration during previous years (presented in document A/AC.73/L.3, Question 11, para. 31, pp. 309-310) are not comparable to the figures available for 1953-54.

Comments of the Public Service Commission on draft Ordinances of the Legislative Assembly

12. In its report for the year 1953, the Public Service Commission made the following observations concerning the Roads Ordinance, 1953 (No. 17 of 1953):

28. The South West Africa Administration failed to submit the above-mentioned Ordinance in its draft form to the Commission for its comments in accordance with the existing arrangement requiring the submission to it of draft ordinances other than appropriation ordinances.

29. The Commission nevertheless proposed to the administration certain amendments to the draft ordinance, calculated to preserve the principle underlying Section thirteen<sup>2/</sup> of the Public Service Act, 1923.

30. The ordinance was passed before the Commission's suggested amendments could be considered. The administration, however, informed the Commission that its proposals would be borne in mind when it becomes necessary to make other amendments to the ordinance (SA, PSC, 1953, p. 5).<sup>3/</sup>

13. The above-mentioned Ordinance was amended in 1954 by Ordinance No. 23 of 1954 to introduce revised provisions concerning the use of monies in the Roads Fund and the revenue payable into the Fund (SWAG 1771, SWAG 1846). Since the amendments suggested by the Public Service Commission are not available, however, a comparison of those proposals with the amendments made in 1954 is not possible.

---

<sup>2/</sup> Section 13 provides that officers shall be paid salaries, wages or allowances in accordance with scales recommended by the Public Service Commission unless the Governor-General has expressly prescribed payment in accordance with other scales. The section also contains a proviso that on the recommendation of the Commission an officer may be paid at a higher rate under certain conditions.

<sup>3/</sup> For a similar case, see A/AC.73/L.3, Question 11, paras. 37-38, pp. 315-317.

QUESTION 12

Do natives take part in the general administration and, if so, to what extent? Are any posts in the public service open to natives? Have any councils of native notables been created?

1. For information concerning the extent of Natives' participation in the general administration and the availability of posts in the public service for them, reference is made to the tabulations previously submitted to the Committee on South West Africa listing the position in the various government departments (see document A/AC.73/L.3, Question 9, paragraph 2).
2. With respect to the participation of Natives in public administration at the municipal level, it appears from staff and leave rules approved by the Administrator for the Municipalities of Mariental (GN.283/1953, SWAG 1783) and Swakopmund (General Notice No. 7 of 1954, SWAG 1804) that Natives and other Non-Europeans are not eligible for permanent appointment in the service of the Municipal Councils concerned. An "employee" is defined in these rules as "any person of European descent whose permanent appointment in the service of the Council has been made" in terms of the relevant section of the Municipal Ordinance, 1949. The staff and leave rules for both Municipalities provide, however, for "temporary servants" who are defined as "all persons employed by the Council other than in a permanent capacity."
3. With regard to councils of Native notables, reference is made to the information and documentation previously submitted to the Committee on South West Africa (A/AC.73/L.3, question 12, para. 2, and question 13, paras. 81 and 88). On the basis of the information available there have been no further developments during the period under review.



QUESTION 13

Are there any native communities organized under native rulers and recognized by the Government? What degree of autonomy do they possess and what are their relations with the Administration? Do village councils exist?

1. Information regarding the administration of Native affairs in the Territory is contained in the information and documentation previously submitted to the Committee on South West Africa (A/AC.73/L.3, question 13).
2. The material in this section falls under the two main headings "Central Administration of Native Affairs" and "Local Administration of Native Affairs".
3. Under "Central Administration of Native Affairs" the provisions of the South West Africa Native Affairs Administration Act, 1954, are dealt with, as are the organization and activities of the Native Affairs branch of the Administration, and the establishment of Native reserves and their administration.
4. Under "Local Administration of Native Affairs" the material is sub-divided into two sections: "Inside the Police Zone" and "Outside the Police Zone." The section dealing with the administration of Native affairs inside the Police Zone deals with "Native Reserves", "Natives in urban areas", and the "Rehoboth Gebiet". The section dealing with the administration of Native affairs outside the Police Zone contains information concerning "Native Territories and Reserves", and the "Bushmen".

Central administration of Native affairs

5. With regard to the central administration of Native affairs the information and documentation available indicates that during 1954 there was no substantial change in the situation described in the information previously submitted to the Committee on South West Africa (A/AC.73/L.3, question 13, paras. 1-4). The situation, however, is to be altered in the future by the South West Africa Native Affairs Administration Act, 1954 (Act No. 56 of 1954), which was passed by the Union Parliament during the year 1954 but did not come into operation until 1 April 1955. Although the text of this Act is available to the Committee on South West Africa (see Annex I to question 2) and the provisions of the Act are dealt with below, various changes in the details of future

Native administration in the Territory are dependent upon the enabling legislation of this Act; however, information regarding such enabling legislation has not yet been received. Consequently in the information and documentation to follow it has not been possible in all cases to outline the exact form which the new arrangements with regard to Native administration in the Territory will take, and in some cases it has been possible only to present the various alternatives under the new legislation.

6. With the coming into force of the South West Africa Native Affairs Administration Act, 1954, on 1 April, 1955, primary responsibility for the administration of Native affairs in the Territory was transferred from the Administrator of South West Africa to the Minister of Native Affairs of the Union (SWAG, No. 1843, p. 5; see above, question 2, paras. 21-78).

7. In the administration of the Native affairs of South West Africa the Union Minister of Native Affairs is responsible to the Union Parliament. Formerly, before the entry into force of the South West Africa Native Affairs Administration Act, 1954, South West African Native ~~affairs~~ might be brought up and discussed in Parliament under the Prime Minister's vote (although in actual practice this situation normally does not occur). Now the Territory's Native affairs may be discussed under the vote of the Minister of Native Affairs and the Minister may be called to account in connection with the administration of the Territory's Native population. In the Senate at the time of the second reading of the bill to transfer the administration of Native affairs to the Union, the Minister of Native Affairs indicated that, in future, discussions on Native affairs, questions in regard to the administration of Natives, and legislation on Native affairs would as far as possible be dealt with by the Union Parliament (Hansard, 1954, vol. 18, col. 6455-6, 6709; Senate Debates, 1954, vol. 13, col. 2960-1; see also question 2, paras. 43-44 and question 7, paras. 2-4).

8. The South West Africa Native Affairs Administration Act, 1954, provides that for the purpose of the application of laws in force in the Territory relating to Native affairs any reference in such laws to the Administrator or the Administration of the Territory shall be construed as a reference to the Governor-General unless the context indicates otherwise or the Governor-General by proclamation declares this provision to be inapplicable. The powers formerly

exercised by the Administrator with regard to Native affairs therefore revert normally to the Governor-General, including those powers outlined in the Native Administration Proclamation, 1928, inter alia recognition, appointment and removal of chiefs, definition of tribal boundaries and division or amalgamation of tribes, ordering of removal of tribes, and exercise of political power and authority of a supreme or paramount chief (see document A/AC.73/L.3, question 13, para. 4).

9. These are the elements in the new arrangements with regard to the administration of Native affairs in South West Africa which indicate a transfer of control over Native affairs to the Union of South Africa. But in both the South West Africa Native Affairs Administration Act, 1954, itself, and in the explanations of this Act which were made by the Union Minister of Native Affairs at the time of the introduction of the bill in Parliament there are indications that the transfer of the Territory's Native affairs to the Union is not complete.

10. Although the South West Africa Native Affairs Administration Act, 1954, transferred responsibility for the administration of Native affairs from the Administrator of South West Africa to the Minister of Native Affairs of the Union, the same Act contains a provision making the Administrator a member of the Native Affairs Commission of the Union. The Minister of Native Affairs may, in his discretion and subject to such conditions as he may deem fit, assign to the Administrator, as such a member, any of the Minister's powers, functions or duties under any law (SWAG, No. 1843, p. 5; SA, Statutes, 1951, p. 1170). Thus, although the constitutional position with regard to the administration of Native affairs has been changed, both the wording of the law in force and the statement of the Minister of Native Affairs in the Union Senate on 15 June 1954 at the time of the second reading of the bill (see above, question 7, para. 13) indicate that the transfer is not necessarily complete and that the Administrator may share certain of the Minister's powers, functions or duties with regard to the administration of Native affairs in South West Africa. In the Union House of Assembly on 7 June 1954 the Minister of Native Affairs stated:

The Union is responsible for Native affairs in South West Africa.

At the moment the Union is carrying out this task through the Administrator

acting as a representative of the Union Government. I do not even intend bringing about any change in that machinery. In the future the Administrator will still be used to carry out tasks which should be carried out by someone on the spot. The method that will be employed will be to appoint the Administrator as the fifth member of the Native Affairs Commission. In his capacity as a member of the Native Affairs Commission he will then be able to receive the necessary delegated powers from the Minister of Native Affairs, enabling him to act expeditiously there.<sup>1/</sup>

11. Further evidence of the lack of complete integration with the Union in the administration of Native affairs is the statement by the Minister of Native Affairs that in future the Administrator must consult the Executive Committee.

I also give the assurance here that while in the past it was purely a matter of courtesy when the Administrator consulted the Executive Committee of South West Africa in connection with steps which he intended to take, I shall now instruct this representative to see to it that he always properly consults the Executive Committee as the legal authority acting on behalf of the Legislative Assembly. (Hansard, 1954, vol. 18, col. 6458).

12. Finally, although it is provided in the South West Africa Native Affairs Administration Act, 1954, that, for the purpose of the application of laws in force in the Territory relating to Native affairs, any reference in such laws to the Administrator or the Administration of the Territory shall be construed as a reference to the Governor-General unless the context indicates otherwise, it is also provided that the Governor-General may by proclamation declare this provision to be inapplicable in respect of any law or any provision of such

---

<sup>1/</sup> The Minister also indicated that, although the Union Parliament would as far as possible legislate with regard to Native affairs in South West Africa, in some instances legislation by proclamation would be necessary, just as it was necessary in certain instances in the Union's Native territories (Senate Debates, 1954, vol. 13, col. 2960). Whether such proclamations would be issued by the Governor-General of the Union or the Administrator of the Territory is not made clear in either the text of the South West Africa Native Affairs Administration Act, 1954, or in the explanations of it offered in Parliament.

law and may determine in what manner any relevant reference is to be construed. (SWAG, No. 1843, pp. 5-7).

13. The new arrangements with regard to the administration of Native affairs provide that South West Africa shall become the seventh Chief Native Commissionership under the jurisdiction of the Union Minister of Native Affairs. A Chief Native Commissioner, in addition to the Secretary for South West Africa, who, until the transfer of the administration of Native affairs to the Union, was also Chief Native Commissioner for the Territory, will be appointed (Senate Debates, 1954, vol. 13, col. 2983-4).

14. The powers and duties of a Chief Native Commissioner as prescribed by the Minister of Native Affairs and enumerated by Howard Rogers of the Department of Native Affairs in Native Administration in the Union of South Africa are as follows:

He shall -

- (1) in his area be the representative of the Department and exercise the powers and carry out the duties imposed by legislation, regulation or special instruction;
- (2) exercise supervision over Native Commissioners, Agricultural and Engineering Officials, Tribal Chiefs, Headmen and other officers of the Department;
- (3) watch over the interest of the Natives by making himself acquainted with their social and economic conditions, enquiring into their complaints, assisting them to secure employment and furthering any movements for their moral and material welfare; and
- (4) keep the Secretary informed of all matters of importance that arise in his area and relate to the Native people (SA, Native Administration, p. 8).

15. With regard to local Native affairs officials the South West Africa Native Affairs Administration Act, 1954, provides in section 3 (3) that the Minister of Native affairs may delegate to any officer of the Department of Native Affairs any power or function which the Governor-General, under the

provisions of section 3 of the Act,<sup>2/</sup> delegates to the Minister (SWAG, No. 1843, p. 7). Local Native affairs officials, the Minister of Native Affairs has stated, have been and will continue to be seconded from the Union Department of Native Affairs (Senate Debates, 1954, vol. 13, col. 2983).

16. The duties assigned to Native Commissioners and Additional Assistant Native Commissioners for their respective areas are described by Howard Rogers of the Union Department of Native Affairs in Native Administration in the Union of South Africa as follows:

They shall

- (1) exercise control over the supervision of the Native people for their general and individual welfare;
- (2) exercise such civil and criminal jurisdiction as may be conferred upon them, and shall carry out all laws and regulations applying to Natives;
- (3) be accessible to Natives and show patience and sympathy in listening to their grievances and difficulties;
- (4) convene quarterly meetings with chiefs, headmen and people in order to acquaint them with new laws and instructions and to hear the representations they may wish to bring forward on any matters concerning them;
- (5) encourage Natives to avail themselves of existing educational facilities;
- (6) administer with tact and efficiency the laws and regulations relating to land, make themselves acquainted with the laws, customs and history of the tribes, keep informed of all political, social, economic and other influences among the people and assist them in their social and economic welfare;
- (7) ensure that Natives receive prompt attention when they come to the office;

<sup>2/</sup> These powers and functions are those formerly exercised by the Administrator or the Administration of the Territory with regard to Native affairs. Under section 3 of the South West Africa Native Affairs Administration Act, 1954, they devolve upon the Governor-General, unless he declares by proclamation that they shall not do so; they may be proclamation by delegated by him to the Minister of Native Affairs. (SWAG, No. 1843, pp. 5-7).

- (8) collect taxes due and payable by Natives;
- (9) communicate with the Department through their Chief Native Commissioner who shall be kept informed of all matters of importance and be supplied annually with a report on the general condition and progress of the Natives with special reference to social, economic, agricultural and educational matters (SA, Native Administration, pp. 9-10).

#### Establishment of Native reserves and their administration

17. Information with regard to the establishment of Native reserves, the policy of the Administration in their establishment, and the location, size and population of the various reserves is contained in the information and documentation previously submitted to the Committee on South West Africa (A/AC.73/L.3, question 13, paras. 5-24). During 1954 the principal alterations in the situation described in these paragraphs have been as follows:

(1) With the passage of the South West Africa Native Affairs Administration Act, 1954, and its coming into force on 1 April 1955, a new legal position was created with regard to (a) the body in which the reserves are vested and (b) the manner in which they are set aside (see A/AC.73/L.3, question 13, para. 6, Chapter S, paras. 138-143 regarding land, and paras. 18-21 of this question below).

(2) The legislation with regard to the alienation or rescission of land set aside as Native reserves has been altered (see A/AC.73/L.3, question 13, para. 7, and paras. 22-23, below).

(3) Various statements of policy were made by persons or groups in an official capacity regarding the possibility of extending the Native reserves in South West Africa (see A/AC.73/L.3, question 13, paras. 11, 14-24, and paras. 24-27 below).

(4) More recent figures have become available regarding the Native reserves in South West Africa, their area, and population; furthermore additions were made to the Native reserves (see A/AC.73/L.3, question 13, para. 11, and paras. 28-29 below).

18. Vesting of Native reserves in the South African Native Trust. With the coming into force of the South West Africa Native Affairs Administration Act, 1954, on 1 April 1955 the Native reserves of South West Africa were vested in the South African Native Trust established by the Union Native Trust and Land Act, 1936 (SWAG, No. 1843, p. 7). In relation to these reserves the Trustee has the same powers and functions, and is subject to the same duties as if the Territory of South West Africa were included in the Union. (The Trustee is the Governor-General; he may delegate any of his powers and functions as Trustee to the Minister of Native Affairs who must act in consultation with the Native Affairs Commission). (SA, Statutes, 1910-47, vol. 10, p. 191). The extent to which the provisions of the Union Native Trust and Land Act, 1936, will be applied to the Territory and to which the Trustee will exercise powers and functions and will be subject to duties with regard to the Territory cannot be ascertained on the basis of the information at present available. The situation presumably will be clarified with the legislation promulgated to give effect to the South West Africa Native Affairs Administration Act, 1954, upon the coming into force of that Act.

19. Establishment of new reserves. With regard to the establishment of new reserves it will be recalled that the Native Administration Proclamation, 1922, which, together with the Crown Land Disposal Ordinance, 1903, of the Transvaal, as amended and as applied to South West Africa by Proclamation No. 13 of 1920, as amended (see below, Chapter S, paras. 138-143) provides the legal basis under which the Administrator has set aside areas as Native reserves. Section 16 of the Native Administration Proclamation, 1922, as amended, provides inter alia that the Administrator may, whenever he deems it desirable, set aside areas as Native reserves for the sole use and occupation of Natives generally or of any race or tribe of Natives in particular (A/AC.73/L.3, question 13, para. 6).

20. It is not clear from the information available whether, if any more Native reserves should be set aside in South West Africa, this function will still be fulfilled by the Administrator. The setting aside of Native reserves has in the



past been done by the Administrator by Government Notice.<sup>3/</sup> With the coming into force of the South West Africa Native Affairs Administration Act, 1954, on 1 April 1955 there may have been a change in this situation, but since information regarding the legal situation with regard to the setting aside of reserves is not available and the matter may be resolved in various different ways, the occurrence of such a change will be apparent only with the actual setting aside of land as reserves. The various possibilities are as follows:

(1) If the setting aside of Native reserves is considered by the Union Government to be an administrative action then the provisions of the 1922 Native administration proclamation regarding the setting aside of Native reserves by the Administrator might be changed. The change would consist of substituting the Governor-General for the Administrator as the person to set aside Native reserves.<sup>4/</sup> This function of the Governor-General could, however, be delegated by him to the Minister of Native Affairs under section 3 (3) of the South West Africa Native Affairs Administration Act, 1954, and could in turn be delegated by the Minister of Native Affairs either to any officer of the Department of Native Affairs, or once again to the Administrator (see question 7, para. 11).

(2) If, on the other hand, the setting aside of Native reserves is considered by the Union Government to be a legislative action, it would not fall under those questions transferred to the Union Minister of Native Affairs by the South West Africa Native Affairs Administration Act, 1954, which provides for the transfer of the administration only of Native affairs to the Union Minister. Instead it would be for the Union Parliament, the Governor-General or the Administrator to set aside areas as Native reserves (see question 7, paras. 2-3).

---

<sup>3/</sup> The South West Africa Native Affairs Administration Act, 1954, however, established a Native reserve, the first that has been established by the South West Africa Administration other than by Government Notice (SWAG, No. 1843, pp. 7-9).

<sup>4/</sup> The law also provides, however, that the Governor-General may by proclamation declare this provision to be inapplicable (Section 3 (2) of South West Africa Native Affairs Administration Act, 1954; SWAG, No. 1843, p. 7).

21. Although it is not possible to determine on the basis of the information available whether the setting aside of Native reserves is an administrative or a legislative action, various matters are of interest in this connexion:

(1) The minister of Native Affairs stated in the Union Senate on 15 June 1954 that in future as far as possible the Territory's Native affairs would be controlled by legislation of the Union Parliament, although in some instances legislation by proclamation would be necessary just as it was in the Union (see above question 7, para. 4).

(2) The South West Africa Native Affairs Administration Act, 1954, an Act of the Union Parliament, itself set aside a piece of land as a Native reserve (SWAG, No. 1843, pp. 7-9).

(3) Alienation of land set aside as a Native reserve may not, under the Treaty of Peace and South West Africa Mandate Act, 1919, take place except under the authority of Parliament (see para. 22 below).

(4) The Governor-General, with the approval of Parliament, may rescind the setting aside of any area of land as a Native reserve under the terms of the South West Africa Native Affairs Administration Act, 1954, subject, however, to land of at least an equivalent pastoral or agricultural value being set apart as a Native reserve (see para. 23 below).

(5) The establishment of a Native reserve necessarily involves the release of Government lands for this purpose; the control of Government lands devolved upon the Legislative Assembly in 1949, and the disposal of these lands is exercised by the Administrator (see Chapter S, paras. 6-12).

(6) The setting aside of the Eastern Caprivi Zipfel as a Native reserve (U.G.N. 1210 of 1940; SWA, Laws, 1940, p. 146) was done by the Union Minister of Native Affairs acting under the powers vested in him by section 16 of the Native Administration Proclamation, 1922 (which empowers the Administrator to set aside areas as Native reserves) read with section 3 of the Eastern Caprivi Zipfel Proclamation, 1939 (which states that laws in force in the Eastern Caprivi Zipfel prior to the commencement of the Proclamation shall remain in force provided

inter alia that every reference in these laws to the Administrator shall be construed as a reference to the Minister of Native Affairs of the Union). (SWA, Laws, 1939, p. 30; 1940, p. 146).

The Eastern Caprivi Zipfel Proclamation, 1939, also provides in section 2 that, although the Minister of Native Affairs shall exercise all powers, functions and authorities formerly exercised by the Administrator of South West Africa in the administration of the area, he shall not have or exercise the authority of the Governor-General and the Administrator of South West Africa to repeal, alter, amend or modify laws applicable to the area. After the commencement of the Proclamation this authority is to be exercised by the Governor-General alone. (SWA, Laws, 1939, pp. 28-30). In view of this provision, the setting aside of the Eastern Caprivi Zipfel as a Native reserve by the Minister of Native Affairs would appear to have been an administrative rather than a legislative action.

22. Alienation or rescission of land set aside as Native reserves. With regard to the alienation or rescission of land set aside as a Native reserve it will be recalled that under Section 4 (3) of the Treaty of Peace and South West Africa Mandate Act, 1919, land set apart as a Native Reserve may not be alienated except under the authority of Parliament (provided that the Governor-General may grant individual title in respect of land contained in any such reserve to any person lawfully occupying and entitled to such land) (A/AC.73/L.3, question 13, para. 7). This provision has not been repealed, but in the South West Africa Native Affairs Administration Act, 1954, section 5 provides:

(1) Notwithstanding anything to the contrary in any law contained the Governor-General may, by proclamation in the Gazette and in the Official Gazette of the territory, with the approval by resolution of both Houses of Parliament, rescind any reservation or setting apart of any land or area referred to in sub-section (1) of section four<sup>5/</sup> or of any portion of such land or area, subject to land of at least an equivalent pastoral or agricultural value being reserved or set apart, in terms of any law in force in the territory, for the sole use and occupation of natives.

5/ The Natives reserves of the Territory.

(2) Any land or area in respect of which the reservation or setting apart is rescinded in terms of sub-section (1) shall become unalienated State property and may be dealt with as such, and the provisions of sub-section (1) of section four shall apply to any land reserved or set apart in pursuance of the provisions of sub-section (1). (SWAG, No. 1843, p. 7).

23. In explanation of this section of the bill at the time of its second reading in the Union Senate, the Minister of Native Affairs made the following statement: Formerly, if we wanted to make a piece of a reserve European, in order to make another piece of European land a Native area - or if we wished to decrease a Native area, then both Houses of Parliament had to decide that. In the Union we have a very simple procedure and that is that a piece of Native land can become a European area provided compensating land of equal value is provided. All that we now do in this clause is to introduce the same method here, and what is proposed here in regard to equal compensatory land is the practice in South West Africa. There the executive committee will never take away a portion of a Native area without giving a compensating piece of land of equal value, that is to say, of agricultural or pastoral value. That is the custom and all that is proposed here is that in future the same thing can happen as happens in the Union. It should therefore also not cause any difficulty to anyone. It is the function here and it is the custom there (Senate Debates, 1954, vol. 13, col. 2985).

24. Extension of Native reserves. With regard to the extension of Native reserves (see A/AC.73/L.3, question 13, paras. 11, 14-24), various comments of interest have been made by the South West Africa Native Labourer's Commission, 1945-1948, by the representative of the Union of South Africa in the Fourth Committee of the General Assembly in 1954, and by the Minister of Native Affairs in the Union Senate.

25. The South West Africa Native Labourer's Commission in dealing with labour conditions in the Territory made the following statement:

Although the question of the perpetuation and possible extension of the Native Reserves in the Territory is a matter of policy which does not directly fall within the Commission's terms of reference, it is something

which is so desirable from the point of view of the proper regulation of local native labour in the Territory and of such importance when it comes to making provision for the dependants of local natives working in towns and on the farms that the Commission cannot but state that from those points of view it is highly desirable that Native Reserves large enough for the needs of the various local tribes should be retained. If possible, they should be so grouped as to facilitate the extension of health and educational amenities and the exercise of proper control (SWA, Labour Report, para. 179).

26. Speaking before the Fourth Committee of the General Assembly at its 407th meeting on 15 October 1954 the representative of the Union of South Africa stated that, although the portion of the Territory available for European settlement had been extended between 1947 and 1953, it must also be stated that in the same period millions of hectares of additional land had been set aside for the exclusive use of Natives. That land was largely undeveloped and unoccupied, but considerable funds had been voted in recent years for the development of Native areas. The new Native areas, together with the possibility of establishing further Native areas on unallocated Crown land, provided the possibility of meeting the future foreseeable needs of those Natives occupied in agricultural pursuits on their own account (A/C.4/SR.407, para. 56).

27. The question of extending the Native reserves of the Territory was raised in the Union Senate at the time of the debate on the South West Africa Native Affairs Administration Bill. On 15 June 1954 the Minister of Native Affairs made the following statement:

A third question was whether there will be any change in the land system, that is to say whether the reserves are now going to be enlarged or decreased. My reply to that is that no change is to be made in the land system. The reserves are obviously in reality under the control of the Union as has already been pointed out by Senator Nel. Crown land out of which it can be enlarged is under the control of the Administration and of the Legislative Assembly of South West Africa, we can say nothing about that. I cannot enlarge the reserves. We will not in any case be able to do so. Even if we could do so by means of an Act of the Union Parliament I would still not do so.

It has been handed over to the Legislative Assembly for its jurisdiction and it will exercise it.

Senator JACKSON: We merely wish to protect both sides. That is all.

The MINISTER OF NATIVE AFFAIRS: Both sides are protected, yes. I will not enlarge nor decrease. (Senate Debates, 1954, vol. 13, Cols. 2984-5).

28. Location, area and population of Native reserves. The following is a list of the native territories and reserves in South West Africa which have been proclaimed for the sole and exclusive occupation of natives.<sup>6/</sup> As formerly stated (A/AC.73/L.3, question 13, para. 11) Europeans may not reside in or enter these areas without permits, which are granted only to missionaries, traders and other persons having legitimate business in the reserves. Europeans may not acquire title to land in reserves. The land may not be alienated without the authority of the Union Parliament (see A/AC.73/L.3, question 13, para. 7), but the reservation of land may be rescinded, according to the provisions of the South West Africa Native Affairs Administration Act, 1954, by proclamation of the Governor-General with the approval by resolution of both Houses of Parliament, provided that land of at least an equivalent pastoral or agricultural value is reserved for the sole use and occupation of Natives (SWAG, No. 1843, p. 7).

---

<sup>6/</sup> With regard to the area of the various reserves, it will be noted, if the figures for the extent of Native reserves before 1953 in the present table are compared with those given in the information and documentation previously submitted to the Committee on South West Africa (A/AC.73/L.3, question 13, para. 11), that there are various discrepancies in the area of certain reserves between figures which relate to the same date. The sources of the figures for the previous table were the 1949 South African Yearbook, the 1946 Annual Report and the South West Africa Laws. The sources of the figures for the present table are principally the 1951-52 South African Yearbook, together with the more recent information contained in the Government Gazette. With regard to five reserves, Eastern, Berseba, Neuhof, Okombahe, and Waterberg East, figures which were given as estimates in the information previously submitted to the Committee on South West Africa are no longer labelled as estimates. With regard to the four other reserves with varying area figures, Epukiro, Ovitoto, Otjihorongo and Hoachanas, there is no information available to explain the discrepancy in figures.

29. During 1953 an addition of 1,000 hectares was made to the Kaakoveld reserve, while in 1954 a further addition of 11,413 hectares was made to the same reserve. (GN. 201 of 1953 and 262 of 1954; SWAG, No. 1773, p. 552; No. 1864, p. 1305). With the coming into effect of the South West Africa Native Affairs Administration Act, 1954, on 1 April 1955, a new Native reserve, 32,000 hectares in extent was created (SWAG, No. 1843, pp. 7-9). The following table showing the Native reserves in the Territory includes information supplementary to that contained in document A/AC.73/L.3, question 13, para. 11. The table indicates the extent of the Native reserves under German treaties and additions made by the South West Africa administration prior to 1953, further additions made during 1953 and 1954, the extent of each reserve at the end of 1954, the tribes occupying each reserve, and the estimated population at the end of 1950 and in some cases of 1952.

NATIVE RESERVES IN SOUTH WEST AFRICA

Inside the Police Zone

District	Name of Reserve	Extent under German treaties and Additions by SWA Administration before 1953 (hectares)	Additions by SWA Administration during 1953 and 1954 (hectares)	Extent at 31/12/54 (hectares)	By whom occupied 1951 - 1952	Estimated population, 31 December 1950 and 1952				
						Men 1952	Women 1952	Children 1952	Total	
								1950	1952	
Bethanie	Soromas	23,573 <sup>1/</sup>	-	23,573 <sup>1/</sup>	Bethanie Hottentots	43	54	61	181	158
Gibeon	Gibeon Reserve (Krantzplatz)	39,192*	-	39,192*	Witbooi Hottentots and Damaras	110	163	228	376	501
Gobabis	Aminuis	554,800	-	554,800	Hereros and Bechuanas	576	768	1,049	2,063	2,393
"	Eastern	1,287,680	-	1,287,680	Unoccupied	-	-	-	-	-
"	Epukiro	997,840	-	997,840	Hereros	752	993	974	2,703	2,719
Grootfontein	Otjituo	411,024*	-	411,024*	Hereros	615	612	744	2,201	1,971
Karibib	Otjimbingwe	91,021	-	91,021	Damaras and Hereros	316	456	392	1,069	1,164
Keetmanshoop	Berseba	596,992	-	596,992	Berseba Hottentots	651	871	489	1,991	2,011
"	Tses	254,587	-	254,587	Hereros, Damaras and Hottentots	225	285	357	891	867
Maltahöhe	Neuhof	20,034	-	20,034	Hottentots, Hereros and Damaras	29	35	44	86	108
Okahandja	Ovitoto	61,194	-	61,194	Hereros	414	599	459	1,441	1,472
Omaruru	Okombahe	433,164	-	433,164	Damaras	683	877	1,070	1,936	2,630
"	Otjihorongo	360,000	-	360,000	Hereros	1,086	1,036	502	2,800	2,624
Otjiwarongo	Waterberg East	463,872	-	463,872	Hereros and Damaras	1,395	1,761	838	4,739	3,994
Outjo	Franzfontein	57,188* <sup>2/</sup>	-	57,188* <sup>2/</sup>	Damaras and Swartbooi Hottentots	194	234	404	689	832
Rehoboth	Hoachanas (temporary)	14,253	-	14,253	Rooinasie Hottentots	61	103	257	336	421
Warmbad	Bondels	174,505	-	174,505	Bondelzwarts Hottentots	142	242	503	825	387
"	Warmbad	14,500* <sup>3/</sup>	-	14,500* <sup>3/</sup>	Bondelzwarts Hottentots <sup>4/</sup>	No	information	available <sup>4/</sup>		
Windhoek	Aukeigas	13,837	-	13,837	Damaras	72	118	104	298	294
<b>TOTAL - Inside the Police Zone</b>		<b>5,869,256*</b>	<b>-</b>	<b>5,869,256*</b>		<b>7,364<sup>5/</sup></b>	<b>9,207<sup>5/</sup></b>	<b>8,475<sup>5/</sup></b>	<b>24,625<sup>5/</sup></b>	<b>25,046<sup>5/</sup></b>

\* Approximate.

Note: The Rehoboth Gebiet, in extent 1,393,400 hectares in the Rehoboth District, is reserved for the Rehoboth Coloured Community. <sup>13/</sup>

SOURCE: Unless otherwise noted is South African Yearbook, 1951 - 1952, p. 1175.



Outside the Police Zone

District	Name of Reserve	Extent under German treaties and Additions by SWA Administration before 1953 (hectares)	Additions by SWA Administration during 1953 and 1954 (hectares)	Extent at 31/12/54 (hectares)	By whom occupied 1951 - 1952	Estimated population, 31 December 1950 and 1952			
						Men 1952	Women 1952	Children 1952	Total 1950 1952
Eastern Caprivi Zipfel <sup>6/</sup>	Eastern Caprivi Zipfel <sup>6/</sup>	1,161,216	-	1,161,216	Mafue and Masubia				14,280
Grootfontein	Okavango Native Territory	3,256,832	-	3,256,832	Kuangari, Bunja, Sambio, Diriko and Bushmen <sup>7/</sup>				25,723
"	Native Reserve	<sup>8/</sup>	-	<sup>8/</sup>	No information available				-
"	" "	-	32,000 <sup>9/</sup>	32,000 <sup>9/</sup>	" " "				-
"	Western Caprivi Zipfel <sup>10/</sup>	581,120 <sup>10/</sup>	-	581,120 <sup>10/</sup>	Mbukushu and Bushmen				3,229
Kaokoveld <sup>11/</sup>	Kaokoveld (including Zessfontein)	5,529,472	12,413 <sup>11/</sup>	5,541,885	Hereros, Ovatjimbas, Ovahimbas and Oorlams Hottentots				6,011
Ovamboland	Ovamboland	4,200,000*	-	4,200,000*	Ondonga, Ukuanyama, Ukuambi, Ongandjera, Ombalantu, Ukualuthi and Okolonkathi				150,994
Total - Outside the Police Zone		<u>14,728,640*<sup>12/</sup></u>	<u>44,413</u>	<u>14,773,053*<sup>12/</sup></u>					<u>200,237</u>
Grand total - inside and outside the Police Zone		<u>20,597,896*<sup>12/</sup></u>	<u>44,413</u>	<u>20,642,309*<sup>12/</sup></u>					<u>224,862<sup>5/</sup></u>

\*Approximate.

Notes: The Rehoboth Gebiet, in extent 1,393,400 hectares in the Rehoboth District, is reserved for the Rehoboth Coloured Community. <sup>13/</sup>

SOURCE: Unless otherwise noted, is South African Yearbook, 1951 - 1952, p. 1175.

- (1) See G.N. 485 of 1951 (SWA, Laws, 1951, p. 394).
- (2) Total area is not indicated as approximate in SA Yearbook, 1951-52, but one of the figures added together to obtain the total is approximate.
- (3) Total area not indicated as approximate in SA Yearbook, 1951-52, but the Government Notice setting aside the Native Reserve (G.N. 122 of 1951) gives its area only approximately (SWA, Laws, 1951, p. 288).
- (4) The SA Yearbook, 1952-53, states that no details are available as to the population of this reserve (p. 1175). However, G.N. 122 of 1951, which sets apart the reserve, indicates that it is for the sole use and occupation of the Bondelswartz Hottentots (SWA, Laws, 1951, p. 288).
- (5) These figures do not include the population of Warmbad Reserve, regarding which the SA Yearbook, 1952-53, indicates that no information is available.
- (6) The Eastern Caprivi Zipfel, although a part of the Territory of South West Africa, is administered by the Union Government (see A/AC.73/L.3, question 2, paras. 63-70; question 13, paras. 91-94).
- (7) SA, Yearbook, 1949, also included Mbukushu (p. 1190).
- (8) G.N. 193 of 1952 set aside as a Native reserve an unnamed area of land between the Okavango Native Territory and Ovamboland. Its area is not given, although its boundaries are defined. No information is available as to its occupants (SWA, Laws, 1952, pp. 850-852).
- (9) This area was set aside as a Native reserve by the South West Africa Native Affairs Administration Act, 1954 (Act No. 56 of 1954) which came into operation on 1 April 1955 (SWAG, No. 1843, pp. 7-9). No information is available as to its occupants.
- (10) The Western Caprivi Zipfel has not been set aside as a Native reserve. It has been described by the Union Government as unalienated crown land. It is administered by the Native Commissioner of the Okavango (see A/AC.73/L.3, question 13, paras. 86-88).
- (11) G.A. 201 of 1953 and G.N. 262 of 1954. The Kaokoveld Native reserve now extends into Outjo District (SWAG, No. 1773, p. 552; No. 1864, p. 1305).
- (12) These figures do not include the area of the first-mentioned unnamed Native reserve in Grootfontein District. No information regarding the area of this reserve is available.

(13) Information regarding the area of the Rehoboth Gebiet is conflicting. The following figures for its area are available:

1,393,400 hectares - SA, Yearbook, 1949, p. 1190 and SA, Yearbook, 1952-53, p. 1175, under "Native Reserves in South West Africa".

1,356,200 hectares - AR, 1946, p. 14.

1,244,400 hectares - SA, Yearbook, 1949, under "Land Ownership in South West Africa, in May, 1950", p. 1191; SA, Yearbook, 1952-53, under "Land Ownership in South West Africa, as at 31st December, 1952".

Both listings describe the land as Non-White land and state that the area excludes the Rehoboth Townlands. Rheinallt Jones also gives this figure as the area of the Gebiet, his figures having been supplied by the South West Africa Administration at 31 August 1951; his figure also excludes the Rehoboth Townlands, 59,000 hectares in extent (Rheinallt Jones, p. 3).

Proclamation No. 36 of 1954 altered the boundaries of the Gebiet to include in its area a certain farm which had been transferred to a member of the Rehoboth Community. No information is available as to the size of the farm thus added to the Gebiet (SWAG, No. 1844, p. 816).

Local administration of Native affairs

30. As previously stated (A/AC.73/L.3, question 13, para. 25), the Territory has been divided into two parts, the Police Zone, and the area beyond the Police Zone, which is closed to Europeans except under permit.

31. Information with regard to the local administration of Native affairs is contained in the information and documentation previously submitted to the Committee on South West Africa (A/AC.73/L.3, question 13, paras. 26-95). The changes during the period under review are given below.

Inside the Police Zone

32. As stated in the information and documentation previously submitted to the Committee on South West Africa, the Natives inside the Police Zone are to be found in (a) Native reserve, (b) rural areas outside reserves, largely working on farms, mines, roads and railways, and (c) urban areas (A/AC.73/L.3, question 13, paras. 26-45).

Native Reserves

33. There are eighteen proclaimed Native reserves and one temporary reserve in the Police Zone with a total area of approximately 5,869,256 hectares as of the end of 1954 and an estimated population of 25,046 persons at the end of 1952 (see table, para. 29 above). With regard to the Native reserves established, the Health Commission, 1946, made the following statement:

The provision of ample Reserves for the different tribes as a set policy of the Administration has been, in our opinion, an enlightened one. We say so because we are convinced that the practical self-rule of the natives in accordance with their particular tribal customs, and their guidance in any difficulty by Welfare Officers, has resulted in a large measure of human contentment (SWA, Health Report, para. 9).

34. The duties, powers and privileges of chiefs and headmen were set forth by the Administrator under Government Notice No. 60 of 1930. It is to be noted that under these regulations chiefs are such persons as are appointed to exercise tribal government and control and exercise certain functions over an area assigned for the occupation of such tribe. Headmen are persons appointed by the Administrator to control a minor tribe or a location; they do not include those persons called headmen who are appointed by chiefs to

assist in the administration of their tribes. The text of these regulations is reproduced below as Annex I to this question.

35. Native Reserve Boards. The constitution, powers and functions of Native Reserve Boards are outlined in the information and documentation previously submitted to the Committee on South West Africa (A/AC.73/L.3, question 13, paras. 41-43).
36. During the period under review section 4 of the Native Reserves Trust Funds Administration Proclamation, 1924 (Proclamation No. 9 of 1924, as amended), which deals with Native Reserve Boards, was amended by the General Laws Amendment Ordinance, 1954 (Ordinance No. 11 of 1954).
37. As previously stated (A/AC.73/L.3, question 13, para. 41), under the legislation previously in force the Administrator was empowered to appoint a Native Reserve Board for each reserve, the board to comprise the Native Commissioner, Assistant Native Commissioner, magistrate or superintendent of the reserve as ex officio chairman, the headman or headmen of the reserve and not more than six adult male Natives elected by the adult male Natives of the reserve, and appointed by the Administrator for the purpose of assisting and making suggestions in regard to the administration of the Reserve Trust Fund.
38. These provisions were amended in 1954 by removing the magistrate of the district as a possible member and chairman of the Board (Ordinance No. 11 of 1954; SWAG, No. 1846, pp. 857-58).
39. The 1954 Ordinance also contains the new provision that whenever the Administrator finds it desirable he may divide a reserve into any number of wards, in which event the elected members of the board of the reserve shall cease to hold office. Each such ward shall be represented on the Native Reserve Board by one adult Native male of the ward concerned who shall be elected at a meeting of the adult Native males of the ward (SWAG, No. 1846, p.858).
40. The legislation in force prior to 1954 also provided that the Administrator might, whenever he deemed it desirable, dissolve a board or dismiss any elected member or members "on the ground of misconduct or continued absence without leave or other reasonable excuse from the Reserve or from Board Meetings." This provision was amended by the 1954 legislation to make it possible for the Administrator to dismiss any elected member of a board "at any time and for any

reason whatsoever" (A/AC.73/L.3, question 13, paras. 41-42; SWAG, No. 1846, pp. 857-8).

41. During the period under review the Administrator appointed members of two new Native Reserve Boards after having previously dissolved the boards. Government Notice No. 12 of 15 January 1954 appointed four new members of the Ovitoto Native Reserve Board with effect from 17 November 1953 in place of the Board which was dissolved the previous day. Government Notice No. 100 of 1 May 1954 appointed with effect from 25 March 1954 a new Board for the Epukiro Reserve consisting (besides the magistrate or superintendent as ex officio chairman and the two headmen of the reserve) of six new members, three to represent the northern portion of the Reserve and three to represent the southern portion of the Reserve.<sup>7/</sup>

#### Natives in urban areas

42. Management and inspection of Native affairs in urban areas. As previously stated (A/AC.73/L.3, question 13, para. 57), under section 21 (3) of the Natives (Urban Areas) Proclamation, 1951, certain officers may be appointed by the Administrator with the power at "all reasonable times" to inspect and to search for vagrant and idle Natives in any location, Native village or Native hostel. It is the duty of such officers to confer with the urban local authority and, in consultation with the urban local authority, to inquire into any matter affecting the well-being and welfare of Natives which may come to their notice. Every Native Commissioner is, under the provisions of the law, deemed to be such an officer.

7/ The proclamation authorizing the establishment of Native Reserve Boards does not specify that the appointment or dissolution of such boards must be notified in the Government Gazette. In the above-mentioned two cases the appointment of the new boards was notified in the Gazette, but the dissolution of the old boards was not so notified. Since the Government Gazette contains no further notices during the period under review regarding the appointment of Native Reserve Board members following the dissolution of a board, it may be considered unlikely that any other Boards were dissolved and new members appointed. However, since the Administrator may dissolve a board and in his discretion not appoint a new board, and since the dissolution of Native Reserve Boards does not appear to be notified in the Government Gazette, it is not possible to state from the information available whether the Administrator has in fact dissolved any Native Reserve Board and not appointed a new board.

43. This section of the legislation regarding natives in urban areas was amended during the period under review by the Natives (Urban Areas) Proclamation, 1951, Further Amendment Ordinance, 1954, by the addition of the following new sub-section:

(6) Anyone who obstructs or resists an officer appointed in terms of sub-section (3) in the execution of his duty shall be guilty of an offence (SWAG, No. 1846, p. 838).

44. In this connexion it may be noted that, under section 36 (1) of the 1951 Proclamation the following general provisions are made regarding penalties for offences:

36. (1) Any person who contravenes any provision of this Proclamation or of any notice issued or regulation made thereunder or who makes default in complying with any provision of this Proclamation with which it is his duty to comply, shall, if no penalty is specially prescribed in this Proclamation or such notice or the regulations for the contravention or default, be liable on first conviction to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding two months, to both such fine and imprisonment, or to such imprisonment without the option of a fine, and on a second or subsequent conviction to a fine not exceeding twenty-five pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months, to both such fine and imprisonment or to such imprisonment without the option of a fine.

45. Proclaimed areas. Before its amendment during the period under review the Natives (Urban Areas) Proclamation, 1951, provided that the Administrator might declare any area in which Natives were congregated in large numbers for mining or industrial purposes and in which the urban local authority had established a location, Native village or Native hostel to be a proclaimed area (A/AC.73/L.3, question 13, para. 58).

46. This provision was amended by section 9 of the Natives (Urban Areas) Proclamation, 1951, Further Amendment Ordinance, 1954; the Administrator may now set aside as a proclaimed area any area "in which there is a large number of natives" instead of only those "in which Natives are congregated in large numbers for mining and industrial purposes". Moreover the new legislation

provides that a proclaimed area may now be any urban area, instead of only an area in which the urban local authority has established a location, Native village or Native hostel (Ordinance No. 25 of 1954; SWAG, No. 1846, p. 888). Other areas may still be designated by the Administrator as proclaimed areas. Proclamation No. 56 of 1951; SWA, Laws, 1951, p. 130).

47. The administrative provisions to be applied in proclaimed areas have also been altered by the 1954 Ordinance (SWAG, No. 1846, p. 888; see questions 52, para. 12).

#### Rehoboth Gebiet

48. Attention is drawn to the memorandum on the Rehoboth Community of South West Africa prepared by the Secretariat at the request of the Committee on South West Africa (A/AC.73/L.6 and Add.1).

49. During the debate in the Union House of Assembly on the South West Africa Native Affairs Administration Bill the Minister of Native Affairs on 10 June 1954 made the following statement regarding the effect of the transfer of Native affairs to the Union upon the Rehoboth Community:

∴ the hon. member wanted to know who was included under the term "Native".

Actually he wanted to know whether the Rehoboth Bastards were included and my reply to that is: "No." The Rehoboth Bastards and other Coloured people do not fall under that (Hansard, 1954, vol. 18, col. 6711).

50. As stated in the memorandum on the Rehoboth Community (A/AC.73/L.6 and Add.1), under the 1923 agreement between the Administrator and the Rehoboth Community the Administrator is empowered, after consultation with the Raad of the Rehoboth Community (actually the Magistrate of the District due to the amendment of the agreement by Proclamations Nos. 31 of 1924 and 9 of 1928), to legislate for the Gebiet and to extend thereto the operation of any law of the Territory of South West Africa if he considers such legislation or extension to be expedient or desirable in the interests of either the Territory of South West Africa or the Gebiet (See A/AC.73/L.6, p. 11, and Annex III, p. 4).

51. In this connexion it may be noted, however, that the General Law Amendment Bill, introduced in the Union Parliament during its 1955 session contains a clause regarding the Rehoboth Gebiet which is to be inserted in



the South West Africa Affairs Act, 1922, as amended (SWA, Laws, 1915-1922, pp. 20-21; 1944, p. 134). This clause reads as follows:

Notwithstanding anything to the contrary in any law contained, any Act of Parliament or proclamation by the Governor-General which is in force or which may come into operation in the territory of South-West Africa shall, as long as and to the extent to which it is in force in the said territory, apply also in and in relation to all persons in that portion of the territory known as the "Rehoboth Gebiet", unless the Act or proclamation otherwise provides. (SA, General Law Amendment Bill, VW. 33-'55, p. 6, see A/AC.73/L.6/Add.1).

52. At the time of preparation of the present report no information was available to indicate whether the General Law Amendment Bill has become law and if any amendments to the section quoted above were made.

53. Advisory Board. It will be recalled that under section 2 of Proclamation 9 of 1923 an Advisory Board was created to advise the Magistrate in the exercise of his functions with regard to the Rehoboth Gebiet. The Board consists of six members elected for a period of three years. (A/AC.73/L.3, question 13, para. 72).

54. Election of the six members was, by Government Notice No. 186 of 1953, to take place on 23 June 1953 (SWAG, No. 177C, p. 453).

#### Outside the Police Zone

55. No person, except officials of the Administration engaged in the public service, may enter or be in the area beyond the Police Zone without a permit issued by or on behalf of the Secretary for South West Africa. (Proclamation No. 26 of 1928, section 3 (1); SWA, Laws, 1928, p. 106).

#### Native territories and reserves

56. In the area outside the Police Zone there are two Native territories, Ovamboland and the Okavango Native Territory, and four Native reserves, the Kaokoveld, Zessfontein, and two unnamed reserves. Of the last two mentioned, one was established in 1952 by Government Notice, while the other was set aside as a reserve by the South West Africa Native Affairs Administration Act, 1954, which came into operation on 1 April 1955 (SWA, Laws, 1952, pp. 850-52; SWAG, No. 1843, pp. 7, 9). The area of the first of these unnamed reserves

is not given in the Government Notice which establishes it, although its boundaries are defined.<sup>8/</sup> The area of the Native territories and Native reserves outside the Police Zone, exclusive of the area of the reserve for which no figures are available, was, at the end of 1954, approximately 12,998,717 hectares. After 1 April 1955, with the addition of the Native reserve set aside by the South West Africa Native Affairs Administration Act, 1954, the area of these reserves was approximately 13,030,717 hectares (See table, para. 29 above).

57. At the end of 1950 the total estimated population of the two Native territories and the two Native reserves then existing outside the Police Zone was 185,957 persons (See table, para. 29 above).

58. In addition, outside the Police Zone, there is the Western Caprivi Zipfel, which has not been set aside as a Native reserve but is unalienated crown land, 581,120 hectares in extent, partly occupied by Natives and partly available for future Native settlement. It is administered from the Okavango, and its estimated population at the end of 1950 was 3,229 persons (See table, para. 29 above; see also A/AC.73/L.3, question 13, paras. 86-87).

59. The Eastern Caprivi Zipfel, 1,161,216 hectares in extent and with an estimated population at the end of 1950 of 14,280 persons, is administered directly by the Union (See A/AC.73/L.3, question 13, paras. 91-95).

60. Thus the total area at 1 April 1955 of the Native reserves and territories outside the Police Zone (exclusive of the reserve for which no figures are available), the Western Caprivi Zipfel and the Eastern Caprivi Zipfel was approximately 14,773,053 hectares. The estimated population of these areas at the end of 1950 was 200,237 persons (See table, para. 29 above).

61. Information regarding the administration of the areas beyond the Police Zone is contained in the information and documentation previously submitted to the Committee on South West (A/AC.73/L.3, question 13, paras. 77-90).

---

<sup>8/</sup> See however the map of the Territory on which this reserve is indicated. (A/AC.73/L.3/Add.2, second map: South West Africa, 1952).

62. The Native Labourer's Commission, 1945-1948, stated that it was much impressed by what it saw of Native administration in Ovamboland, the Kaokoveld and the Okavango Territory, and considered that nothing should be permitted to endanger the tribal life and authority obtaining in those Territories (SWA, Labour Report, para. 82).
63. During the discussion of the South West Africa Native Affairs Administration Bill in the Union House of Assembly on 7 June 1954 the Minister of Native Affairs gave the assurance that under the new arrangements with regard to Native affairs it was not the intention of the Union to detribalize the Natives of South West Africa where tribal bonds were still very strong. He did not consider it necessary to pass legislation to give effect to this policy (Hansard, 1954, vol. 18, col. 6457).
64. At the time of the debate on the same Bill in the Union Senate on 15 June 1954, the Minister of Native Affairs made the following statement:  
... the hon. members know that there is a police zone and an outside police zone and the authority of the tribal chiefs is very strong especially in the outside police zone. We will, however, naturally maintain as far as possible the general customs that exist at the moment in South-West Africa amongst the natives. The administration there is also not going to be made complicated and expensive just to copy the Union. I am obviously going to keep it as effective and as simple as possible in accordance with the conditions prevailing there. (Senate Debates, 1954, vol. 13, col. 2990).

#### Bushmen

65. Information regarding the Bushmen is contained in the information and documentation previously submitted to the Committee on South West Africa. The Union Government previously stated, in reply to one of the questions put to it by the Trusteeship Council, that the problem of the South West Africa Administration in connexion with the Bushmen was how to break down their shyness and suspicion and bring them under control. The Government was taking various steps to accomplish this end, including stationing reliable Natives at waterholes in the Okavango Native Territory where the Bushmen congregate for part of the year to win their confidence by giving them presents of salt and tobacco.

First reports on this and other experiments had been encouraging (A/AC.73/L.3, question 13, paras. 89-90).

66. In this connexion the following statement in an article on the Bushmen in the South West Africa Annual, 1954, may be noted:

In the Okavango the Bushmen realized that without a road to their dwelling place (this was the Tamzo Bushmen) they would not receive the benefits the Commissioner dealt out (salt, tobacco, beads, rations). Within two months they had completed a 36 mile road through the bush, linking their encampment with the road to the Commissioner's place. This was no mean feat as the country is heavily timbered and they use only their one hand-made small hand-axes-cum-knives-cum-picks (SWA Annual, 1954, p. 57).

ANNEX I TO QUESTION 13

REGULATIONS PRESCRIBING THE DUTIES, POWERS AND PRIVILEGES  
OF CHIEFS AND HEADMEN

It is hereby notified for general information that the Administrator has been pleased under and by virtue of the powers vested in him by paragraph (a) of section one of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), to make the following Regulations prescribing the duties, powers and privileges of Chiefs and Headmen:

1. Chiefs shall be such persons as are appointed to exercise tribal government and control and to perform the administrative functions herein prescribed or required under any other law now in force or hereafter promulgated, in and over any tribe or area assigned for the occupation of such tribe.

2. Headmen shall be such persons as are appointed by the Administrator to control a minor tribe or location under the direction of a Native Commissioner, but shall not include persons commonly called headmen or indunas appointed by chiefs to assist in the administration of their tribes.

3. Chiefs and Headmen shall carry out such lawful orders and instructions as may from time to time be given them through or by the Chief Native Commissioner, Native Commissioner, Magistrate, or Superintendent

4. They shall comply with all laws and render such assistance as may be required of them by responsible officers of the Administration in connection with the following matters:

- (a) The registration of ratepayers and the collection of rates due by the people.
- (b) The dipping of large and small stock and the supervision thereof.
- (c) The prevention and eradication of animal diseases.
- (d) The collection of statistics.
- (e) The efficient administration of the laws relating to the allotment of lands and kraal sites and to commonages and the prevention of illegal occupation of or squatting upon land.

- (f) The preservation of land beacons and fences.
- (g) The prevention, detection and punishment of crimes and offences.
- (h) The supply of labour for agriculture and other purposes.
- (i) Public health and sanitary measures.
- (j) The eradication of noxious weeds.
- (k) The preservation of game.
- (l) The preservation of forests, monuments, historical objects, and public property.
- (m) Such other matters as the Chief Native Commissioner may from time to time prescribe.

Such requirements will, except in regard to the detection of crime and police administration, be made as a general rule through the Native Commissioner of the District in which such chief or headman resides.

5. They shall bring to the notice of their people all new laws, orders, instructions and requirements of the Government communicated to them by the Native Commissioner or Superintendent.

6. They shall promptly report to the responsible officers of the Government the following occurrences:

- (a) Outbreaks of any notifiable disease amongst stock.
- (b) Outbreaks of notifiable diseases amongst persons.
- (c) The deaths of persons from violence or other unnatural causes.
- (d) The commission of crime and offences brought to their knowledge.
- (e) The presence of strange persons in their areas unless such persons produce lawful authority to be therein.
- (f) The unauthorised occupation of land, or encroachments thereon.
- (g) The presence of a fugitive offender.
- (h) The illicit introduction of arms, ammunition, and intoxicating liquor.
- (i) Meetings for unlawful or undesirable purposes.
- (j) The presence of strange stock in the area without lawful permit.

7. They shall prevent, so far as the law allows them to do so, veld burning, soil erosion, interference with bona fide travellers through their areas, the sale of poisons and love philtres, and the practice of pretended witchcraft or divinations, and the practice of native

customs which are contrary to the laws and principles of humanity and decency.

8. They shall render assistance to the educational authorities, teachers, demonstrators, and other officers who may be appointed by the Administrator in connection with the welfare of natives and shall not manifest partisanship in the activities of the various religious bodies in church or school matters.

9. They shall at the request of the Native Commissioner or Superintendent convene meetings of their people and shall attend such meetings and endeavour to secure the attendance of all people thereat.

10. They shall in so far as they are able disperse or order the dispersal of all riotous or unlawful assemblies of natives and may arrest and hand over to the police any person who fails to comply with such order.

11. They shall not become members or take any part in the affairs of any political association or any association whose objects are deemed by the Administrator to be subversive of or prejudicial to constituted Government or good order.

12. They shall not absent themselves from their area of jurisdiction for a period in excess of seven days without the authority of the Native Commissioner and in case of absence beyond a period of one month without the authority of the Chief Native Commissioner and shall during such absence provide to the satisfaction of the Native Commissioner without extra cost to the Government, for the proper performance of their duties.

13. They shall have and exercise in regard to any native within the area of their jurisdiction such powers and authorities in connection with the arrest and custody of offenders as are conferred upon peace officers by Chapter V of Act No. 31 of 1917 of the Union of South Africa as applied to this Territory, or by any law relating to the theft of stock and produce or to the control or the sale of intoxicating liquor.

14. They shall have power to search without warrant any native person or the kraal, homestead or other place within the area of their jurisdiction occupied by a native if there are reasonable grounds to suspect that stolen stock or produce or intoxicating liquor or arms or ammunition wrongfully

obtained or possessed are hidden on such person or in such kraal or other place, and to seize and convey to the nearest police post any such stock or produce or intoxicating liquor or arms or ammunition so seized.

15. They shall impound or detain stray stock found in their areas of which the owners cannot be ascertained and in case of detention shall promptly report the fact to the Superintendent or Native Commissioner.

16. They may detain stock brought into their areas under unlawful or under suspicious circumstances, and shall promptly report the fact to the Superintendent or Native Commissioner.

17. They shall report to the district surgeon or Native Commissioner or Superintendent every untreated case of venereal disease or leprosy in their area.

18. They shall under the supervision of the Government exercise general administrative control over their respective tribes and over any other natives residing within their areas of jurisdiction.

19. They shall be responsible for the proper allotment to the extent of the authority allowed them by law of arable lands and residential sites in a just and equitable manner without favour or prejudice.

20. They shall, subject to the instructions of the Administrator, act as the upper guardian of orphans and minor children in the tribe in accordance with the native law and custom prevailing.

21. They shall be responsible to the Administration for the peace, order, welfare and administration of the tribe, and shall immediately bring to the notice of the Native Commissioner any conditions of unrest or dissatisfaction or any other matter of serious import or concern to the Government.

22. They shall enjoy the privileges conferred upon them by the long established and generally recognised customs and usages of their tribes, but otherwise shall not use any compulsion or other arbitrary means to extort or secure from any person any tribute, fee, reward, or present.

23. They shall be entitled to the loyalty, respect, and obedience of the members of the tribe.

24. The duties herein prescribed may be assigned by a chief or headman with the approval of the Native Commissioner to any induna or



similar representative nominated by him, but responsibility for the proper execution of such duties shall nevertheless rest upon the chief or headman concerned.

25. Chiefs shall be paid such allowances, if any, as may from time to time be approved by or on behalf of the Administrator.

#### GENERAL

26. Any infringement of any of the foregoing regulations and any neglect or disregard of any duty or obligation imposed by these regulations or any law whatsoever or of any order or instruction lawfully given and any misconduct or abuse of power shall, in addition to any penalty imposed upon him by any law, render a chief or headman liable to -

- (a) suspension from employment and allowances for a stated period, or
- (b) fine, or
- (c) reprimand, or
- (d) reduction of emoluments by the Administrator, or
- (e) summary dismissal from office by the Administrator.

27. The Administrator may, when he deems it necessary, order that an enquiry shall be held into any charge brought against any chief or headman and may give such instructions in regard to such inquiry as he may deem fit. (Government Notice No. 60 of 1930; SWA, Laws, 1930, pp. 418-24).

CHAPTER E

PUBLIC FINANCE

QUESTION 14

Please forward the detailed budget of revenue and expenditure for the current fiscal year, and a similar statement for the last completed year of account.

Please attach a comparative table of the total revenue and expenditure, section by section, for each of the past five years.

In relation to this question the following five tables for the years 1949/50 to 1953/54 have been set up:

Table 1: Statement showing the total revenue and expenditure of the Territory of South West Africa.

Table 2: Revenue of the Territory of South West Africa.

Table 3: Expenditure of the Territory of South West Africa.

Table 4: Statement showing appropriations from Territory Revenue Fund to various other Funds.

Table 5: Statement showing the financial position of the various accounts of the Territory Revenue Fund.

TABLE I

STATEMENT SHOWING THE TOTAL REVENUE AND EXPENDITURES OF THE TERRITORY

OF SOUTH WEST AFRICA FOR THE YEARS 1949/50 TO 1953/54

	1949/50	1950/51	1951/52	1952/53	1953/54
	£	£	£	£	£
Total revenue	3,564,422	4,796,919	6,212,766	8,902,920	9,062,265
Total expenditure	3,728,818	4,440,006	5,753,215	7,891,548	9,110,413

Source: S.W.A. Accounts 1949/50, 1950/51, 1951/52, 1952/53, 1953/54.

**TABLE 2**  
**REVENUE OF THE TERRITORY OF SOUTH WEST AFRICA FOR THE YEARS 1949/50 TO 1953/54**  
 Fiscal year ending 31 March

A. GENERAL REVENUE	1949/50 <sup>1/</sup>	1950/51 <sup>2/</sup>	1951/52 <sup>3/</sup>	1952/53 <sup>4/</sup>	1953/54 <sup>5/</sup>
	£	£	£	£	£
1. Customs and Excise	656,838	930,316	928,066	920,421	1,447,270
2. Posts, telegraphs and telephones	214,397	259,257	317,972	337,304	406,754
3. Mining Revenue:					
Diamond tax (export duty and profit tax)	648,957)	1,447,123	1,754,052	2,157,169	2,057,352
Royalties	174)				
Prospecting and Claim Licences	8,798	9,275	11,973	13,769	14,960
4. Licenses:					
Trading	46,437	49,860	60,206	59,925	63,390
Liquor	45,224	48,666	56,123	59,215	62,501
Game	2,461	2,475	2,477	2,873	
Dog	6,599	6,701	7,412	7,636	} 25,933
Arms	1,353)				
Other	11,918)	14,213}	13,449 }	13,983 }	
5. Entertainment tax	7,792	6,253	9,077	12,524	11,590
6. Cigarette and cigarette tobacco sales tax	15	—	—	—	—
7. Stamp duties and fees	65,727	72,321	92,304	97,874	110,548
8. Estate duty	54,863	47,226	43,405	47,817	54,084
9. Transfer duty	52,985	85,939	108,980	91,214	96,326
10. Land revenue	41,502	33,004	40,112	35,078	34,623
11. Rents of Government properties	34,757	35,671	39,828	30,051	26,025
12. Interest	132,552	154,483	185,265	260,336	343,760
13. Fines and forfeitures	31,209	36,327	37,144	42,773	25,832
14. Karakul pelt export duty	86,900	143,851	135,047	128,443	73,022

A. GENERAL REVENUE (Cont'd)		1949/50 <sup>1/</sup>	1950/51 <sup>2/</sup>	1951/52 <sup>3/</sup>	1952/53 <sup>4/</sup>	1953/54 <sup>5/</sup>
		£	£	£	£	£
15.	Crawfish export duty	62	296	—	—	—
16.	Income tax	883,082	751,072	1,626,110	3,833,667	3,303,758
17.	Tax on persons	52,901	61,479	84,801	76,324	86,123
18.	Departmental receipts					
	Prison earnings	9,087	8,133	7,350	9,813	13,341
	School and hostel fees	63,983)				
	Sale of school books and stationery)	6,855)	99,212	99,113	122,456	143,540
	Gazette fees	784	9,053	10,873	1,233	—
	Agricultural sales	26,833	34,161	56,061	26,934	40,794
	Veterinary fees and sales of vaccines	19,280	25,377	30,185	30,793	39,258
	Audit fees	410	533	—	—	—
	Hospital treatment	3,243	4,094	4,218	3,655	5,164
	Water and sanitation	344	331	—	—	—
	Survey fees	4	5	—	—	—
	Customs: extra attendance	1,068	1,173	—	—	—
	Miscellaneous departmental receipts	—	—	3,213	10,430	22,452
19.	Miscellaneous	—	—	65,471	73,171	91,666
	Pound sales and sales of government property	648	7,385			
	Execution costs and fees for civil process	311	212			
	Explosives tax	50	64			
	Contract fees extra-territorial and northern Natives	564	302			
	Permits to Etoshā Pan	440	350			
	Various	36,154	42,978			
<b>Totals General Revenue</b>		<b>3,257,523</b>	<b>4,429,173</b>	<b>5,830,285</b>	<b>8,506,880</b>	<b>8,600,073</b>

~~EXPENDITURE OF THE TERRITORY OF SOUTH WEST AFRICA FOR THE YEARS 1949/50 TO 1953/54~~

Fiscal year ending 31 March

	1949/50 <sup>1/</sup>	1950/51 <sup>2/</sup>	1951/52 <sup>3/</sup>	1952/53 <sup>4/</sup>	1953/54 <sup>5/</sup>
	£	£	£	£	£
Administration	81,713	99,780	114,933	143,044	206,799
Native Affairs	46,191	64,953	72,416	88,688	116,790
<b>Education</b>	471,048	530,424	629,515	803,853	896,972
Mines	4,065	3,869	3,791	5,745	6,474
Justice	70,104	75,255	84,953	95,518	98,637
<b>Prisons</b>	33,243	31,960	35,532	45,663	48,053
Customs and Excise	10,271	9,637	10,368	12,444	14,507
Posts and Telegraphs	223,777	238,675	270,833	388,106	338,407
Public Works	283,479	296,656	361,619	494,302	693,613
Agriculture	80,798	81,883	104,674	116,600	139,635
Audit	6,374	6,646	7,282	8,148	10,765
Lands, Deeds and Surveys	40,671	37,390	46,877	57,393	81,567
Public Health	121,811	124,951	133,509	161,247	200,952
South West African Police	114,000	114,000	114,000	114,000	114,000
Pensions and Gratuities	75,488	83,398	95,765	106,369	125,334
Legislative Assembly, etc.	10,613	11,737	13,963	14,568	13,252
Roads					
Miscellaneous Services	515,750	623,908	895,470	1,240,946	1,339,489
Appropriation from Territory Revenue	-	-	-	-	-
Fund to various other Funds*	1,539,423	1,004,884	2,757,716	3,962,957	4,622,926
<b>TOTAL</b>	<b>3,728,818</b>	<b>3,440,006</b>	<b>5,753,215</b>	<b>7,891,548</b>	<b>9,110,413</b>

1/ SWA Accounts 1949/50

2/ SWA Accounts 1950/51

3/ SWA Accounts 1951/52

4/ SWA Accounts 1952/53

5/ SWA Accounts 1953/54

\* Detailed statement showing Appropriation from Territory Revenue Fund to various other Funds is enclosed as Table IV.

TABLE 4

STATEMENT SHOWING APPROPRIATIONS FROM TERRITORY REVENUE FUND TO VARIOUS OTHER FUNDS  
FOR FINANCIAL YEARS 1949/50 TO 1953/54

Service	Fiscal year ending 31 March				
	1949/50 <sup>1/</sup>	1950/51 <sup>2/</sup>	1951/52 <sup>3/</sup>	1952/53 <sup>4/</sup>	1953/54 <sup>5/</sup>
	£	£	£	£	£
Payment of Revenues to Roads Fund	149,241	104,822	97,221	142,666	152,328
Allotment of pass fees to urban areas pass fee fund	8,071	9,209	7,707	10,601	14,965
Payment of revenue accruing in proclaimed Native Reserves and other areas set aside for occupation by Natives to Funds created by section 1 of Prucorug of 1924 and to other special accounts	22,110	20,853	27,788	26,234	32,506
Payment of 25 per cent of the Karakul export duty to the Karakul Development Fund 75 per cent to farming interest fund				25% 32,064 75% 96,392	73,127
<b>Territorial Development and Reserve Fund:</b>					
(a) Discharged soldiers account	5,000	-	-	-	-
(b) Land settlement and Development account	80,000	70,000	300,000	220,000	400,000
(c) Government building account	375,000	350,000	700,000	450,000	900,000
(d) Road construction account	80,000	200,000	330,000	830,000	650,000
(e) Telecommunication renewals and development account	125,000	25,000	250,000	280,000	300,000
(f) Local Authorities loans account	585,000	150,000	925,000	1,500,000	1,600,000
(g) Reserve account	15,000	-	70,000	50,000	400,000
(h) Native Area's account	20,000	20,000	50,000	50,000	100,000
(i) Housing account	25,000	-		275,000	
(j) Water and veld conservation and reclamation	50,000	55,000			

<sup>1/</sup> SMA Accounts 1949/50<sup>2/</sup> SMA Accounts 1950/51<sup>3/</sup> SMA Accounts 1951/52<sup>4/</sup> SMA Accounts 1952/53<sup>5/</sup> SMA Accounts 1953/54

TABLE 5

## TERRITORIAL DEVELOPMENT AND RESERVE FUND

FINANCIAL POSITION OF THE VARIOUS ACCOUNTS FOR THE YEARS 1949/50 TO 1953/54

(All figures rounded to the nearest £)

	1949/50			1950/51			1951/52			1952/53			1953/54		
	Balance from previous years	Appropriation	Expenditure	Balance from previous years	Appropriation	Expenditure	Balance from previous years	Appropriation	Expenditure	Balance from previous years	Appropriation	Expenditure	Balance from previous years	Appropriation	Expenditure
	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£
Discharged soldiers' account	9,179	5,437	9,008	5,600	-	349	5,259	-	876	4,383	-	2,123	2,260	-	149
General social security account	98,390	-	9,677	88,713	-	306	88,407	-	32	88,374	-	34	88,374 <sup>4/</sup>	-	-
Land settlement and Development account	304,403	80,000	154,223	230,180	70,000	113,267	186,913	300,000	158,857	328,056	22,000	347,984	202,016	400,000	386,522
Government buildings account	449,724	375,000	465,676	359,048	350,000	374,951	334,097	700,000	332,785	701,312	450,000	523,450	627,862	900,000	725,420
Road construction account	164,647	80,000	158,404	86,243	200,000	214,598	71,646	330,000	341,409	60,237	830,000	836,568	53,668	650,000	578,080
Telecommunication account	80,934	125,000	138,509	67,424	25,000	60,418	32,007	250,000	105,994	176,013	280,000	150,163	305,850	100,000	275,419
Local Authorities Loans account	334,964	585,000	180,833	739,132	525,000	459,540	804,591	925,000	326,073	1,403,518	1,900,000	1,226,328	2,077,191	1,600,000	1,701,943
Reserve account	750,000	15,000	-	765,000	-	375,000 <sup>1/</sup>	390,000	70,000	-	460,000	50,000	-	510,000	400,000	-
Water and Wield conservation and reclamation account	199,997	50,003	-	250,000	55,000	-	305,000	-	-	305,000	-	305,000 <sup>2/</sup>	-	-	-
Native areas account	9,412	20,000	9,412	89,652	20,000	9,027	100,624	50,000	42,262	108,362	50,000	41,094	117,268	100,000	53,477
Housing account	100,000	25,000	-	125,000	-	-	125,000	-	-	125,000	275,000	400,000 <sup>3/</sup>	-	-	-
Water conservation account	-	-	-	-	-	-	-	-	-	-	-	-	100,000	-	-

- 1/ Transferred to Local Authorities Loans account  
2/ Transferred to Farming Interests Fund  
3/ Transferred to Local Authorities Loans account  
4/ Includes £34 as recovered 1952/53 expenditure



QUESTION 15

Has the Territory a public debt? If so, attach figures for the last five years.

The Territory has a public debt to the Union of South Africa which is being repaid in fixed half-yearly instalments of £77,041 16s. 6d. Figures of the public debt for the last five years were as follows: (in S.A. pounds)

<u>1949/50</u>	<u>1950/51</u>	<u>1951/52</u>	<u>1952/53</u>	<u>1953/54</u>
£	£	£	£	£
2,323,323	2,270,781	2,215,905	2,158,592	2,098,733

Source: SWA Accounts, 1949/50 to 1953/54

In addition to this debt, an amount of £900,550 12s. 6d. is due, as indicated in last year's report (see doc. A/AC.73/L.3 p. 379), in respect of interests on loans for the period 1 April 1937 to 31 March 1945, which sum the Union Government has agreed to place in a Suspense Account, where no interest is being charged. The above mentioned sums, furthermore, do not include the amount of £12,318 owing to the Railways and Harbours Administration. This sum represents the liability of the Administration with respect to losses incurred in the working of the Gamans-Gobabis railway line during 1953-54.

QUESTION 16

Has the ordinary and extraordinary expenditure been covered by budgetary revenue or in some other way - either by public loans or by advances or free grants by the mandatory government?

In the latter cases, state the conditions of the financial transactions involved.

1/ The loss for the year was actually of £23,122, but the liability of the Administration was limited under its guarantee to £12,318. The working of Walvis Bay Harbour, however, showed a profit of £31,324 for the year, which, in terms of past agreements, accrued to the Railway Administration in reduction of losses borne in previous years.

QUESTION 17

Please give the annual and total amounts of advances and grants-in-aid by the mandatory Power to the mandated territory.

1. In presenting information with regard to these questions, reference is made (a) to the administration of the South African Railways which serves the Territory of South West Africa; (b) to the Police forces in South West Africa; and (c) to the Land Settlement Fund (Angola).

South West Africa, Railways and Harbour.

South West Africa Railways and Harbour have been taken over by the South African Railways Administration since 1915. As they are operated each year at a loss, their management by one of the Union's public services may be viewed as a form of grant-in-aid by the mandatory Power to the mandated territory.

The following statement shows the amount of the losses incurred from the years 1949/50 to 1953/54 in the management of South West Africa's Railways and Harbour.

SOUTH WEST AFRICA RAILWAYS AND HARBOUR

(Exclusive of Walvis Bay Harbour and the Section of the Line Walvis Bay-Swakopmund)

Statement showing the Net Loss for the Financial Years 1949-50 to 1953-54 and the total loss for the period 1 April 1922 to 31 March 1954

(in S.A. £)

	1949-50	1950-51	1951-52	1952-53	1953-54
I. Net loss for the financial years:	908,810	720,395	774,726	1,036,394	981,835
II. Total loss for the period 1 April 1922 to 31 March 1954		13,618,371			

Sources: SWA, Accounts 1949/50, 1950/51, 1951/52, 1952/53, 1953/54.

Police services

The task of policing South West Africa is performed by the South African Police, with the Mandated Territory contributing £110,000 to its cost every year.

The following statement shows the Mandatory Power's financial contributions in this field from the years 1949/50 to 1953/54.

Financial years 1949/50 to 1953/54

	<u>1949-50</u>	<u>1950-51</u>	<u>1951-52</u>	<u>1952-53</u>	<u>1953-54</u>
	£	£	£	£	£
I. Total cost of policing the Territory of South West Africa.	261,592	259,317	279,018	290,148	302,148
II. Territory's annual contribution towards maintenance of Police Force.	110,000	110,000	110,000	110,000	110,000
III. Union Government's contribution towards the Police Services in South West Africa.	151,592	149,317	169,018	180,148	192,148

Sources: SWA, Accounts 1949/50, 1950/51, 1951/52, 1952/53, 1953/54.

Land Settlement Fund (Angola)

The Angola Fund was established out of grants by the Union Government for the purpose of settling farmers from Angola in South West Africa, under the provisions of Act No. 34 of 1930 (Union) and of Ordinance No. 2 of 1931 (South West Africa). These grants totalled £539,000, the assets of the Fund remaining the property of the Union Government.

The Union Government undertook not to charge the Territory any interest on the capital of the Fund and not to hold the Territory responsible for any losses suffered. The Administrator was authorized to draw on the Fund for land settlement purposes. All interest and repayments were paid into the Fund and could further be used for advances to settlers. As a result of writes-off approved by the Union Parliament from time to time the original capital of the Fund was however reduced and now stands at £303,033.

At the end of the financial year 1953-54, the assets of the Fund amounted to £368,358 as against £358,947 the previous year.

The following table shows the assets of the Fund for the period 1949-50 to 1953-54.

	S.A. £
1949-50	357,264
1950-51	363,966
1951-52	373,218
1952-53	358,947
1953-54	368,358

Source: SWA, Accounts 1949/50, 1950/51, 1951/52, 1952/53, 1953/54.

The grants made by the Mandatory Power in this field thus stand to date at £170,642 notwithstanding the forfeited interests.

CHAPTER F  
DIRECT TAXES  
QUESTION 18

What direct taxes - such as capitation, or income, or land taxes - are imposed: (a) On natives? (b) On non-natives?

In the field of direct taxation, the principal changes which occurred during 1954 were the following:

Income tax

The flat rate of 3s.6d. on the pound payable by public companies on their income was raised to 4s.6d. on the pound; in addition, the 5 per cent tax on dividends payable by non-resident shareholders was raised to 6-1/4 per cent, while mining companies were, in certain cases, imposed moderately increased rates of taxation on their incomes (Ord. 8; G.1840).

Entertainment tax

On entertainments exceeding 3s., but not exceeding 4s., the tax was lowered from one shilling to nine pence. (Ord. 4/1954; G.1823).

Fees for stock (called also "Grazing Fees")

Starting 1 July 1954 grazing fees in native reserves were increased two-fold, according to the following schedule (G.N. 175, G.1848):

"Tariff of Grazing Fees in Native Reserves"

Large Stock:

Excluding calves under one year, donkeys and bulls approved by the Reserve Superintendent or Native Commissioner:

Other than scrub bulls	6d. per head per month.
Scrub bulls	8d. per head per month.
<u>Donkeys:</u>	
Geldings and mares	6d. per head per month.
Donkeys jacks	8d. per head per month.

No resident shall graze or keep more than six donkeys in a reserve without the special permission of the Native Commissioner of the district, who in his discretion may allow such additional donkeys to be grazed and kept at the above-mentioned tariff, as he is satisfied are genuinely required for transport work.

No resident shall graze or keep more than one hundred head of large stock (which shall include donkeys) in a Reserve without the special permission of the Administrator: Provided that in the Ovitoto and Aukeigas Reserves no native shall keep more than fifty head of large stock without the special permission of the Administrator."

"Small Stock:

Sheep, excluding lambs under six months:  
For each lot of 5 or part thereof 2d. per month

Goats: She-goats, kids over six months and such he-goats as are approved by the Superintendent:

From 1 to 200	2d. per lot of 4 or part thereof per month.
From 201 upwards	2d. per lot of 2 or part thereof per month.
Other he-goats	2d. per head per month.

Kapaters: 2 years and over, in the Franzfontein, Krantzplatz (Gibeon), Okombahe, Otjimbingwe, Otjohorongo, Ovitoto and Tses Reserves, unless the Superintendent certifies that for some reason they cannot be sold

2d. per head per month

Other Kapaters of any age over 6 months in the Franzfontein, Okombahe, Otjimbingwe, Otjohorongo, Ovitoto, Krantzplatz (Gibeon) and Tses Reserves including Kapaters in respect of which the Superintendent has certified as above:

From 1 to 200	2d. per lot of 3 or part thereof per month.
From 201 upwards	2d. per lot of 2 or part thereof per month.

Kapaters of any age over 6 months in other Reserves:

From 1 to 200	2d. per lot of 4 or part thereof per month.
From 201 upwards	2d. per lot of 2 or part thereof per month.

No resident shall graze or keep more than 300 head of small stock in a Reserve without the special permission of the Administrator: Provided that no resident of the Aukeigas and Ovitoto Reserves shall graze or keep more than 150 head of small stock in either of those Reserves without the special permission of the Administrator."

As for grazing fees in the Bondels Native Reserve the following changes are to take place as of 1 January 1955 (G.N. 285, G.1865):

Large Stock: No resident will be allowed to graze or keep more than 100 heads in the Reserve, including donkeys, without the special permission of the Administrator. Rates will be 4d. per head per month from 1 to 100 head of large

stock, and 6d. per head per month from 101 upwards, whereas, so far, the flat rate of 3d. per head per month was applied regardless of the number of head.

Small Stock: Residents will be allowed to graze or keep up to 800 head of small stock in the Reserve as against the present 300 head figure, without asking for the special permission of the Administrator. Rates will be 2d. per lot of 5 or part thereof from 1 to 300 head, and 2d. per lot of 4 or part thereof from 301 upwards, whereas, so far, the flat rate of 1/4d. per head per month was applied regardless of the number of head.

Question 19

Are the native direct taxes paid individually or collectively ?  
Are they applicable to all natives without distinction or only to  
able-bodied male adults ? Is the rate of taxation the same throughout  
the territory or does it vary in different districts ? Can a native  
pay in kind or only in money ?

Relevant answers to this question have been made in last year's report (see doc. A/AC.73/L.3 pp. 399), and according to the available information, no changes seem to have occurred during the year under review.

Question 20

Is compulsory labour exacted in default of the payment of taxes in cash  
or kind ? If so, on what basis is the equivalent calculated ?

Relevant answers to this question have been made in last year's report (see doc. A/AC.73/L.3 p. 399), and according to the available information, no changes seem to have occurred during the year under review.

Question 21

What methods are employed to assess and collect the native taxes ?

Relevant answers to this question have been made in last year's report (see doc. A/AC.73/L.3 p. 400), and according to the available information, no changes seem to have occurred during the year under review.

Question 22

Is any portion of this tax handed over to the native chiefs or



communities ? Are chiefs salaried by the administration ?

Relevant answers to this question have been made in last year's report (see doc. A/AC.73/L.3 p. 401), and according to the available information, no changes seem to have occurred during the year under review.

Question 23

Are the native chiefs allowed to exact tribute or other levies in cash or in kind or in labour ? If so, is this tribute in addition to the Government taxes ?

Relevant answers to this question have been made in last year's report (see doc. A/AC.73/L.3. p. 401), and according to the available information, no changes seem to have occurred during the year under review.

CHAPTER G

INDIRECT TAXES

QUESTION 24

What is the tariff of import and export duties? Are transit and statistical duties charged?

No significant changes in import and export duties were made in 1954, except that dumping duties were established on certain goods when imported or originating from specific countries (see above under question 6).

In the field of export and import controls, however, some important changes, designed to bring about a certain degree of relaxation, took place. On 30 July 1954, a consolidation of export control measures was made, whereby export control on a wide range of commodities, particularly manufactured articles, was abolished (UGN 1515, Ge 1850). As for imports, three lists of goods, effective 1 January 1955, were established (UGN 2645, UGGe 5190). Schedule 1 embodied the restricted list of goods which could be imported only if specifically described in the import permit, to which little change was made. In Schedule 2 were listed those goods which, so far, had been imported permit free only when coming from soft currency countries, and which could now be imported permit free regardless of their country of origin. In Schedule 3 were listed those goods which, regardless of their category, could always be imported permit free, and which were practically the same as before. Thus goods which failed to appear in Schedules 1, 2 or 3 were the only ones to require a general permit upon importation. Effective 1 January 1955 also, textile piece goods within maximum ceiling prices were put on the free permit list whatever their country of origin, whereas such advantages had so far been reserved to sterling origin goods only (UGN 2646, UGGe 5190). In July and September the importation of a greater quantity of merchandise under general permit was made possible by the inclusion of additional goods in the "priorities" list established in 1952 to counteract the effect of certain shortages. Additional permits for such goods

could be obtained on the basis of £2 for every £1 of the general permit surrendered (UGN 1511, Ge 1852: and Union General Notice 1113, Ge 1866). In July also, tin was removed from the restricted list and could be imported henceforth under valid import permits (UGN 1572, UGGe 5318). In November it was further decided that, for textile piece goods within certain maximum ceiling prices, import permits would no longer be required (Union General Notice 1115, Ge 1866). Finally in November also, a consolidation of import restrictions, to be effective 1 January 1955, took place (UGN 2277, Ge 1866). The same three lists of goods was maintained; but in Schedule 1, embodying the restricted list, a certain number of items was dropped among which some varieties of tinned fish, of tinned meat and of vegetables. Conversely, in Schedule 2, embodying the free list of goods which could be imported without a permit, numerous new additions were made, such as raw wool, raw coffee, tea, and those textile piece goods which had just been freed. As for Schedule 3, where were listed those goods which, regardless of their category, could always be imported permit free, no changes occurred.

#### QUESTION 25

Are there any indirect taxes in force other than import, export and transit duties?

The only significant changes to have occurred in 1954 in this field were the following:

#### Excise taxes

Upon the sale or disposal of a motor car imported under rebate of the whole duty in accordance with schedule 2 of the 1942 Excise Act, new rates of duty were fixed as follows (UGN 582, G 1818):

- (a) Car in use for less than 1 month, 6d. per pound weight.
- (b) Car in use for 1 month or more, but less than 6 months, 87-1/2 per cent of duty at 6d. per pound weight.
- (c) Car in use for 6 months or more, but less than 12 months, 75 per cent of duty at 6d. per pound weight.
- (d) Car in use for 12 months or more but not more than 24 months, 70 per cent of duty at 6d. per pound weight.
- (e) Car in use for more than 24 months, no duty payable.

A minor amendment to excise duties on soft drinks was also made, whereby half of the duty of 1/- per imperial gallon was suspended as from 1 November 1953 and until further notice (G. 1787).

#### QUESTION 26

Does the territory form part of a Customs union with neighbouring colonies and dependencies of the Mandatory Power? If so, how are the Customs receipts and expenses divided?

From the available information no new developments seem to have occurred during the year under review.

#### QUESTION 27

Are the products of the mandated territory given preferential treatment when imported into the territory of the Mandatory Power, its colonies and dependencies, or do they pay the same duties as similar products from foreign countries?

From the available information no new developments seem to have occurred during the year under review.

CHAPTER H  
TRADE STATISTICS

Question 28

Please forward comparative statistics concerning the general and special trade of the Territory, showing both imports and exports for the past five years. (Please indicate the amount of imports and exports of Government material and stores).

With reference to this question the following 10 tables have been prepared for the year 1953 and the first eight months of the year 1954. (For the years 1950, 1951, and 1952, corresponding statistics may be found in document A/AC.73/L.3, pp. 428 to 441.)

Table 1: Trade Balance of South West Africa.

Table 2: Imports by Classes of Merchandise.

Table 3: Principal Exports by Classes of Merchandise.

Table 4: Imports by Principal Countries of Origin.

Table 5: Exports by Areas of Destination.

Table 6: Exports by Principal Countries of Destination.

Table 7: Balance of Trade between the Union of South Africa and South West Africa.

Table 8: Share of the Union of South Africa in South West Africa's total trade (in percentage of imports and exports.)

Table 9: South West Africa's exports to the Union of South Africa (in percentage of total exports).

Table 10: South West Africa's imports from the Union of South Africa (in percentage of total imports.)

TABLE I

Trade Balance of South West Africa

	1953	1954 <sup>(1)</sup>	(1953) <sup>(1)</sup>
Exports (f.o.b.) <sup>(2)</sup>	35,227,877	23,988,399	(22,451,559)
Imports (f.o.b.) <sup>(3)</sup>	24,283,114	14,470,950	(16,011,087)
Trade balance (f.o.b.)	+10,944,763	+9,517,449	(+6,440,472)

Source: Monthly abstract of the Trade statistics of the Union of South Africa and South West Africa.

- (1) First eight months.
- (2) Figures include re-exports, Government stores operations, specie movements and parcel post.
- (3) Figures include trade with Southern Rhodesia and Northern Rhodesia, Government and railways stores operations and specie movements.

TABLE 2

Imports by Classes of Merchandise

	1953	1954 <sup>1/</sup>	(1953) <sup>1/</sup>
	£	£	£
Animals, agricultural and pastoral products (excluding foodstuffs)	364,393	245,313	( 240,934)
Foodstuffs	2,547,100	1,723,185	(1,648,038)
Ales, spirits, wines and beverages (potable)	429,847	251,826	( 244,673)
Spirits (non-potable)	41,534	24,602	( 22,287)
Tobacco	662,093	449,135	( 426,975)
Fibres, yarns, textiles and apparel	3,231,520	2,207,671	(2,031,608)
Metals, metal manufactures, machinery and vehicles	8,891,370	4,939,325	(6,153,245)
Minerals, earthenware, glassware and cement.	675,680	430,675	( 458,177)
Oils, waxes, resins, paints, and varnishes	1,486,247	1,029,250	(1,013,339)
Drugs, chemicals and fertilizers	520,247	362,799	( 306,773)
Leather and rubber and manufactures thereof	1,022,279	651,863	( 632,404)
Wood, cane and wicker and manufactures thereof	913,903	494,620	( 652,188)

.../...

Books, paper and stationery	416,621	(287,307)	(265,109)
Jewellery, timepieces, fancy goods and musical instruments	330,598	180,460	(184,435)
Miscellaneous	841,718	641,725	(407,786)
<hr/>			
Total merchandise	22,375,150	13,919,756	(14,687,971)
Government stores (including Railway stores)	1,785,081	447,354	(1,248,524)
Specie	17,050	19,781	(5,750)
From Northern and Southern Rhodesia	105,833	84,059	(68,842)
<hr/>			
Grand total	24,183,114	14,470,950	(16,011,087)

Source: Monthly abstract of the Trade statistics of the Union of South Africa and South West Africa.

1/ First eight months.



TABLE 3

Principal Exports by Classes of Merchandise

(South African produce)

	1953	1954 <sup>1/</sup>	(1953) <sup>1/</sup>
	£	£	£
Animals, living	1,632,470	1,314,000	(859,523)
<u>Hides and skins</u>			
Ox and cow	216,335	109,321	(133,365)
karakul skins	4,131,896	2,328,177	(2,809,425)
sheep and goat skins	153,962	114,859	(97,069)
Wool	860,494	636,685	(525,136)
Butter	653,962	722,890	(505,453)
Rock lobster tails, fresh or frozen	222,950	142,567	(124,526)
Fish other, fresh, dried and cured	71,155	50,203	(53,286)
Fish preserved, other	1,483,504	1,718,839	(973,015)
Meats, fresh or frozen	551,482	407,591	(284,172)
Lead ore	6,115,671	4,323,941	(3,819,658)
Tin ore	86,111	127,680	(47,184)
Vanadium ore	78,286	156,857	(63,277)
Zinc ore and concentrates	560,839	322,231	(272,958)
Diamonds	13,584,782	8,513,045	(8,833,098)
Fertilizers	42,573	22,791	(25,141)

Source: Monthly abstract of the Trade statistics of the Union of South Africa and South West Africa.

<sup>1/</sup> First eight months.

TABLE 4

Imports by Principal Countries  
of Origin

	1953	1954 <sup>1/</sup>	(1953) <sup>1/</sup>
	£	£	£
United Kingdom	1,171,782	699,131	(788,231)
United States	766,694	455,491	(523,338)
Germany	1,067,806	645,775	(665,945)
Union of South Africa (South African produce)	13,804,287	8,895,292	(8,828,760)
Total imports from all <sup>2/</sup> countries	22,375,150	13,919,756	(14,687,971)

Source: Monthly abstract of the Trade statistics of the Union of South Africa and South West Africa.

<sup>1/</sup> First eight months  
<sup>2/</sup> Excluding Government and railways stores operations, specie movements and parcel posts, and removals from Northern Rhodesia and Southern Rhodesia.

TABLE 5

Exports by Areas of Destination

	1953	1954 <sup>1/</sup>	(1953) <sup>1/</sup>
	£	£	£
<u>South African produce</u>			
Overseas	28,593,268	19,100,914	(18,485,693)
To Union of South Africa	6,263,134	4,684,829	(3,746,366)
To Northern Rhodesia	2,490	- -	- -
To Southern Rhodesia	44,991	- -	- -
<u>Imported goods re-exported</u>			
Overseas	13,656	11,948	(11,896)
To Union of South Africa	269,261	178,249	(165,544)
To Northern Rhodesia	565	- -	- -
To Southern Rhodesia	359	- -	- -
<hr/>			
Total merchandise	35,187,624	23,975,940	(22,409,499)
Government and Railways stores	40,253	9,655	(38,874)
Parcel posts	- -	2,804	(3,186)
Specie	- -	- -	- -
<hr/>			
Grand total	35,227,877	23,988,399	(22,451,559)

Source: Monthly abstract of the Trade statistics of the Union of South Africa and South West Africa.

<sup>1/</sup> First eight months.

TABLE 6  
Exports by Principal Countries  
of Destination<sup>1/</sup>

	1953	1954 <sup>1/</sup>	(1953) <sup>2/</sup>
	£	£	£
United Kingdom	18,395,109	11,645,447	(12,117,596)
United States	5,371,284	3,517,128	( 3,421,745)
Netherlands	409,623	237,922	( 193,575)
Belgium	3,357,421	2,536,582	( 2,091,420)
Union of South Africa	6,263,134	4,684,829	( 3,746,366)
Total exports to all countries	34,897,863	23,785,743	(22,232,059)

Source: Monthly abstract of the Trade statistics of the Union of South Africa and South West Africa.

<sup>1/</sup> South African produce, excluding re-exports, Government and railway stores operations, specie movements and parcel posts.

<sup>2/</sup> First eight months.

TABLE 7

Balance of Trade between the Union of South  
 Africa and South West Africa (South African  
 produce)

	1953 £	1954 <sup>1/</sup> £	(1953) <sup>1/</sup> £
Imports from the Union	13,804,287	8,895,292	(8,828,760)
Exports to the Union	6,263,134	4,684,829	(3,746,366)
Balance	-7,541,153	-4,210,463	-5,082,394
Percentage of imports not covered by exports	55%	47%	(58%)

Source: Monthly abstract of the Trade statistics of the Union of South Africa  
 and South West Africa.

<sup>1/</sup> First eight months.

TABLE 8

Share of the Union of South Africa in South  
 West Africa's total trade (in percentage of  
 imports and exports)

	1953 %	1954 <sup>1/</sup> %	(1953) <sup>1/</sup> %
Imports from the Union of South Africa (South African Produce) in percentage of total imports <u>2/</u>	61.7	64.0	(64.5)
Exports to the Union of South Africa in percentage of total exports (South African produce) <u>3/</u>	17.9	19.6	(16.6)

Source: Monthly abstract of the Trade statistics of the Union of South Africa and South West Africa.

1/ First eight months.

2/ Excluding removals from Southern Rhodesia and Northern Rhodesia, Government stores operations and specie movements.

3/ Excluding removals to Southern Rhodesia and Northern Rhodesia, specie and parcel posts movements.

TABLE 9

South West Africa's Exports to the Union  
 of South Africa (South African  
 produce) - in percentage of total  
 exports.

	1953 %	1954 (first eight months) %
Animals, living	100	100
Hides and skins		
Karakul pelts	0,01	0,05
Others (ox and cow hides, and sheep skins)	97	92
Wool	82	71
Foodstuffs		
Fish	19	24.5
All others (butter, cheese, cereals, meats, fresh or frozen, etc.)	79	80
Metal and ores		
Tin ore	25	0
All others	0	0
Diamonds	0	0,02
Fertilizers	100	100

Source: Schedule compiled from figures supplied by the Monthly abstract  
 of the Trade statistics of the Union of South Africa and South West  
 Africa.

TABLE 10

South West Africa's Imports from the Union of South Africa  
 (in percentages of total imports) 1/

	1953 %	1954 <sup>2/</sup> %
Animals, agricultural and pastoral products (excluding foodstuffs)	84.1	88.2
Foodstuffs	90.5	93.4
Alcs, spirits, wines and beverages (potable)	90	96.8
Spirits (non-potable)	100	100
Tobacco	100	100
Fibres, yarns, textiles and apparel	66.9	74.0
Metals, metal manufactures, machinery and vehicles	54.7	63.2
Minerals, earthenware, glassware and cement	83.2	88.4
Oils, waxes, resins, paints and varnishes	33	56.0
Drugs, chemicals and fertilizers	67.2	75
Leather and rubber and manufactures thereof	96.3	96.6
Wood, cane and wicker and manufactures thereof	56.7	60
Books, paper and stationery	77.5	87.8
Jewellery, timepieces, fancy goods and musical instruments	51.1	72.5

Source: Schedule compiled from figures supplied by the Monthly abstract of the Trade Statistics of the Union of South Africa and South West Africa.

1/ Figures include re-exports  
2/ First eight months.



CHAPTER I

JUDICIAL ORGANIZATION

QUESTION 29

Please give a description of the judicial organization, both civil and criminal.

QUESTION 30

How are the courts and tribunals of the various instances constituted?

QUESTIONS 31 and 32

For information regarding Questions 31 and 32 - see after Question 33.

QUESTION 33

Does the judicial organization include tribunals exclusively composed of natives? Are these tribunals under direct or indirect control of the Mandatory Power? What powers do they exercise? Can they inflict punishment for which the law makes no provision? How are their sentences carried out?

1. The Information and Documentation in respect of the Territory of South West Africa submitted to the Committee on South West Africa in 1954 contains, in document A/AC.73/L.3, information relevant to these questions dealing with

- (a) the organization, constitution and powers of the superior courts, namely the High Court of South West Africa and the Circuit Courts (paras. 5-18, pp. 442-448);
- (b) the legal provisions relating to appeals from the superior courts of the Territory to the Supreme Court of South Africa (paras. 19-22, pp. 448-449);

- (c) the organization, constitution, jurisdiction and powers of the inferior courts, namely the magistrates' courts, periodical courts, courts of special Justices of the Peace and courts of Native Commissioners (paras. 22-57, pp. 450-462);
- (d) the powers of Native Affairs Officers to try offences under the Control and Treatment of Natives on Mines Proclamation (Proclamation No. 3 of 1917) (paras. 58-60, pp. 462-463);
- (e) the organization, jurisdiction and powers of tribal customary courts existing outside the Police Zone, (paras. 61-65, pp. 463-464);
- (f) the judicial organization existing in the Rehoboth Gebiet and the Eastern Caprivi Zipfel (paras. 66-75, pp. 465-466).

2. Accordingly, reference is made to the above-mentioned paragraphs in document A/AC.73/L.3.

3. The supplementary information provided below deals with subsequent enactments which (a) modify the jurisdiction of magistrates' courts by increasing the penalties which they may impose, (b) modify the law relating to the automatic review by the High Court of sentences imposed by magistrates' courts, (c) make provision for the holding of an additional magistrates' court at Usakos, and (d) modify the jurisdiction of Native Commissioners' courts in divorce cases. Other enactments during the period under review which do not essentially change the judicial organization in the Territory are not referred to in the present document.

Jurisdiction of magistrates' courts

4. The jurisdiction conferred upon magistrates' courts under the terms of Proclamation No. 31 of 1935 is set forth in summary form in paragraphs 27 to 33 (pp. 451-455) of document A/AC.73/L.3. In criminal cases the jurisdiction of the courts is restricted by a limitation upon the penalties which they may impose. Thus, under the provisions of Proclamation No. 31 of 1935 a summary punishment could not exceed six months imprisonment, a fine of fifty pounds and/or corporal punishment up to a maximum of fifteen strokes. In more serious cases remitted for trial after a preparatory examination, however, the court could impose a maximum fine of one hundred pounds and/or a maximum period of imprisonment of one year. These provisions have since been modified in the following manner.

5. In the first place, Ordinance No. 11 of 1954, sections 17 and 18 (SWAG 1846, pp. 859 and 860) amended the above Proclamation by increasing the maximum fine which may be imposed by a magistrates' court to one hundred pounds upon summary conviction and two hundred pounds upon conviction after remittal. This Ordinance did not change the maximum sentences of imprisonment or corporal punishment which may be imposed.

6. Secondly, the Criminal Law Amendment Act, 1953 (a) provided for increased penalties for offences proved to have been committed by way of protest or in support of any campaign against any law or in support of any campaign for the repeal or modification of any law or the variation or limitation of the application or administration of any law, and (b) provided penalties for incitement or assistance, etc. to commit such offences, and for solicitation, acceptance, receipt or offer of financial or other assistance for any organized

resistance against the laws of the Union. In the case of the above offences, section 7 of the Act provided that, notwithstanding anything to the contrary contained in any other law, the maximum fine which a magistrates' court may impose is three hundred pounds and the maximum sentence of imprisonment is three years (SWAG, 1750, pp. 14-16). Thus, in the case of offences named in the above Act, magistrates' courts may impose penalties in excess of the maxima prescribed in Proclamation No. 31 of 1935 as amended.

Review of sentences imposed by magistrates' courts

7. The provisions of Proclamation No. 31 of 1935 relating to the hearing of appeals from and review of convictions, sentences, judgements, etc. of magistrates' courts are summarized in paragraphs 16, 17, 18, 34 and 35 of document A/AC.73/L.3 (pp. 447-448 and 455).

With regard to the automatic review of sentences imposed by magistrates' courts in criminal cases, the law provided in short that the High Court should review in ordinary course all sentences in criminal cases where the punishment awarded was more than imprisonment for any period exceeding three months or a fine exceeding twenty-five pounds or any whipping (save in the case of a male person of an age not exceeding twenty-one years). Provision also exists for review of other sentences in particular cases.

8. During 1954, the above conditions for automatic review were modified by section 19 of Ordinance No. 11 of 1954, which amended the earlier Proclamation by (a) raising the minimum fine requiring automatic review from twenty-five to fifty pounds, and (b) adding as a further condition that "... each sentence on a separate count shall be regarded as a separate sentence and the fact that the

aggregate of sentences imposed on an accused person in respect of more than one count in the same charge sheet exceeds three months or fifty pounds shall not render those sentences liable to automatic review." (SWAG 1846, p. 860)

Number and location of magistrates' courts

9. As is explained in paragraphs 37-39 of document A/AC.73/L.3 (pp. 456-457) the Territory is divided into eighteen magisterial districts in each of which there is one magistrates' court and such other additional magistrates' courts as may be established by Proclamation. According to the information presented to the Committee on South West Africa in 1954, there was at that time only one additional magistrates' court, at Tsumeb in the Grootfontein magisterial district.

10. During 1954 a second additional magistrates' court was established at Usakos in the magisterial district of Karibib under the terms of Proclamation No. 56 of 1954 (SWAG 1864, p. 1295).

Jurisdiction of Native Commissioners' courts

11. The jurisdiction of courts of Native Commissioners is set forth in paragraphs 46-53 of document A/AC.73/L.3 (pp. 459-461). In short, a Native Commissioner's court has jurisdiction over civil, including matrimonial, causes (except in certain cases) and such criminal jurisdiction as may be conferred upon it. In the Kaokoveld or Ovamboland magisterial districts or the Okavango Native Territory a court of Native Commissioner is "for the hearing only of any matrimonial cause in which the defendant resides within the area of jurisdiction of that particular court."

12. Except for the last provision cited above, the law did not specify formerly which court should have jurisdiction in a matrimonial dispute in which the two parties resided in different areas. During 1954, however, the law was amended by section 6 of Ordinance No. 11 of 1954 which provides that "notwithstanding anything to the contrary... in actions for divorce, the court of the Native Commissioner, within whose area of jurisdiction the plaintiff resides, shall have jurisdiction in such proceedings."

(SWAG 1846, p. 858).

Annex to Questions 29, 30 and 33

STATISTICS OF CRIMINAL WORK

Little statistical data on this subject is available. The Information and Documentation in respect of the Territory of South West Africa submitted to the Committee on South West Africa in 1954 contains, in document A/AC.73/L.3, (pages 467-468, information for the years 1947-1949 concerning (i) the number of persons of each race and sex convicted by the superior and inferior courts and (ii) the daily average of prisoners both for the Territory as a whole and the principal gaol at Windhoek. These tables are reproduced below with the addition of further data for the years 1950-1952 obtained from the Official Year Book of the Union of South Africa for 1952-1953.

TABLE I

Criminal convictions - High Court and Circuit Courts

(1946 - 1952)					
	Persons convicted				
	Europeans		Natives and coloured		Total
	Male	Female	Male	Female	Persons
1946	17	3	56	-	76
1947	24	2	93	1	120
1948	22	1	66	1	90
1949	7	-	18	-	25
1950	12	-	37	2	51
1951	9	1	22	1	33
1952	15	-	55	1	71

TABLE II

Criminal cases disposed of by inferior courts

(1946 - 1952)					
Year	Cases sent for trial	Persons sent for trial	Persons convicted		Total number of persons convicted
			Males	Females	
1946	11,725	13,025	10,343	1,722	12,065
1947	13,783	15,069	11,513	2,203	13,716
1948	15,470	17,038	13,722	2,168	15,890
1949	17,773	18,955	14,624	2,906	17,530
1950	21,599	23,332	17,478	3,403	20,881
1951	23,034	21,536	16,579	3,304	19,883
1952	24,611	22,454	17,556	3,431	20,987

TABLE III

Daily average of prisoners for the Territory and for  
Windhoek gaol

( 1947 - 1952)

Year	Daily averages	
	Whole Territory	Windhoek gaol
1947	484	357
1948	465	344
1949	451	330
1950	489	294
1951	404	282
1952	482	353



QUESTION 31

Do the courts and tribunals recognize native customary law, and if so, in what cases and under what conditions?

1. According to the information available, no significant developments occurred during the period under review which have a bearing on this Question. It may be worthy of note, however, that during 1954 native law was added to the syllabus for attorneys' and civil servants' law examinations ("South Africa Reports", published by the Government Information Office, 24 June 1954).

QUESTION 32

Are natives entitled to officiate in the courts and tribunals: for example as: assessors or members of the jury?

1. According to the information available, no significant developments occurred during the period under review which have a bearing on this Question.

QUESTION 34

Does the law inflict the penalties of corporal punishment, forced residence and deportation? If so, under what conditions and limitations.

1. The Information and Documentation submitted to the Committee on South West Africa in 1954 contains (on pages 471-475 of document A/AC.73/L.3) a description of the legal situation in regard to the infliction of these penalties. It is stated therein that forced residence exists as a penalty which may be imposed by the courts only to the extent that they may order an offender to be detained at a farm colony, work colony, inebriate home, juvenile reformatory or other similar institutions in lieu of other penalty or that they may impose certain restrictions upon movement as a condition of probationary release. The courts do not have the power to order deportation, which power is exercised by the executive branch of the Government (the Administrator). The courts may, however, grant release on probation under the condition that the offender leave the Territory, but this condition may not be applied to British subjects.
2. In so far as the powers of the courts are concerned, the information available does not disclose any subsequent modification of the situation as previously described. Subsequent enactments do, however, affect the powers of the executive branch of government to issue orders concerning residence and deportation. These new provisions are described below.
3. While there does not appear to be any legislation empowering the executive branch of government to order forced residence in the strict sense of the term, statutory provision was made in 1953 under the terms of section 9 of the Criminal Law Amendment Act of 1953 for the Minister of Justice of the Union of South Africa to prohibit a person convicted of an offence under the Act from being within a defined area under penalty of fine or imprisonment. This provision relates only to persons convicted of offences proved to have been committed by way of protest or in support of any campaign against any law or of any campaign for the repeal or modification of any law or the variation or limitation of the application or administration of any law and to persons convicted of having incited or assisted the commission of such offences or of

having solicited, accepted, received or offered financial or other assistance for any organized resistance against the laws of the Union (SWAG, 1750, pp. 14-18).

4. Section 8 of the same Act also empowers the Administrator of the Territory to order the removal from the Territory of any person who is not a South African citizen by birth or descent and who has been convicted of any of the offences described above (SWAG 1750, pp. 16-18).

5. Similar powers are also granted to the Minister of Justice and the Administrator by the Suppression of Communism Act, 1950 (SA, Statutes, 1950, pp. 567 and 561) as amended by the Riotous Assemblies and Suppression of Communism Amendment Act, 1954 (SWAG 1821, pp. 5-9). Section 10 of the principal Act empowers the Minister of Justice to prohibit any person who he is satisfied is promoting or likely to promote the objects of communism from being within defined areas. Section 14, as amended, empowers the Administrator to order the removal from the Territory of a person who is not a South African citizen, by birth or descent and who is a communist or has been convicted of any of certain offences specified in the Act.

6. Power to order the removal of any person deemed to be dangerous to the peace, order or good government of the Territory had, in fact previously been possessed by the Administrator under the terms of the Undesirables Removal Proclamation of 1920 (see paragraph 19 of document A/AC.73/L.3). This Proclamation appears to have been superseded in effect by the Deportation of Undesirable Persons from South West Africa Proclamation of 1954 which is more specific than the earlier Proclamation in that it provides that only a person convicted of an offense may be deported as an undesirable person. Moreover, whereas the earlier Proclamation (as variously amended) contained no provision for appeal against a deportation order, the 1954 Proclamation provides that every person against whom such an order has been made shall have the right of appeal to an Immigration Board for the Territory constituted in terms of section two of the Immigrants Regulation Act, 1913 (SWAG 1872, pp. 2-3).

QUESTION 35

Does the penitentiary system obviate the necessity of sending prisoners long distances for confinement?

1. According to the information available, no significant developments have occurred during the period under review which have a bearing on this Question.

CHAPTER J

POLICE

QUESTION 36

Is there any police force apart from the armed forces proper? If so, what is its strength?

QUESTION 37

Are the police concentrated in centres under direct European authority or distributed in detachments in the villages under native subalterns only?

1. Information relevant to the organization, numerical strength and method of financing the police force in South West Africa is included in document A/AC.73/L.3, pages 477-479, which was submitted to the first session of the Committee on South West Africa.
2. Supplementary information for 1953 indicates that there was no major change during 1953 in the situation as previously described. The police in South West Africa continued to constitute a Division of the South African Police under the agreement set forth in the Police (South West Africa) Act, No. 19 of 1939 (SA Statutes, 1910-47, vol.10, p. 1005) whereby the Territorial Administration pays a fixed annual contribution to the Union for police services and in addition assumes the responsibility for the buildings necessary to accommodate the police force.
3. During 1953 there was a significant increase in the non-European establishment of the South African Police (mainly in areas outside the Territory) which was part of a general policy of replacing European by non-European policemen in Native areas. The main impact of this policy in the Territory was the creation of additional ranks for non-European members of the Force in order to provide greater opportunities for systematic advancement and more satisfactory supervision. Prior to 1953 there had been only three ranks for non-Europeans (viz: Constable, 2nd class Sergeant and 1st class Sergeant). Under the organization introduced in 1953 there are six ranks (viz: Constable, Corporal, Lance Sergeant, 2nd class Sergeant, 1st class Sergeant and Senior Sergeant).

4. At the same time, the salary structure of the Force was improved during 1953 and a committee was appointed to go into the question of pensions. (SA, Police, 1953, pp. 2-3 and 12).
5. The numerical strength of the police in the Territory for each of the years 1950-53 is given in the Annex to Question 36.

Distribution of strength in the Police Force in South West Africa

## EUROPEANS

## NON-EUROPEANS

YEAR	UNIFORM				C.I.D.				Total Euro- peans	UNIFORM			C.I.D.			Total Non- Euro- peans	Total
	Officers	WO's	NGO's	Constables	Officers	WO's	NGO's	Constables		1st class sergeants	2nd class sergeants	Constables	1st class sergeants	2nd class sergeants	Constables		
1950	10	8	77	174	1	1	12	5	288	1	13	169	0	2	12	197	485
1951	9	9	75	157	1	1	12	4	268	2	12	167	0	3	13	197	465
1952	8	8	78	143	1	2	11	5	256	2	14	172	0	3	13	204	460
1953	8	13	80	140	1	2	10	7	261	13 <sup>1/</sup>	2 <sup>2/</sup>	194	3 <sup>1/</sup>	0 <sup>2/</sup>	12	224	485

1/ Sergeants.

2/ Lance Sergeants and Corporals.

Sources: SA, Police, 1950, p.2; 1951, p. 4; 1952, p. 14; 1953, p.13.



CHAPTER K

DEFENCE OF THE TERRITORY

QUESTION 38

Are any military forces maintained for the defence of the Territory?

If so, how are they recruited, organized and armed? What is the period of service? What proportion of Europeans do they include? What is their strength? Is it provided that discharged soldiers are called up as reservists in case of an emergency?

QUESTION 39

If the Territory has no armed forces of its own, what are the arrangements for its defence?

QUESTION 40

If military expenditure and expenditure on the police are included under the same item of the budget, please indicate separately the expenditure on each.

Reference is made to the information presented under these Questions to the Committee on South West Africa in document A/AC.73/L.3 (p. 480).

CHAPTER 1

ARMS AND AMMUNITION

QUESTION 41

What measures have been adopted to control the importation of arms and ammunition?

1. Reference is made to the information contained in document A/AC.73/L.3 under this question. During the period under review, there were no amendments to the Proclamations referred to therein relating to the control of arms and ammunition.

QUESTION 42

What number of arms, and quantity of ammunition of the different categories have been imported during the year, and what approximately is the number of such arms and the quantity of ammunition in the country?

1. The following are particulars in regard to arms and ammunitions imported during the years 1950 and 1951:<sup>1/</sup>

<u>Arms</u>	<u>1950<sup>2/</sup></u>	<u>1951<sup>2/</sup></u>
Guns of one Barrel	881	1,388
Guns of two or more Barrels	68	129
Loose Barrels	13	126
Pistols and Revolvers	254	383

  

<u>Ammunition</u>	<u>1950<sup>3/</sup></u>	<u>1951<sup>3/</sup></u>
Cartridges Shot No.	119,370	90,964
Miniature rifle, revolver, pistol No.	1,993,701	2,949,212
Other No.	873,191	1,210,022
Gun powder and other explosive, suitable for firearms lb.	13	50
Shot, Bullets and slugs lb.	2,927	3,827

2. No further information became available during the period under review regarding the number of arms and quantity of ammunition in the Territory.

---

<sup>1/</sup> For the years 1947-49, corresponding statistics may be found in doc. A/AC.73/L.3, Question 42, page 482.  
<sup>2/</sup> SA, Trade and Shipping, 1951, pp. 1101, 1102.  
<sup>3/</sup> SA, Trade and Shipping, 1951, pp. 1177, 1178.

QUESTION 43

Is the importation (with or without restrictions) allowed of "trade guns" (flint locks) and "trade powder" for self-defence, or for the protection of crops against wild animals, or for any other harmless purpose?

1. As stated in the information presented to the Committee on South West Africa in 1954 (see A/AC.73/L.3, Question 43, p. 483), section 35 of the Arms and Ammunition Proclamation, 1938, provides that "arm" means any firearm, other than a cannon, machine gun or machine rifle, and includes any gun, rifle, revolver, pistol, or any material part of an arm, as therein defined, and furthermore the weapon known as a Bushman bow, or any other weapon capable of being used for propelling a projectile which the Administrator may from time to time declare by notice in the Gazette to be an arm for the purposes of this Proclamation (SWA, Laws, 1938, p. 186).

2. During the period under review, the following instruments were declared to be arms for the purposes of the Proclamation: Instruments called as (1) RG 3 - R8hm gas and alarm Pistol, (2) EM GE - Gaspistol Model 6 a, and (3) Air rifles of .22 calibre and larger, as arms under the Arms and Ammunition Proclamation No. 23 of 1938 (GN 116/1954; SWAG 1835, p. 720).

CHAPTER M

Social, Moral and Material Condition of the Natives

QUESTION 44

What, generally speaking, are the measures adopted to promote the moral, social and material welfare of the natives? As an indication, please state approximately the total revenue derived from the natives by taxation and the total amount of the expenditure on their welfare (education, public health, etc.)

QUESTION 45

Is the native population divided into distinct social castes? If so, does the law recognize these distinctions and the privileges which may be attached thereto by native tradition and customs?

QUESTION 46

Does the slave trade or slave-dealing exist in any form? If so, what measures are taken for their suppression and what has been the success of these measures?

QUESTION 47

Does slavery still exist and, if so, in what form: (a) In Moslem districts? (b) In other districts? Can a slave be emancipated under native customary law?

QUESTION 48

What measures are being taken to suppress slavery? What have been the results of these measures?

QUESTION 49

Do any of the following practices exist in the Territory: Acquisition of women by purchase disguised as payment of dowry or of presents to parents? Purchase of children under the guise of adoption? Pledging of individuals as security for debt? Slavery for debts? Are these practices penalized by law?

QUESTION 50

What is the status of freed slaves, especially women and children, in the native social organization?

QUESTION 51

What is the social status of women? In particular, are polygamy and concubinage universal or prevalent? Are they recognized by law?

QUESTION 52

Can a native move about freely throughout the entire Territory? Are there any regulations in regard to such movement? Is vagrancy a penal offence? If so, how is it defined?

The information and documentation relating to these questions will appear in a supplement to this document.

CHAPTER N

CONDITIONS AND REGULATION OF LABOUR

QUESTION 53

Have measures been taken in accordance with Part XIII of the Treaty of Versailles to ensure the application of conventions or recommendations of the International Labour Conference?

Please indicate such local circumstances, if any, as render these provisions inapplicable or ineffective.

1. The Information and Documentation in respect of the Territory of South West Africa submitted to the Committee on South West Africa in 1954 in document A/AC.73/L.3/Add.1, contains information relevant to this Question dealing with
  - (a) the reply of the Government of the Union to the Trusteeship Council in 1948 (paras. 1-2);
  - (b) the acceptance and application of two International Labour Conventions and the situation arising therefrom up to the end of 1950 (paras. 3-5) and
  - (c) the report of the Government of the Union dealing with the unratified Conventions and/or Recommendations of the International Labour Conference (para. 6).
2. Accordingly, reference is made to the above-mentioned sections of document A/AC.73/L.3/Add.1.
3. The position with regard to the application to the Territory of South West Africa of the Conventions ratified by the Union remains unchanged, namely, that the two under-mentioned Conventions have been accepted as being applicable to the Territory of South West Africa:
  - (1) Convention (No. 19) concerning Equality of Treatment for National and Foreign Workers as regards Workmen's compensation for accidents - adopted at the 1925 Session of Conference and accepted in 1949.
  - (2) Convention (No. 45) concerning the Employment of women on underground work in Mines of all kinds - adopted at the 1935 Session of Conference and accepted in 1949 (S.A., Labour, 1950, p. 75).

4. With regard to Convention No. 19, the Report III (Part I) of the International Labour Conference (Thirty-seventh Session, 1954) which covers the period from 1 July 1952 to 30 June 1953, summarizes the report of the Government of the Union of South Africa as follows:

"During the year five foreign natives were killed; there were only seven cases of injury which were serious enough to be reported" (ILO, 1954, Report III, Part 1, p. 194).

5. With regard to Convention No. 45, the same Report summarizes the report of the Government of the Union as follows:

"The report states that ratification does not give the force of national law to the terms of the Convention. In order to become effective such terms must be embodied in a law passed by the Legislature" (ILO, 1954, Report III, Part 1, p. 214).

6. Such legal provision is now embodied in the Mines, Works and Minerals Ordinance, 1954 (Ordinance No. 26 of 1954), section 104 of which reads:

"104. No person shall employ underground on any mine a boy under the age of sixteen or any female" (SWAG, 1954, No. 1847, p. 925).

7. Report VI (2) of the International Labour Conference (Thirty-seventh Session, 1954), dealing with "Penal Sanctions for Breaches of Contract of Employment" contains a reply of the Government of the Union stating that this Government was not in a position to support the proposed Recommendation of the Committee of Experts on Social Policy in Non-Metropolitan Territories for the abolition of all penal sanctions for any breach of contract of employment against workers belonging to or assimilated to a dependant indigenous population. The reply which did not mention the Territory of South West Africa expressly gave the following reasons for this negative point of view:

"As a result of the extremely rapid growth of industry in the Union and the consequent movement of large numbers of the indigenous population from rural to urban areas the Government has found itself faced with many problems requiring immediate solution and the possible revision of the various Masters and Servants laws has not been examined. In practice the penal



sanctions provided for in these laws are still found necessary especially in cases of desertion. Some speedy means of securing a decision is necessary and recourse to civil action as a solution does not seem to be the answer. The present system gives the employee the right to appeal to the authorities for assistance when he feels that his employer is not carrying out his side of the contract and the abolition of penal sanctions would involve the withdrawal of this right and the substitution therefor of the doubtful privilege of being able to appeal to a civil court for redress. Apart from the cost to himself of such civil action the length of time taken before such cases were heard would render such a system largely ineffective especially in the rural areas.

The principle underlying the proposed abolition has been too broadly stated, as a system of penal sanctions in support of collective agreements, wage determinations, etc., gives an employee the greatest possible protection and ensures speedier rectification of grievances than would be possible if it was necessary to have recourse to the civil courts. Such a system has been built up in this country and all employees of all races who are covered by such wage-fixing instruments have been enjoying its benefits for many years. All these instruments include provisions regarding termination of employment and employees whose services have been terminated without the requisite notice have merely to appeal to the Department of Labour in order to have the matter taken up on their behalf and the employer punished, if necessary, in the criminal courts. It would obviously be inequitable to apply penal sanctions against employers in such cases and to allow employers redress only through the civil courts when an employee fails to carry out his side of the contract and leaves without notice; criminal sanctions have therefore been made applicable against employees and in both cases proceedings are instituted by the public prosecutor. These laws also cover workers belonging to the indigenous races of this country to whom the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65) as well as the proposed Recommendation would apply.

It is therefore considered that the principle which Convention No. 65 sought to establish and which the proposed Recommendation will perpetuate is not sound in that it has been too broadly stated and that it should be re-examined before anything further is built upon it. To condemn penal sanctions in such broad terms when in fact they can and do operate to the advantage of large bodies of workers is illogical and the Government cannot, therefore, for reasons of principle as well as for strong practical reasons, support the proposed Recommendation.

It should be noted further that Article 17 of the Labour Inspection Convention, 1947 (No. 81) read with Article 27 lays down that persons who violate collective agreements upon which the force of law is conferred and which are enforceable by labour inspectors "shall be liable to prompt legal proceedings without previous warning". The possible need for a system of penal sanctions to secure the effective observance of the provisions of collective agreements is also envisaged in Paragraph 3 (4) of the Collective Agreements Recommendation, 1951 (No. 91) and it is obvious, therefore, that the trend in recent years has been away from the broad conception of the principle which was formulated in 1939 and a re-statement of the principle on the same broad basis now is not logical" (ILO, 37th Session, Report VI (2), pp. 6-7).

8. The International Labour Office published in 1953 the Report VI (1) dealing with "Penal Sanctions for Breaches of Contract of Employment". This Report contains information on the law and practices relating to penal sanctions in "dependent" territories and in the home territories of Members of the Organization. This report refers to a report prepared for the 1938 Session of the Conference in which the position with regard to the Mandated Territory of South West Africa was described as follows:

Subject to slight variations, the penal sanctions contained in the Cape Masters and Servants Act are to be found... in the mandated Territory of South West Africa... It is not necessary to enumerate these variations. One common feature, however, is of importance: it is the

general power under the law of employers to require their servants to proceed before a magistrate or to accompany them before the magistrate to answer any charge which is being laid by the employer. This in fact confers power of arrest on an employer, although, as shown in connection with the termination of the contract, this power may be held to be mitigated by the court's rights to cancel a contract if it judges that the employer has brought a frivolous charge against his servant.

The Mines and Works Proclamation of the Mandated Territory of South West Africa contains penalties of £2 for minor offences, such as neglect of duty, and of £5 or two months imprisonment in default of payment for such offences as desertion (Regulation of Contracts of Employment of Indigenous Workers, op. cit. pp. 176-178) (ILC, Report VI (1), pp. 12-13).

#### QUESTION 54

Does the local supply of labour, in quantity, physical powers of resistance and aptitude for industrial and agricultural work conducted on modern lines appear to indicate that it is adequate, as far as can be foreseen for the economic development of the territory?

Or does the Government consider it possible that sooner or later a proper care for the preservation and development of the native races may make it necessary to restrict for a time the establishment of new enterprises or the extension of existing enterprises and to spread over a longer term of years the "execution of" such large public works as are not of immediate and urgent necessity?

1. The Information and Documentation in respect of the Territory of South West Africa submitted to the Committee on South West Africa in 1954 in document A/AC.73/L.3/Add.1, contains information relevant to this Question dealing with:

- (a) information contained in the Report of the S.W.A. Native Labourer's Commission, 1945-1948 (para. 1) and
- (b) the opening speech of the Administrator to the Fourth Session of the Sixth South West Africa Legislative Assembly (para. 2).

2. Accordingly, reference is made to the above-mentioned sections of document A/AC.73/L.3/Add.1. Additional and new information is given here in chronological order. Reference is also made to Questions 57-58 of the present document.

3. The Report of the South West Africa Long Term Agricultural Policy Commission of 1948 noted that mechanization was not yet possible in South West Africa as a labour-saving measure (para. 184) because the scope for mechanization of farming in South West Africa was limited. The report stated that conservation measures, such as fencing and the provision of water supplies could be expected to go further than mechanization towards saving in labour, but initially, these works would require increased labour supplies (para. 217). The Commission found that there was great concern regarding the supply of farm labour throughout the Territory and that any deterioration of the position existing at that time must inevitably have grave consequences on the national economy, so largely dependent on the farming industry (para. 216). The Commission elaborated on the situation as follows:

The shortage of labour affects dairy and sheep farming in particular. Ranch-dairy farming stands third in production as a branch of the agricultural industry and it requires a relatively large supply of labour. Production is to a certain extent seasonal, but the labour is not idle for the rest of the year. Ranch-dairy farming operates with low-production cows and in that respect is wasteful of labour, especially when the labour and the organisation are not 100 per cent efficient which unfortunately is too often the case. Improvement in this respect is required, but improvement in matters of this nature is not secured by regimentation from above; continual discussion and enlightenment on the spot only can bring this about (para. 218).

Karakul farming ranks as the highest branch of the agricultural industry and any set back to it will at once be reflected in the political economy of the State. This branch of farming cannot be maintained on its present level without its minimum requirements in good, reliable labour; failure in supply thereof will constitute a serious menace to the future of the karakul industry. Fenced paddocks will permit an

increase in size of the flock in the off-lambing season, but labour-saving, will eventually lie in less stock of better quality more than in any other device. Shearing is undertaken by itinerant contractors and is becoming a problem in so far as labour is concerned. A few farmers use shearing machinery" (para. 219).

The Commission concludes with the statement that "the labour resource in the northern native territories should therefore be zealously guarded, and improved social and economic measures adopted in good time combined with suitable propaganda measures to secure the farm labour supply" (para. 646) (Report of the Long Term Agricultural Policy Commission, 1948).

4. The Report of the Board of Management of the Land and Agricultural Bank of South West Africa for the year ended 31 March 1952 contains with regard to the supply of farm labour the following statement:

The labour problem, which is already very acute, is becoming further aggravated. For a number of years the demand has exceeded the supply and, with the opening up of further farms each year, the old and established farmers are finding it more and more difficult to obtain sufficient hands with which to carry on. Mechanization and the erection of camps are being made use of in order to reduce the number of hands required but for the most part the jobs to be done on farms still require manual labour (Land and Agricultural Bank Report, 1952, p. 6).

5. The Official Year Book of the Union of South Africa for 1952-53 contains the following information concerning the shortage of labour in South West Africa:

The increased activity in mining and industrial operations generally has created a great demand for mine and industrial labourers, and, as the conditions of employment are more attractive than those which the farmer is able to provide, this activity resulted in a market shortage of labour available for pastoral and agricultural pursuits.

The labour supply for the diamond mines is drawn from Ovamboland, whilst the labour for the tin, copper, vanadium, and gold mines inland comprises the surplus from Ovamboland, recruits obtained within the police zone, and recruits from the Okavango area in the northern portion of the Territory. Originally the recruitment of natives in Ovamboland and the Okavango was carried out by the Administration through the Native Affairs officers stationed in those territories. Subsequently recruiting organizations were formed to carry on this work. These organizations were amalgamated a few years ago. The amalgamated organization is still functioning.

The chief employers of labour in the Territory are the farming community, the Consolidated Diamond Mines, the Tsumeb Corporation, the Railway Administration, the South West Company fishing concerns, and the various tin mining companies in the districts of Omaruru and Karibib. They employ principally unskilled labourers, derived to some extent from local sources, but for the most part from Ovamboland and the Okavango area (SA, Yearbook, 1952-53, p. 1172).

6. The Administrator's foreword to the South West Africa Annual, 1954, states with regard to problems of labour the following:

The labour question remains a thorny one, as in all young countries which develop fast. As the mines and fishing industries grow, and agriculture extends, the demand for labour increases.

The solution seems to be:

- (a) Bigger production per unit, i.e. harder work.
- (b) Mechanization.
- (c) Jackal-proof fencing and enclosing of farms.
- (d) Easier and faster transport from the Native areas to the labour centres.
- (e) Good wages and service conditioned as well as good housing.
- (f) Stricter control of possible unemployed (SWA, Annual, 1954, p. 5).

7. In his opening speech to the Fifth Session of the Sixth South West Africa Assembly, on 16 March 1954, the Administrator stated with regard to the supply of labour:

Progress, development and extension, however, bring problems in their train or aggravate existing problems. The shortage of manpower, especially of native labour, is still a matter of grave concern (SWA, LA, 1954, p. 2).

8. In the South West Africa Legislative Assembly on 13 May 1954 the Administrator, in answer to questions raised by Mr. McDonald, stated that the present estimated shortage in South West Africa of Ovambo labourers in employment on mines was 400, and in industries and in towns was 500.
9. Asked about the shortage of Ovambo labourers on farms, the Administrator said: "there are orders for 15,000 of which many are in respect of replacement of labourers at present still in service. Because of delays in the execution of orders, some farmers apply for more labourers than they actually require. The estimated actual shortage is 10,000".
10. The Administrator also stated that according to SWANLA it was not possible, owing to the uncertainty of supply, to give an estimate of time required to make up the shortage (SWA, LA, 1954, p. 33).
11. The Report of the Board of the Management of the Land and Agricultural Bank of South West Africa for the year ended 31 March 1954 states that one complaint which was generally and frequently heard throughout the Territory was the shortage of native labour and that the Administration was doing all it could to solve this problem (Land and Agricultural Bank, Report, 1954, p. 7).
12. In this connexion reference is made to the statements regarding native labour and control measures made by the Minister of Native Affairs in the Union House of Assembly, by Senator E. Nel from South West Africa in the Union Senate, and by the Minister of Native Affairs in the Union Senate. These statements are reproduced in Question 2, paras. 55-58, of the present document.
13. It may be noted that according to section 4 (b) of the Regulations Prescribing the Duties, Powers and Privileges of chiefs and Headmen (Government Notice 60/1930) the chiefs and headmen should comply with all laws and render such assistance as may be required of them by responsible officers in connexion with the supply of labour for agriculture and other purposes (SWA, Laws, 1930, p. 418).

QUESTION 55

Are there any laws and regulations regarding labour, particularly concerning:

Labour contracts and penalties to which employers and employed are liable in the case of their breach?

Rates of wages and methods of payments?

Hours of work?

Disciplinary powers possessed by employers?

Housing and sanitary conditions in the camps or villages of workers?

Inspection of factories, workshops and yards?

Medical inspection before and on completion of employment, medical assistance to workers?

Compensation in the event of accident, disease or incapacity arising out of, and in the course of employment?

Insurance against sickness, old age or unemployment?

1. The Information and Documentation in respect of the Territory of South West Africa submitted to the Committee of South West Africa in 1954 in document A/AC.73/L.3/Add.1, contains information relevant to this Question dealing with

(a) the laws and regulations regarding labour, which were divided into five groups, namely:

(i) The Masters and Servants Proclamation (paras. 2-25)

(ii) Proclamation on Control and Treatment of Natives on Mines and the Native Labour Proclamation (paras. 26-31)

(iii) The Extra-territorial and Northern Natives Control Proclamation (paras. 32-40)

(iv) The Natives (Urban Areas) Proclamation (para. 41) and

(v) other Labour regulations (paras. 42-50)

(b) Excerpts of the Report of the South West Africa Native Labourers' Commission, 1945-1948, which offers material relating to:



- (i) Nutrition and Medical Inspection (paras. 53-68 and 119-128)
- (ii) Housing and Sanitary Conditions (paras. 69-85)
- (iii) Rates of Wages (paras. 86-106)
- (iv) Methods of Wage Payments (paras. 107-110)
- (v) Inspection of Native Labour Conditions (paras. 111-118)

2. Accordingly, reference is made to the above-mentioned sections of document A/AC.73/L.3/Add.1.

#### Laws and regulations regarding labour

3. No new basic legislation governing labour in the Territory was enacted during the period under review with regard to groups of laws and regulations dealing with the Masters and Servants Proclamation, Proclamations on Control and Treatment of Natives on Mines and the Native Labour Proclamation as well as with the Native (Urban Areas) Proclamation.

4. Ordinance No. 25 of 22 June 1953 (The Extra-territorial and Northern Natives Control Proclamation Amendment Ordinance, 1953) amends sub-section (2) of section six and section fifteen of the Extra-territorial and Northern Natives Control Proclamation, 1935, as indicated below.

5. Sub-section (2) of section six of the Proclamation was amended by the insertion of a proviso stating that no person, whether a bona fide farmer or not, should further employ any extra-territorial or any northern Native after the expiry of his contract of service, unless he had obtained the permission of the Administrator.

6. Section fifteen of the Proclamation was amended by the deletion of the words "ten" and "two" and the substitution therefor of the words "twenty-five" and "three" respectively, so that this section, dealing with "General penalty" now reads as follows:

Any person who contravenes any provision of this Proclamation, or who makes default in complying with any provision of this Proclamation with which it is his duty to comply, shall be guilty of an offence and be liable to a fine not exceeding twenty-five pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding three months, or to both such fine and such

imprisonment or to such imprisonment with the option of a fine.  
(SWG, 1953, No. 1774, p. 591).

7. The Factories, Machinery and Building Work Ordinance, 1952 (Ordinance No. 34 of 1952) which came into force on 1 May 1953 (P.13/1953; SWAG 1953, No. 1762, p. 299) provides for the registration and control of factories, regulation of hours and conditions of work in factories, supervision of the use of machinery, precautions against accident to persons employed on building or excavation work, and for matters incidental thereto. This Ordinance is divided in six chapters as follows:

Chapter I (sections two to nine) contains provisions with regard to definitions (interpretation of "factory"), appointment of inspectors and their powers, records to be kept by employers, etc;

Chapter II (sections ten to seventeen) contains provisions concerning registration, licensing and control of the factories, submission of plans for building, or factors determining suitability of buildings, transfer and surrender of certificate of registration, etc;

Chapter III (sections eighteen to twenty-eight) contains provisions regarding ordinary hours of work in factories, payment for overtime, paid leave in factories, prohibition of employment of females near time of confinement, etc;

Chapter IV (sections twenty-nine to thirty-three) contains provisions regarding supervision of machinery, notification of accidents, enquiries by inspectors, etc;

Chapter V (sections thirty-four to thirty-nine) contains provisions regarding scaffolding gear used in connexion with building work, offences, etc;

Chapter VI (section forty to fifty-five) contains provisions regarding procedure, prohibition of deductions of wages, penalties, regulations, jurisdiction of magistrates courts, etc. (SWAG, Laws, 1952, pp. 404-464).

8. Government Notice 145 makes Regulations under the Factories, Machinery and Building Works Ordinance, 1952 (Ordinance No. 34 of 1952). These Regulations contain detailed provisions:

Chapter I deals with registration of factories, keeping of records, appeals to Administrator, exemptions, accidents, payments of allowances, returns, penalties etc.

Chapter II deals with floor space and ventilation, sanitary conveniences, washing facilities, cleanliness, protective clothing and appliances, ladders, dangerous places, change rooms, rest and dining rooms, drinking water, provision of seats, heating, first aid, fire precautions, use of storage of volatile inflammable substances, precautions against flooding, welfare in factories, and other matters concerning health and welfare as well as offences and penalties (SWAG, 1953, No. 1762, pp. 306-326).

9. Government Notice No. 257 of 1 September 1953 exempts from the provisions of section twenty-one of the Factories, Machinery and Building Works Ordinance, 1952, (Ordinance No. 34 of 1952) employers, who are occupiers of factories, in respect of extra-territorial and northern Natives as defined in the Extra-Territorial and Northern Natives Control Proclamation, 1935 (Proclamation No. 29 of 1935), who are employed in or in connexion with their factories under valid contracts of service. (SWAG, 1953, No. 1782, p. 749). Section twenty-one provides inter alia that every employer should grant to every person employed by him in respect of each period of twelve months' employment with him leave of absence on full pay of not less than two consecutive weeks (for details see SWA Laws, 1952, pp. 430-434).

10. Proclamation No. 28 of 1953, dated 24 July 1953, declares that the Wage and Industrial Conciliation Ordinance, 1952, (Ordinance No. 35 of 1952) shall commence and come into force on 1 August 1953 (SWAG, 1953, No. 1778, pp. 635-674). Information relevant to Ordinance No. 35 of 1952 (The Wage and Industrial Conciliation Ordinance, 1952) is included in document A/AC.73/L.3/Add.1, Question 55, para. 49, p. 193, and Question 69, paras. 1-3, pp. 237-246.

11. Regulations under the Wage and Industrial Conciliation Ordinance, 1952, were issued under Government Notice No. 231, dated 1 August 1953, as amended by Government Notice 364 of 1 December 1953 (SWAG, 1953, No. 1778, pp. 655-674; No. 1796, p. 1087).

12. Under the terms of the Wage and Industrial Conciliation Ordinance, 1952 (sec. 3), the Administration in 1954 established a wage board and requested it to investigate, report and make recommendations to him concerning the fish industry in South West Africa (GN 64/1954, SWAG, No. 1816, p. 295; GN 79/1954, SWA, 1954, No. 1818, pp. 336-337).

13. The Society of South West African Farmer-Employers of Contracted Extra-Territorial and Northern Natives provided for under Ordinance No. 48 of 1952 (See A/AC.73/L.3/Add.1, Question 55, para. 50, p. 193 of the English text) was established on 1 January 1954 (GN 366/1954, SWAG, 1953, No. 1796, p. 1087). Mr. A.L.T. Luwes, Assistant Native Commissioner, Grootfontein, was appointed Secretary of the Society (GN 365/1953, SWAG, 1953, No. 1796, p. 1087).

Conditions of Labour

14. In his opening speech to the Fifth Session of the Sixth South West Africa Legislative Assembly, on 16 March 1954, the Administrator stated with regard to the housing problems that "housing in urban areas also leaves much to be desired, and the Administration was recently approached for special assistance in regard to houses for railway personnel, since present conditions will hamper the development of railway services and consequently the general welfare of the country" (SWA, LA, 1954, p. 2).

15. The report of the Roads Construction Commission, 1950, contains the following information on inspection and conditions of labour on the roads under construction:

The following are the supervision areas of the roads' inspectors:

	Total road length	Length of main roads and district roads	Surface
Roads' Inspector, Windhoek	6,855 miles	2,075 miles	63,680 sq.miles
Roads' Inspector, Keetmanshoop	5,300 "	1,721 "	51,650 "
Roads' Inspector, Mariental	3,870 "	1,328 "	40,856 "
Roads' Inspector, Otjiwarongo	5,160 "	1,984 "	36,740 "

Each South West African roads' inspector controls, on an average, sixteen men who are actually employed on the roads as labourers and shift bosses, that is to say, on the long stretches of road serving the large area described above.

The Commission was told that the men are poorly trained and have insufficient experience of road building. The Department of Works

realizes that this complaint is largely justified. Considering, however, that working conditions are frequently unpleasant and places of work remote, the Department of Works has to make do with the available labour. The Department has tried importing labour from the Union, but existing conditions coupled with the housing shortage, deter many of the labourers and send them scurrying back to the Union. Although salaries, on the whole, compare favourably with those in the Union, they are not attractive enough to keep people in the Territory. Fortunately, there are a few capable and faithful operators who remain in the Territory.

Under such conditions, roads' inspectors find it difficult to supervise each gang properly. They cannot continually be travelling about, as they have clerical and report work to do. The roads' inspectors themselves unfortunately lack sufficient experience of modern methods of road construction, and of modern machinery. They do not realize what a road system should, and could, be (Roads Commission Report, 1950, pp. 42-43).

## QUESTION 56

Do labourers present themselves freely in sufficient numbers to satisfy the local demand for labour? Or has recruiting to be carried out in native centres more or less distant to make good shortage of labour?

Reference is made to Question 54.

## QUESTION 57

Does the Administration recruit labour for the service of the Administrations of other Territories or for private employers? If so, under what conditions and safeguards?

## QUESTION 58

Are private recruiting organizations or agents of employers permitted to recruit labour within the Territory for service in the Territory itself at a distance from the place of recruiting or in another country. If so, under what conditions and safeguards?

1. The Information and Documentation in respect of the Territory of South West Africa submitted to the Committee of South West Africa in 1954 in document A/AC.73/L.3/Add.1 contains information relevant to this question dealing with:

- (a) texts of SWA laws concerning the recruitment of labourers (paras. 1-2);
- (b) the private recruiting organizations and their work as seen by the SWA Native Labourer's Commission, 1945-48 (paras. 3-6);
- (c) the discussion of the SWA Native Labourer's Commission in the Legislative Assembly of South West Africa (para. 7);
- (d) a Commission appointed to enquire into the question of representation of other organizations on the Board of Directors of SWANLA (paras. 8-9);
- (e) contracts between SWANLA and WNLA (paras. 10-14).

2. Accordingly, reference is made to the above-mentioned sections of document A/AC.73/L.3/Add.1, as well as to Question 54 of the present document.

3. All labour recruited in South West Africa for work in the Police Zone is recruited by one organization, which changed its name from the "South West Africa Native Labour Association (Proprietary) Limited" (SWANLA) to New South West Africa Native Labour Association (Proprietary) Limited" (Nuwe SWANLA) during 1954. The organization showed an increase of its registered capital during the year from £19,500 to £48,750 (see General Notice No. 20 of 1954, SWAG 1954, No. 1811, p. 207).

4. The newly established Society of South West African Farmer-Employers of Contracted Extra-Territorial or Northern Natives (see Question 55, para. 13 of the present document) has for its objects:

- (a) to purchase 19,500 shares in the Nuwe SWANLA,
- (b) to obtain representation of two members on the Board of the Nuwe SWANLA, and
- (c) to make provisions for all matters necessary for the giving of full effect to the above objects.

The term "contracted", even in the title of the Society, means contracted through the Nuwe SWANLA (See SWA, Laws, 1952, pp. 794-804, and A/AC.73/L.3/Add.1, Question 55).

5. A contract exists between SWANLA and the Witwatersrand Native Labour Association (WNLA) whereby SWANLA undertook to recruit a minimum of 3,000 recruits yearly for labour on the Rand Mines in the Union of South Africa.
6. In the South West Africa Legislative Assembly on 18 May 1954 Mr. McDonald, seconded by Mr. Lategan, moved that "owing to the big shortage of labour the Administration give serious and immediate consideration to the desirability of terminating the contract which exists between WNLA and SWANLA in connexion with the recruiting of Northern and Extra-Territorial Natives for service on the Witwatersrand Mines and thus to place more natives at the disposal of employers in South West Africa." After discussion the motion was put and lost (SWA, LA, 1954, p.47).
7. In the debate in the House of Assembly of the Union of South Africa on 7 April 1954, Mr. A.Y. Van Niekerk, a member from South West Africa, stated that South West Africa wanted its labour resources retained for itself when the Administration of Native Affairs would be taken over by the Union of South Africa (Hansard, 1954, cols. 3588-3589).
8. In connexion with the transfer of the administration of Native affairs from the Territory of South West Africa to the Union of South Africa the Minister of Native Affairs gave his official assurance in the Union House of Assembly on 7 June 1954 that the Union Government did not intend to use South West Africa as a source of Native labour for the Union. For the text of his statement reference is made to Question 2, paragraph 55, of the present document (Hansard, 1954, cols. 6457-58).
9. The Minister of Native Affairs stated in the Union Parliament that the control of the movement of labourers would be more effective after the transfer of the Administration of Native Affairs. He stated that the movement of South West Africa labourers from the Territory to the Union was illegal and that only Angola Natives were supposed to be recruited by WNLA. When Native Administration was assumed by the Union, a passbook system might be introduced for a better control of movements of the Native labourers. For the texts of these statements reference is made to Question 2, paragraphs 55, 57-58 of the present document (see also Hansard, 1954, cols. 6457-58; Senate Debates, 1954, cols. 2981-82, 2989-2991).

10. Reference is here made to excerpts of a speech made in the Union Senate by Senator E. Nel, from South West Africa. These excerpts are reproduced in Question 2, paragraph 56, of the present document (see also Senate Debates, 1954, cols. 2975-76).

11. The second edition, revised (1948) on behalf of the Union Department of Native Affairs, of the book "Native Administration in the Union of South Africa", to Howard Rogers, notes that the Witwatersrand Native Labour Association had two recruiting sites in the Eastern Caprivi Zipfel, and that there was also an unorganized flow of labour to the Rhodesias (SA, Native Administration (1948), p.11).

12. The Report of the South West Africa Long Term Agricultural Policy Commission, 1948, contains the following statement on the question of recruiting of labourers for the farming industry:

In general the efficiency of the new recruit was found to be of a low standard, and that it therefore is a great disappointment and handicap to the farmer, who has succeeded to train his recruits to higher standards and has succeeded in getting them acquainted with the conditions of his land and his methods of farming and to know his animals, when for some or other reason they are prevented on return from their annual or biennial home visit by the recruiting agency from re-engaging themselves to their former master, but are instead allotted to others (para. 221).

Expansion in the dairy and karakul sheep industries from 1935 onwards demanded a correspondingly increasing supply of labour and as this could no longer be obtained from sources inside the Police Zone recruitment of intra- and extra-territorial northern Native labour had to be increased. With minor fluctuations in 1942 and 1944 the recruitment curve continued its straight upward course to reach a peak of 11,600 in 1946; there was a small decline in 1947 (para. 222).

Employment on farms in the Agricultural Census Year 1946 was as follows:

Family labour:	male	1,873	£4.14. 6.
European			average monthly earnings
	female	572	\$4.15. 6.
			average monthly earnings



Other European labour:	male	977	£15. 0. 0.
			average monthly earnings
	female	136	£ 8. 4. 6.
			average monthly earnings
Total European . . . . .		<hr/> 3,558 <hr/>	
Non-European labour:	male	29,333	£1. 3. 8.
			average monthly earnings
	female	2,917	£0.14. 5.
			<u>average monthly earnings</u>
Total Non-European . . . . .		<hr/> 32,250 <hr/>	
Total all races. . . . .		<hr/> 35,808 <hr/>	

In 1946, therefore, about one-third of the non-European farm labour was obtained by recruitment of northern natives. This shows the dependence of the farming industry and consequently of the whole community on that source of labour (the northern native is a strong factor in urban, domestic, secondary industry, trade, mining, and contract, etc., employment as well), and the need, in the general interest of zealously guarding that resource. That is the responsibility of the employer no less than of the State; administrative devices alone will not bring security; timely social and economic measures will prove to be best insurance for future security and the lowest premium which can be paid on that insurance" (para. 223). (Report of the South West Africa Long Term Agricultural Policy Commission, 1948)..

13. It might be noted that the Report of the Controller and Auditor-General on the Accounts of the Administration of South West Africa for the financial year 1953-54 stated that during the year the following amounts were paid to SWANLA:

- (a) £834. 3s 2d being in reimbursement of the extra costs incurred by it in hiring private transport for conveying repatriates from Grcotfontein to Ondangua during periods when the Railway Administration, for various reasons, was unable to provide the necessary transport;
- (b) £100 being a grant towards the cost of a recruiting trip to Angola (SWA, Accounts, 53-54, p. 27).

14. Reference is also made to Question 54, paras. 5-8 of the present document.

QUESTION 59

Please give a table showing the number of workers of each sex recruited (a) for government work, (b) for private enterprise.

QUESTION 60

Indicate the nature of the work for which recruiting has taken place during the year (e.g. mines, portorage, agriculture, construction of railways, roads, etc.). Give, where possible, mortality and morbidity statistics among the workers.

1. Reference is made to the information relevant to this Question which is included in document A/AC.73/L.3/Add.1, paras. 1-2, pp. 235-236.
2. In the South West Africa Legislative Assembly, on 13 May 1954, the Administrator stated, in reply to a question, that the statistics for Extra-Territorial and Northern Natives recruited at Runtu (Okavango) and Ondangua (Ovamboland) during the years 1951, 1952, and 1953 for services (a) on mines in the Union, (b) on mines in South West Africa, (c) in the industries and in towns in South West Africa, and (d) on farms in South West Africa were as follows:

	1951		1952		1953	
	Recruitment Runtu	Recruitment Ondangua	Recruitment Runtu	Recruitment Ondangua	Recruitment Runtu	Recruitment Ondangua
a. On mines in the Union	2457*	1908	2914*	2280	2660*	1003
b. On mines in South West Africa	93	5622	117	5710	385	6660
c. In the industries and in towns in South West Africa	89	3145	96	4893	117	5339
d. On farms in South West Africa	2144	8561	2119	7977	1904	7644

\* According to W.N.L.A. SWANLA was not in a position to give any figures.  
 [SWA, LA, 1954, pp. 33-34]

3. In the same meeting of the South West Africa Legislative Assembly, the Administrator stated in reply to a question that according to SWANLA no figures were available concerning the number of Extra-Territorial and Northern Natives who, during the years 1951, 1952 and 1953 were sent back by WNLA from Mohebo (Bechuanaland) to SWANLA for service in South West Africa (SWA, LA, 1954, pp. 33-34).

4. The report of the Commission of Enquiry into Mining Legislation, 1953, states that there were 1,500 Europeans and 8,000 Natives employed on mines in South West Africa (Mining Report, 1953, p. 31).

#### QUESTION 61

Does the existing law provide for compulsory labour for essential public works and services?

What authority is competent to decide what are public works and services the essential nature of which justifies recourse to compulsory labour?

What payment is made to the workers?

May such compulsory labour be commuted for a money payment?

Are all classes of the population liable to such labour?

For what period can this labour be exacted?

#### QUESTION 62

How is the recruiting and supervision of compulsory labour organized?

1. In its reply dated 13 December 1952 to the questionnaire of the Ad Hoc Committee on Forced Labour, the Government of the Union of South Africa stated with regard to the Territory of South West Africa:

The only provisions which can be held to have even a remote bearing on the question of forced labour are those which lay down:

(a) that the worker must return to his employer's service after completing a term of imprisonment unless his contract of service is cancelled, and

(b) that a servant who fails or refuses to commence service under a contract or who deserts his employer is guilty of an offence.

The sole object of these provisions is to ensure that once a prospective employee enters into a contract he knows its terms. The employee enters into the contract voluntarily (Report of the Ad Hoc Committee on Forced Labour, 1953, p. 417).

2. Information relevant to this Question is also included in document A/AC.73/L.3/Add.1, Question 61 and 62, where reference is made to Question 52, para. 6, dealing with Native Reserve Regulations. It may be noted here that Regulation 27 bis, introduced in 1952 (G.N. 121 of 1952) states, inter alia, that any superintendent who, after investigation, is satisfied that any male resident of a Reserve has no regular and sufficient lawful means of support, or leads an idle existence may order such person to take up employment on essential public works or services within or without the Reserve at a sufficient wage to be determined by such superintendent (A/AC.73/L.3/Add.1).

3. Reference is also made to the Vagrancy Proclamation, 1920, reproduced as amended in document A/AC.73/L.3/Add.1.

#### QUESTION 63

Are any workers recruited from outside the Territory? If so, by whom and under what conditions?

#### QUESTION 64

Are the contracts of such workers signed before departure from their native country? Give a specimen contract.

QUESTION 65

Is there any special officer charged with the duty of looking after those workers on arrival, allocating them to employers, seeing that the employer fulfils his obligations through the period of contract, and arranging for their repatriation or re-engagement?

QUESTION 66

Are they segregated, in camps, compounds or otherwise? What are the regulations in this matter? Has their presence in the Territory given rise to any trouble with the native inhabitants?

QUESTION 67

Are these workers encouraged to bring their wives with them and do they do so? Are they allowed to settle in the Territory if they so wish?

QUESTION 68

Give the nationality of imported workers, the numbers of new arrivals, repatriations, deaths and the total present at the end of the year (men and women).

1. Information relevant to this Question is included in document A/AC.73/L.3/Add.1, Question 68, para. 1, submitted to the Committee on South West Africa in 1954.
2. Reference is also made to Question 53, para. 4, and Question 55, para. 15 of the present document.

QUESTION 69

Are there any trade unions in the Territory? If so, have these unions put forward any protests or demands?

1. Information and documentation in respect of the Territory of South West Africa submitted to the Committee on South West Africa in 1954 in document A/AC.73/L.3/Add.1 contains information relevant to this question dealing with:

(a) Ordinance No. 35 of 1952 (The Wage and Industrial Conciliation Ordinance, 1952) (paras. 1-3), and

(b) trade unions or employers organizations and with a Voluntary Association of European Tradesmen (paras. 4-5).

2. Accordingly, reference is made to the above-mentioned sections of document A/AC.73/L.3/Add.1, as well as to the Question 55, paras. 12-13 of this document especially to para. 12 dealing with the society of Farmer-Employees of Contracted Natives.

3. Government Notice No. 231 of 1 August 1953, as amended, published Regulations under the Wage and Industrial Conciliation Ordinance, 1952. Chapter II of these Regulations, entitled "Industrial Disputes" provides inter alia for the registration and regulation of trade unions and employer's organizations and for the prevention and settlement of disputes between employers and employees.

Part 1 of this chapter (General) gives details on the service of summons and other matters connected with the settlement of individual disputes.

Part 2 (Trade Unions and Employer's Organization) provides for registration and for the certificate of registration of a trade union or an employer's organization.

Part 3 (Enquiries by the Secretary of South West Africa) deals with the powers of this Secretary with regards to his enquiries.

Part 4 (Conciliation Boards) gives detailed instruction about the appointment of members of a conciliation board and rights and duties of its members and other matters connected with the proceedings before these boards.

Part 5 (Arbitration Proceedings) deals with the powers and duties of an arbitrator or an umpire, inspection in loco, witnesses etc. (SWAG, 1953, No. 1778, pp. 657-668).

CHAPTER 0

LIBERTY OF CONSCIENCE AND WORSHIP

QUESTION 70

Is freedom of exercise of all forms of worship and religions instructions ensured?

QUESTION 71

Has it been considered necessary, in the interest of public order and morality, to impose restrictions on the free exercise of worship or to enact regulations on the subject?

QUESTION 72

Are there any restrictions on missionaries, who are nationals of States not members of the League of Nations?

No information is available with regard to these questions for the period under review.

CHAPTER P

EDUCATION<sup>1/</sup>

QUESTION 73

State the general policy and principles adopted in regard to the education of the natives. How do the methods in use illustrate the application of the different characteristics of these principles?

QUESTION 74

Please give a brief analysis of the education budget indicating the amounts allocated respectively to: Government schools, Non-Government schools, Inspection of educational institutions.

QUESTION 75

Is official authorization necessary for opening Non-Government educational institutions? If so, under what conditions is such authorization granted?

QUESTION 76

Are Non-Governmental educational institutions subject to a compulsory official inspection, and if so, how is it carried out?

QUESTION 77

What conditions are attached to any grants-in-aid made to Non-Government schools? On what basis are the grants made?

QUESTION 78

Please give a table showing the number of boys' schools of the different grades in the following categories: Government schools; Non-Government schools subsidized by the Government; Non-Government schools not subsidized. State the numbers enrolled and the average attendance in each category of schools.

<sup>1/</sup> Questions 73 to 84 refer only to the education of natives.



QUESTION 79

Please give the same information regarding girls' schools.

QUESTION 80

Is any vocational training, or instruction in agriculture, or domestic science given in the Territory?

QUESTION 81

Are there any normal classes or training institutions for the education of native teachers?

QUESTION 82

Give some general indication of the curricula in each class of school mentioned above. Do they include the teaching of a European or Japanese language, and if so, how far does this teaching go? Does the curriculum in Government schools include religious instruction (compulsory or optional)?

QUESTION 83

What language is used as a medium of instruction?

QUESTION 84

What are the numbers of the teaching staff (Government and non-Government, certificated and uncertificated)? How are they distributed among the different categories of schools?

QUESTION 85

Are there any schools for non-natives?

1. Information relevant to the above-mentioned questions is contained in document A/AC.73/L.3/Add.1, Questions 73 to 85, presented to the Committee on South West Africa in 1954, dealing with:

- a. the Education Proclamation, 1926 (Proclamation No. 16 of 1926) as revised up to 1952 (para.1), the provisions of this Proclamation having been summarised or reproduced under the following headings -
  - (a) Control of education (para.2);
  - (b) European education (para.3);
  - (c) Non-European education (paras. 4-5);
- b. the provisions contained in sections 15-17 of the Education Regulations as revised up to 1952, relating to the salaries and other emoluments of teachers in non-European schools (para.6);
- c. educational matters discussed in the Legislative Assembly such as technical and vocational education (para.7), school feeding system (para.8) educational expenditure for the financial years 1927/28 to 1950/51 (para.9), and the total estimated costs of books for the pupils in 1952/53 (para.10);
- d. the recommendations of the South West Africa Education Commission, 1950, on the future relationship between the State and Mission schools for non-Europeans (para.11);
- e. the total yearly expenditure on education, 1946/47 to 1952/53 (para.12);
- f. the average annual expenditure per scholar, 1945/46 to 1948/49 (para.12);
- g. the number of European schools, scholars and teachers, 1925 to 1950 (para.13);
- h. the number of non-European schools, scholars and teachers within the Police Zone, 1925 to 1950 (para.13);
- i. the number of Mission schools, non-European scholars and teachers outside the Police Zone, 1925 to 1950 (para.13).

2. The relevant supplementary information is included in the following sections on control of education, schools, students, teachers, salary scales for teachers in Native schools, salary scales for teachers in Coloured schools, the total annual public expenditure on education from 1949-50 to 1953-54 and the average annual expenditure per scholar during the years 1948/49 to 1952/53.

Control of Education

3. In sections 2-4, to which no further amendments were made during the years 1953 and 1954, the 1926 Education Proclamation<sup>1/</sup> provides that the general control, supervision and direction of education are vested in the Administrator, who is aided by an Education Advisory Council of seven, which does not include any non-European members. The Department of Education, whose Director is responsible to the Administrator, exercises control over the establishment, maintenance and operation of the school system (For text of these sections, see A/AC.73/L.3/Add .1, Questions 73 to 85, para.2).

4. In this connexion, attention should be drawn to the following statements regarding Native education made in June 1954 during the second reading of the South West Africa Native Administration Bill in the Union House of Assembly by the Minister of Native Affairs and Mr. A.J. van Niekerk, member for South West Africa.

5. Asked whether he intended taking over Native education in South West Africa as in the case of the Union provinces, the Minister of Native Affairs stated:

... My reply to that question is that there is the following difference between the two cases. According to the Act of Union, the provinces received control over Native education for a certain period but it was clearly stated that the position could change, namely, after ten years. Then, in the course of time, repeated investigations have been made to determine whether a transfer is desirable and repeated recommendations have been made that it is desirable. It was therefore a right automatically possessed by the Union Parliament and it was even an expectation cherished in respect of the Union Parliament that it would transfer Native education from the provinces to the Union Government. In the case of South West Africa, however, control over Native education was allocated to the Legislative Assembly although such control was not given to it over Native Affairs. So while we can introduce an administrative change in respect of the method of control over Native affairs

---

<sup>1/</sup> Sections 5 bis (3), 66, 66 bis, 67, 68 and 69 of the 1926 Proclamation, as revised up to 1952, were repealed by Government Notice No. 99 of 1953 effective 1 April 1952. These sections dealt with salary scales for teachers in European schools and departmental organisers. (SWAG 1753, pp. 192-195).

it would not be fitting for us to take away Native education from the control of the Legislative Assembly. But the Legislative Assembly is fully competent to decide for itself, if it finds that the control exercised by the Union Department of Native Affairs over Native education is working well, to ask us also to take over that task. I now want to make it quite clear here that if they were to make that request, my opinion would be that it would be very wise to combine everything in respect of Native Affairs in South West Africa in that way under one controlling authority and I would certainly support such a step. But the authority and the right to take that decision lies with the Legislative Assembly of South West Africa in this case, so the position is not the same as it was in the case of the Union and its provincial councils (Hansard, 1954, cols. 6711-12, See also Question 2, para. 53).

6. On this subject, Mr. A. J. van Nidkerk expressed the following views:  
... At this stage it might not be feasible to take education over, but I can imagine that shortly it could be done, as soon as we are ready to do so. For the sake of uniformity this step would be quite justifiable. (Hansard, 1954, col. 6469; See also Question 2, para. 54).
7. It may also be of interest to note here that on 14 June 1954, during the debate in the Union Senate concerning the Bantu Education Amendment Bill, the Minister of Native Affairs stated, inter alia, that "this Act is of course not applicable to South West Africa as it is at the moment and we have nothing to do with it" (Senate Debates, 1954, col. 2865).

### Schools

8. The following table shows the number of schools in the Territory during the years 1949 to 1952:

Type of School	1949	1950	1951	1952
<u>European Schools</u>				
Government	51	51	52	
Private	15	15	16	
TOTAL	66	66	68	
<u>Coloured Schools within the Police Zone</u>				
Government				2
Mission				28
TOTAL	28	29	30	30 <sup>1/</sup>
<u>Native Schools within the Police Zone</u>				
Government				7
Mission				77
TOTAL	79	81	84	84 <sup>2/</sup>
<u>Mission Schools for non-European students outside the Police Zone</u>				
Ovamboland		124 <sup>3/</sup>		118 <sup>4/</sup>
Okavango		37 <sup>5/</sup>		36 <sup>6/</sup>
Other areas	7 <sup>7/</sup>	8 <sup>8/</sup>		
TOTAL		162 <sup>9/</sup>		154

This table is based on: Union of South Africa, Native Administration in the Union of South Africa, Second Edition printed by the Government Printer, Pretoria, 1949, p. 11; Kaokoveld, pp. 29 and 51; SWA, Education Commission, 1950, pp. 24-27; SA Yearbook, 1952-53, pp. 1166-1167; SWA, LA, 1954, p. 13.

- <sup>1/</sup> Made up of two Government schools, one Anglican, seven Methodist, ten Rhenish, eight Roman Catholic, one Dutch Reformed and one undenominational mission school.
- <sup>2/</sup> Of these, six were Government schools, two were Native training schools (the Government training school at Okahandja and the Roman Catholic training school at Doeбра), and all the rest were mission schools (forty-nine Rhenish and twenty-seven Roman Catholic).

3/ These schools were distributed as follows: -

	<u>Mission Station Schools</u>	<u>Day Schools</u>	<u>Institutions</u>	<u>Bush Schools</u>
Finnish Mission	9	79	9 (8 subsidized)	
Anglican Mission	2		2	12
Roman Catholic Mission	3			8

4/ Made up of fourteen subsidized institutions and 104 day schools, the latter being managed by three mission societies - namely, Finnish Mission, Roman Catholic Mission and Anglican Mission.

5/ These schools were distributed as follows: -

	<u>Mission Station Schools</u>	<u>Bush Schools</u>	<u>Institutions</u>
Roman Catholic Mission	5	19	
Finnish Mission	3	8	2 (1 subsidized)

6/ These schools were distributed as follows: -

	<u>Mission Station Schools</u>	<u>Bush Schools</u>
Roman Catholic Mission	6	20
Finnish Mission	5	5

7/ In the Eastern Caprivi Zipfel, education services were supplied by the Roman Catholic Mission, which was subsidized. No further information is available.

8/ There were no missions or schools in the Kaokoveld proper, though there was one at Sesfontein. The Finnish Mission's applications for leave to work in the Kaokoveld, made more than once, had in the past been consistently opposed by both Christians and heathen. The more educated people wanted schools but not mission schools and no missionaries.

9/ All the day schools, Mission station schools and bush schools were primary schools giving instruction from Sub. A up to Standard III.

Students

9. The school enrolment in the period from 1949 to 1953 was as follows:

Type of School	1949	1950	1951	1952	1953
<u>European Schools</u>					
Government	7,270	7,684	8,304	8,713	
Private	1,006	1,181	1,178	1,240	
TOTAL	8,276	8,865	9,482	9,953	
<u>Coloured Schools within the Police Zone</u>					
	2,336	2,528	2,676	2,730	2,853
<u>Native Schools within the Police Zone</u>					
	6,231	6,633	7,114	7,296	7,084
<u>Mission Schools for non-European students outside the Police Zone</u>					
Ovamboland		14,053 <sup>1/</sup>		16,839	
Okavango		2,053 <sup>2/</sup>		2,060	
Other areas		3 <sup>/</sup>			
TOTAL		16,151 <sup>4/</sup> (16,062) <sup>5/</sup>			
	14,751	(16,026) <sup>6/</sup>	17,413	19,945	18,855

This table is based on: Kaokoveld, pp. 29 and 51; SWA, Education Commission, 1950, pp. 24-27; SA Yearbook, 1952-53, pp. 1166-1168; SWA, LA 1954, p. 13.

- 1/ Including 301 coloured girls and 123 coloured boys.
- 2/ Including 25 coloured girls and 36 coloured boys.
- 3/ There were no missions or schools in the Kaokoveld proper, though there was one at Sesfontein with 45 pupils.
- 4/ Taken from SWA, Education Commission, 1950, pp. 24-27.
- 5/ Based on the information contained in SA Yearbook 1952-53 on page 1167.
- 6/ This figure was given by the Administrator (SWA, LA 1954, p. 13).

10. After finding that there had been a great shortage of technicians in the Territory, a territorial Roads Construction Commission, 1949-1950, appointed by the Administrator to investigate and make recommendations on questions concerning the construction and maintenance of roads and bridges as well as other closely related matters, recommended that the Administration should encourage young men to take up Civil Engineering; that it should advertise its offer of bursaries to those who do; and that the bright future for civil engineers in South-West, and the salary scales should be brought to the universities' notice, (SWA, Roads Construction Commission, 1949-50, pp. 1, 20 and 39).

11. Loans and bursaries made to European as well as non-European students during the years 1950-51 to 1953-54 were as follows <sup>2/</sup>:

	1950-51	1951-52	1952-53	1953-54
Loans to non-European students				
Total amount	£183	£719	£1,133	£1,349.13s.8d.
Number of recipients	3	13	19	22
Bursaries to non-European students (the cost in connexion with the training of non-European students as teachers in the Government training school Augustineum at Okahandja are regarded as bursaries but are recoverable in the event of a student failing to complete his training course)				
Total amount due and payable	£688.11s.11d.	£192.19s.11d.		£1,118.13s.5d.
Number of students discontinuing their training course	29	6		27
Loans to European students				
Total Amount	£2,090	£1,937.10s.0d.	£3,025	£5,230
Number of recipients	29	32	48	70
Bursaries to European students				
Total Amount	£785	£895	£1,065	£2,900
Number of recipients	14	19	31	46

<sup>2/</sup> SWA, Accounts, 1950-51, p. 19; 1951-52, pp. 20-21; 1952-53, pp. 22-23; 1953-54, pp. 26-27.



12. In explaining the activities of his Department to the Union Senate on 2 April 1954, the Minister of Education, Arts and Science stated, inter alia, that of a total of no less than 1,160 European students from outside the Union studying in South African universities in 1953, 261 were from South West Africa (Senate Debates, 1954, Col. 1248).

13. During the year 1951-52, the Executive Committee decided to render financial assistance to students in needy circumstances who proceeded to the Union to obtain vocational training. The total amounts disbursed and the number of recipients in the years 1951-52 to 1953-54 are given below <sup>3/</sup>:

	<u>1951-52</u>	<u>1952-53</u>	<u>1953-54</u>
Total amount disbursed	£403	£841.4s.Od.	£1,207
Number of recipients	18	30	36

#### Teachers

14. The following tabulation indicates the number of teachers employed in the various schools during the period, 1949 to 1953:

<sup>3/</sup> SWA, Accounts, 1951-52, p. 20; 1952-53, p. 23; 1953-54, p. 27.

Type of School	1949	1950	1951	1952	1953
<u>European Schools</u>					
Government	277	286	316	340	
Private	60	63	66	64	
TOTAL	337	349	382	404	
<u>Coloured Schools within the Police Zone</u>					
Full-time	64	72	80	86	94
Part-time	14	17	25	18	18
TOTAL <sup>1/</sup>	78	89	105	104	112
<u>Native Schools within the Police Zone</u>					
Full-time	150	166	187	197	196
Part-time	45	40	48	44	43
TOTAL <sup>2/</sup>	195	206	235	241	239
<u>Mission Schools for non-European students outside the Police Zone</u>					
Ovamboland		434			
Okavango		56			
Other areas		1			
TOTAL <sup>3/</sup>	390	491	434	464	489

This table is based on: SWA, Education Commission, 1950, pp. 24-27; SA Yearbook, 1952-53, p. 1168; SWA, IA 1954, p. 13.

- 1/ All coloured teachers. Figures for European teachers are not available at the United Nations Secretariat.
- 2/ All Native teachers. Figures for European teachers are not available at the United Nations Secretariat.
- 3/ All Native teachers except the figure for 1950, which included sixty-nine European teachers. In 1950, there were also 157 unqualified or untrained Native teachers. Figures for other years are not available at the United Nations Secretariat.

Salary Scales for Teachers in Native Schools

15. A major development in the field of Native education during 1953 was that the salaries of most teachers, Native as well as European, in primary Government and recognized primary mission schools for Native pupils were increased, while the salary - subsidies in respect of Native teachers beyond the Police Zone were doubled.

16. The scales of annual salaries as set out in Regulation 16 bis of the Education Regulations (G.N. No. 129 of 1926 as amended by G.N. Nos. 191 of 1947 and 239 of 1950) for qualified European teachers in primary Government Native schools and in posts specially created by the Director in recognized primary mission schools for Native pupils were revised by Government Notice No. 98 of 1953 with effect from 1 April 1952 (See SWA, Laws, 1947 and 1950; A/AC.73/L.3/Add.1; Questions 73 to 85, para. 6; SWAG 1753, pp. 190-192). These scales are reproduced below:

(a) Assistant teachers:

Grade of Teacher	From 1 April 1947 to 31 March 1952						From 1 April 1952 on					
	Men			Women			Men			Women		
	a	b	c	a	b	c	a	b	c	a	b	c
Grade A	£300	-£25	-£575	£270	-£20	-£450	£325	-£25	-£750	£280	-£20	-£600
Grade B	£350	-£25	-£625	£300	-£20	-£500	£375	-£25	-£850	£320	-£20	-£680
Grade C	£400	-£25	-£675	£320	-£20	-£560	£425	-£25	-£875	£360	-£20	-£700
Grade D	£425	-£25	-£700	£345	-£20	-£585	£475	-£25	-£900	£400	-£20	-£720
Grade E	£450	-£25	-£725	£365	-£20	-£605	£525	-£25	-£925	£440	-£20	-£740
Grade F							£575	-£25	-£950	£480	-£20	-£760

a. Minimum annual salary.    b. Annual increment.    c. Maximum annual salary.

The classification of assistant teachers was not defined in Government Notices Nos. 191 of 1947 and 239 of 1950. The definition as to what constitutes these grades was given in Government Notice No. 98 of 1953 as follows:

- Grade A - An approved course of study extending over a period of one year after the attainment of the matriculation standard.
- Grade B - An approved course of study extending over a period of two years after the attainment of the matriculation standard.
- Grade C - An approved course of study extending over a period of three years after the attainment of the matriculation standard.
- Grade D - An approved course of study extending over a period of four years after the attainment of the matriculation standard.
- Grade E - An approved course of study extending over a period of five years after the attainment of the matriculation standard.
- Grade F - An approved course of study extending over a period of six years after the attainment of the matriculation standard.

## (b) Principal teachers:

Class of School	From 1 April 1947 to 31 March 1952						From 1 April 1952 on					
	Men			Women			Men			Women		
	a	b	c	a	b	c	a	b	c	a	b	c
Class I, 300 or more pupils	£825	-£30	-£975	£660	-£24	-£780	£850	-£50	-£1,150	£680	-£40	-£920
Class II, 200-299 pupils	£600	-£30	-£840	£520	-£24	-£760	£800	-£50	-£1,100	£640	-£40	-£880
Class III, 100-199 pupils	£500	-£30	-£740	£460	-£24	-£700	£640	-£30	-£1,000	£512	-£24	-£800
Class IV a, 50-99 pupils	(as for assist- ants plus £50)			(as for assist- ants plus £40)			£600	-£25	-£950	£480	-£20	-£760
Class IV b, less than 50 pupils	(as for assist- ants plus £30)			(as for assist- ants plus £25)			£575	-£25	-£925	£460	-£20	-£740

a. Minimum annual salary.    b. Annual increment.    c. Maximum annual salary.

17. The scales of annual salaries, as set out in Regulation 16 (1) (a) of the Education Regulations (published under Government Notice No. 129 of 1926 as amended up to 1 January 1951) for teachers in recognized primary mission schools for Native pupils, other than teachers in posts specially created by the Director in such schools, were revised by Government Notice No. 199 of 1953, which came into operation as from 1 April 1953 (See G.N. Nos. 191 of 1947, 239 of 1950 and 6 of 1951, SWA, Laws, 1947, 1950 and 1951; A/AC.73/L.3/Add.1, Questions 73 to 85, para. 6; SWAG 1773, p. 551; SWA, LA, 1954, p. 13).

These scales are as follows:

ASSISTANT TEACHERS:

Type of Teachers	From 1 January 1951 to 31 March 1953						From 1 April 1953 on					
	Men			Women			Men			Women		
	£			£			£			£		
	a	b	c	a	b	c	a	b	c	a	b	c
<u>European</u>	200	20	360	160	15	280	200	20	360	160	15	280
<u>Non-European</u>												
<u>Qualifications:</u>												
Below Std. VI	60	4	84	60	4	84	72	8	114	72	8	114
Equivalent to Std. VI.	96	6	168	84	6	144	108	12	180	96	12	156
Approved one year's course beyond Std.VI.	102	6	174	90	6	150	114	12	186	102	12	162
Approved two years' course beyond Std.VI.	108	6	180	96	6	156	120	12	192	108	12	168
Approved three years' course beyond Std.VI.	114	8	186	102	8	166	128	12	200	114	12	174
Approved four years' course beyond Std. VI.	120	8	192	108	8	172	136	12	208	122	12	182
Approved five years' course beyond Std.VI.	130	10	202	120	8	184	145	15	220	130	12	190
Approved six years' course beyond Std. VI.	144	10	214	132	8	196	155	15	230	138	12	198

a - minimum annual salary  
b - annual increment  
c - maximum annual salary

18. Starting in 1949 Native teachers outside the Police Zone each received an allowance rather than a salary. This allowance, which from 1949 to 1953 amounted to £24 per annum, was doubled as of 1 July 1953 (SWA, LA, 1954, p. 13). According to the South West Africa Education Commission, 1950, allowances to a European teacher in most of the mission institutions amounted to £120 per annum (SWA, Education Commission, 1950, pp. 25-27).

#### Salary Scales for Teachers in Coloured Schools

19. During 1953, the only teachers' salaries to be revised were those of qualified European teachers in primary Government Coloured schools and in posts specially created by the Director in recognized primary mission schools for Coloured pupils. The scales of annual salaries, as set out in Regulation 16 bis of the Education Regulations (G.N. No. 129 of 1926, as amended by G.N. Nos. 191 of 1947, 239 of 1950 and 98 of 1953), were also applicable to these teachers (See SWA, Laws, 1947 and 1950; A/AC.73/L.3/Add.1, Questions 73 to 85, para. 6; SWAG 1753, pp. 190-192). (For these scales, see para. 15 above.)

#### Total Annual Public Expenditure on Education

20. The total annual public expenditure on education from 1949-50 to 1953-54 is shown in the following table:

Service	1949-50		1950-51		1951-52		1952-53		1953-54	
	(Actual)		(Actual)		Actual		(Actual)		(Actual)	
	£	s. d.	£	s.d.	£	s. d.	£	s. d.	£	s. d.
Salaries, Wages and Allowances	194,200.	0. 6	213,517.	15. 9	239,256.	11. 4	332,331.	3. 5	355,853.	2.10
Subsistence and Transport										
1. Subsistence	1,205.	17. 5	1,000.	9.10	903.	10. 8	562.	1. 4	997.	18. 4
2. Motor Transport (1)	890.	19. 5	1,086.	8.11	1,133.	13. 6	1,510.	10.11	1,752.	7. 2
3. General Transport	2,747.	17.11	1,892.	5.11	2,594.	16. 4	2,880.	0.11	4,036.	15. 9
European Education (2)	13,681.	7. 5	17,464.	17. 0	21,445.	7.11	20,699.	16.10	31,397.	10. 3
Hostels (3)	143,923.	6. 7	170,475.	14.11	211,051.	19. 9	258,054.	15. 2	284,141.	4. 10
Coloured and Native Education (4)	92,577.	6. 9	101,863.	10. 0	124,278.	9. 5	140,408.	5. 2	159,862.	6. 8
Agricultural and Industrial Education	3,765.	10.10	2,064.	5. 4	1,940.	0. 4	2,997.	7. 4	3,898.	11. 3
Subsidies to Private Schools	1,303.	15. 0	3,534.	7. 11	9,296.	0. 0	12,511.	18. 0	11,570.	13. 0
Telegraphs and Telephones	577.	10. 2	701.	11.11	860.	14. 9	1,002.	14.6	1,102.	7. 10
Teachers and Student Loans	1,308.	15. 0	2,875.	0. 0	2,832.	10. 0	4,931.	4. 0	9,367.	1. 4
Child Welfare (5)	46.	17. 2	77.	0. 6	257.	5. 3	336.	12. 6	479.	3.11
Assistance on £ for £ Principle (Library books and equipment of special nature not otherwise provided for)	2,288.	9. 9	2,501.	10. 6	1,034.	7.10	1,974.	3.7	2,602.	5. 8
Maintenance, Building Material, Erection Grants, etc. Country School and Hostel Buildings	1,372.	13.11	488.	11.10						
Medical Services	48.	4. 4	52.	11.10	16.	8. 7	19.	12. 5	787.	15. 3
Rents for Schools and Hostels	1,881.	6. 0	1,487.	10. 0	1,357.	14. 3	1,278.	18. 0	1,822.	12. 4
School Books and Stationery for Sale to Pupils (6)	9,028.	9.11	9,140.	0. 8	10,941.	4. 9	16,778.	1. 0	24,802.	8.11
Contribution to University of South Africa	200.	0. 0	200.	0. 0	200.	0. 0	200.	0. 0	2,370.	0. 0
Contingencies (including assistance to Mission Schools)					114.	4. 8	376.	1. 5	127.	15.0
Purchase from the Angola Fund of Fixed Property used for educational purposes							5,000.	0. 0		
<b>TOTALS</b>	471,048.	8. 1	530,423.	12.10	629,514.	19. 4	803,853.	6. 6	896,972.	0. 4

Source: SWA, Accounts, 1949-50, p.54; 1950-51, p.54; 1951-52, p.53; 1952-53, p.58; 1953-54, p.62.



Notes:

- (1) Including allowances and cost of hire.
- (2) Including furniture and equipment of schools, books, school requisites and material, railage and cartage, rebates on books, transport of school children, wages of school cleaners and sanitary boys, material for school cleaning, wall map of S.W.A. for schools, minor repairs, improvements to school grounds, advertisements and printing, etc.
- (3) Including supplies and services, salaries, wages and allowances, travelling expenses, equipment, railage and cartage, repairs, subsidies to private hostels, etc.
- (4) Including teachers' salaries, allowances and travelling expenses, furniture and equipment, books, school requisites and material, handicraft equipment and material, railage and cartage, sanitation services, maintenance grants, bursaries, rebates on books, contributions to school funds, extension of educational facilities - Ovamboland and Kaokoveld and Okavango Territory - maintenance of training schools, travelling allowances, building material and erection grants, improvement of school grounds, adult education for natives, subsidies to Mission training schools, loans to Mission schools, advertisements and printing, etc.
- (5) Including feeding scheme - undernourished day scholars.
- (6) Including railage and cartage.

Average Annual Expenditure per Scholar.

21. The following table summarises available information regarding average annual expenditure per scholar during the years 1948/49 - 1952/53:

Classification of school	1948/49 £.s.d.	1949/50 £.s.d.	1950/51 £.s.d.	1951/52 £.s.d.	1952/53 £.s.d.
European Government Schools (excluding hostel expenses) <sup>1/</sup>	28.0.3.	30.17.6.	31.5.1.	32.8.11.	-
European Private Schools	1.6.0.	1.5.11.	3.16.6.	8.15.7.	-
Coloured Schools within the Police Zone	13.0.1.	16.1.11.	16.12.11.	18.16.6.	21.5.3.
Native Schools within the Police Zone	7.19.1.	8.6.0.	8.8.0.	9.17.1.	10.15.3.
Coloured and Native Schools within the Police Zone	9.2.9.	-	-	-	-
Native Schools outside the Police Zone	13.8.	14.8.	14.9.	14.8.	14.9.

This table is based on: SA Yearbook 1952-53, p. 1167; SWA, LA, 1954, p. 14.

<sup>1/</sup> As previously noted by the Committee on South West Africa, the average unit cost of maintaining a boarder in a state hostel was progressively outstripping the actual fees charged during the years 1946-1952. As a result, the Executive Committee, on 31 October 1953, decided that early steps should be taken to fix increased fees for introduction in 1955 (For details, see Document A/AC.73/L.3/Add.1, Questions 73-85, paragraph 12). Between 1952 and 1953 the average unit cost for town hostels further increased from £48.5s.4d. to £54.4s.4d. and for rural hostels from £40.9s.4d. to £44.9s.10d., but in April 1954, the Executive Committee resolved not to increase the hostel fees (SWA, Accounts 1953-54, pp. 16 and 25). In the following month, the Legislative Assembly adopted the Second Report of its Select Committee on Public Accounts in which the Committee noted that insufficient attention was being given to the collection of fees, and accordingly recommended that immediate steps be taken to investigate the matter with a view to expediting the recovery of outstanding amounts and improving the control over collections in the future. The Committee, further noting with concern the increase over the past few years in the average cost of maintaining hostels and being of the opinion that more supervision and better control over the running and management were essential, recommended that the question of the appointment of suitable inspectors for this purpose should receive consideration (SWA, LA, 1954, pp. 45 and 59). The Annual

A/AC.73/L.7

English

Page 260

Report of the Controller and Auditor - General submitted to the Administrator on 30 November 1954 contained a statement by the Director of Education to the effect that a new scheme aimed at improving the organisation and method of collecting arrear fees was being introduced, but the results thereof were not yet apparent. (SWA, Accounts 1953-54, p. 16).

CHAPTER Q

ALCOHOL, SPIRITS AND DRUGS

QUESTION 86

Are the Natives much addicted to the use of alcohol and spirits?

1. With regard to this question, the Information and Documentation in respect of the Territory of South West Africa submitted to the Committee on South West Africa in 1954 contains, in document A/AC.73/L.3/Add.1, a brief reference to paragraphs 113-116 of the Report of the South West Africa Native Labourer's Commission, 1945-1948, which deal with "illegal drinking" of Natives and "weekly bout of drunkenness" on the part of Natives in urban areas.
2. In this paragraph is given the supplementary information received after the issuance of document A/AC.73/L.3/Add.1. It indicates that lightly brewed beer has always been part of the customary diet of the Natives, omalu (kaffir-cornmeal beer) being consumed by all tribes. Other fermented beverages include ontoku (very lightly fermented omahangu meal, or that with a smaller proportion of kaffircorn meal) and honey beer made from wild honey. The former is a characteristic and staple article of diet of the Ovambos; the latter is drunk by the Namas. Apart from these, all tribes other than Ovambos<sup>1/</sup> are prone to become addicts to a crude alcoholic drink of great potency commonly called "kari". Other highly spirituous liquors such as omarongo (marula wine) and Lambica (Embe spirit) are also in common use (SWA, Health Report 1945-46, paragraphs 18, 24-27 and 112).

QUESTION 87

What is the accepted definition of the terms "liquor traffic" and "trade spirits"?

---

<sup>1/</sup> According to SWA Annual, 1951 (p. 27), "kari" has also found its way into Ovamboland.

QUESTION 88

Have legal measures concerning the liquor traffic been enacted to give effect to the Mandates and the Convention of St. Germain of 10 September 1919?

QUESTION 89

Is there any licensing system for the sale of imported alcoholic liquors?

1. Information relevant to these questions is contained in a treatise entitled "The Liquor Law of South West Africa being the Liquor Licensing Proclamation, 1920 (Proclamation No. 6 of 1920) as amended from time to time,<sup>2/</sup> with notes, references to decided cases and other relevant Legislation", to which a reference is made in document A/AC.73/L.3/Add.1. During 1954, two minor amendments were made with respect to the 1920 Proclamation (SWA, LA 1954, pp. 57-58; SWAG, No. 1846, p. 857).

QUESTION 90

What are the import duties on (a) Spirituous liquors, (b) wines, (c) beer and other fermented beverages? Has any limit of strength of (b) and (c) been adopted? Are the duties higher or lower than those in the neighbouring countries?

From the available information no new developments seem to have taken place during the year under review.

QUESTION 91

What are the quantities of each class imported each year for the last five years and what are the principal countries of origin?

Latest available figures related to the year 1951, and were as follows:

	£ (thousands)
<u>Ale, Beer and Stout</u>	
Germany	44
United Kingdom	43
South African Produce <sup>3/</sup>	139
TOTAL	<u>229</u>

<sup>2/</sup> Amended to 1952.

<sup>3/</sup> Entirely imported from the Union of South Africa.

£  
(thousands)

Brandy

South African Produce <sup>3/</sup>	131,823
TOTAL	<u>132,040</u>

Gin

South African Produce <sup>3/</sup>	22,588
TOTAL	<u>22,622</u>

Whiskey

United Kingdom	6,764
TOTAL	<u>15,023</u>

Liqueurs and sweetened

South African Produce <sup>3/</sup>	20,006
TOTAL	<u>20,181</u>

Wines (heavy, light and sparkling)

South African Produce <sup>3/</sup>	73,653
TOTAL	<u>74,372</u>

QUESTION 92

What steps are taken to prevent smuggling and the illicit traffic in imported alcohol and spirits?

1. No information available with regard to this question.

QUESTION 93

Is the process of distillation known to the Natives? Have any measures been taken to restrict (a) the manufacture, (b) the sale, (c) the consumption of intoxicants manufactured by the Natives?

1. Information relevant to this question is given in document A/AC.73/L.3/Add.1, Question 93, paragraphs 1-4, presented to the Committee on South West Africa in 1954. Paragraphs 1 and 2 list a number of intoxicants manufactured

3/ Entirely imported from the Union of South Africa.

by the Natives such as "kari", "oshikundu", kaffir beer, honey beer and marula wine. In paragraph 3 are reproduced the provisions of sections 28-30 of the Natives (Urban Areas) Proclamation, 1951 (Proclamation No. 56 of 1951) relating to the restriction and regulation of the possession and use of kaffir beer and other intoxicating liquor by Natives in urban areas. Reproduced in paragraph 4 is regulation 29 of the Native Reserve Regulations published under Government Notice No. 68 of 1924, which deals with the prohibition of intoxicating liquor in all Native reserves within the Police Zone except the Berseba Hottentot Territory and the Bondels Reserve.

2. Supplementary information is given in the following paragraphs dealing with measures already taken or being contemplated for the control of the manufacture, sale and consumption of intoxicating liquor by Natives.

3. The Administration strongly discourages the use of omarongo (marula wine) and lambica (embe spirit) in Ovamboland. The carrying of knives, for instance, is strictly forbidden during the marula-fruit season (SWA, Health Report, 1945-46, paragraph 25).

4. After finding that the excessive drinking of alcohol, particularly "kari" was the chief cause of ill-health of the Native and Coloured peoples of the Territory, the Health Commission, 1945-46, recommended that:

a. Those found guilty in connexion with any aspect whatsoever of the illicit liquor traffic should be given imprisonment without the option of a fine. This recommendation should be made to apply to Europeans, Coloured and Natives alike.

b. Repeated offences should in the case of Natives and Coloureds be punishable by repatriation to appropriate Reserves of Offenders and all their dependents.

c. Beer halls should be instituted wherever the size of the Native population warrants this, subject to the following conditions:

(a) All beer halls to be under the control of a competent and approved authority, e.g., a Municipality or a Village Management Board.

(b) The social amenities of the beer hall to be satisfactory to the Administration, having regard to any special features of tribal life and customs which on considered opinion may be further developed to the advantage of the Native and his family.

(c) All profits of beer halls to be used exclusively for the betterment of the living conditions of the Natives in the district in which the beer hall is situated.

(d) The maximum alcoholic content of beer supplied to be not more than 3 1/2 per cent with a minimum content defined by law, (SWA, Health Report, 1945-46, paragraphs 112, 113 and 119).<sup>4/</sup>

5. A territorial commission was established in 1952 to investigate and report on the sale of intoxicating liquor and the desecration of Sunday in South West Africa and to recommend to what extent effect should be given to proposed improvements by means of legislation. The recommendations of this Commission appear to have no bearing on this question (For details, see Report of the Commission of Enquiry into the Sale of Liquor and Desecration of Sunday, South West Africa. See also SWAG Nos. 1751 (pp. 167-168) and 1757 (p.262)).

6. Union Proclamation No. 267 of 1954 provides, inter alia, for the deportation from South West Africa of any Union person who has, whether before or after the commencement of this Proclamation, been sentenced for the sale or supply of intoxicating liquor to Natives (SWAG No. 1872, p. 2. For details, see Annex to Question 118, paragraphs 2-7).

7. On 18 March 1954, the following motion was put and negatived by the Legislative Assembly of South West Africa: That the Honourable the Administrator-in-Executive Committee pass the necessary legislation to provide that all Native employees be able to purchase sugar from a General Dealer only on permits from their employers; and the law regarding the brewing of kaffir beer be amended to impose imprisonment without the option of a fine (SWA, LA, 1954, p. 15).

---

<sup>4/</sup> It may be relevant to note here that the above-mentioned recommendations (a) and (c) appear to have been incorporated in a modified form in sections 28-29 of the Natives (Urban Areas) Proclamation, 1951, a law which, as pointed out earlier, applies to Natives in urban areas only (For text, see A/AC.73/L.3/Add.1, Question 93, paragraph 3).



8. Ordinance No. 25 of 1954 amends section 29 of the Natives (Urban Areas) Proclamation, 1951 by:

(a) the insertion at the end of sub-section (1) of a proviso that kaffir beer shall not contain more than three per centum by weight of alcohol, save that in very exceptional circumstances the Administrator may in writing authorize a higher alcoholic content;

(b) the insertion after sub-section (6) of a new sub-section which provides that upon the notification by the Chief Native Commissioner of the date when the selling price of kaffir beer fixed by the Administrator has become effective, any urban authority shall sell kaffir beer at such price only (SWAG No. 1846, p. 890. For the text of section 29 of the 1951 Proclamation, see A/AC.73/L.3/Add.1, Question 93, paragraph 3).

#### QUESTION 94

Is any encouragement given to communities or associations which, for religious or other reasons, are trying to suppress the use of these intoxicants?

1. No information is available with regard to this question.

#### QUESTION 95

Is the population of the Territory addicted to the use of drugs (including Hashish and hemp)? If so, what measures are in force to prohibit or regulate their use?

1. Information relevant to this question is included in document A/AC.73/L.3/Add.1, Question 95, paragraphs 1 and 2, submitted to the first session of the Committee on South West Africa. Paragraph 1 gives data relating to prosecutions for possession of dagga (Cannabis sativa) during the years 1945-1946, 1948 and 1950-1952. Paragraph 2 includes a brief summary of the Medical, Dental and Pharmacy Act, 1928, of the Union (Act No. 13 of 1928) which is also applied to the Territory of South West Africa.

2. Supplementary information is contained in the following paragraphs dealing with: prosecutions regarding unlawful possession of dagga in the years 1950-1954; the law governing deportation of South African nationals sentenced for drug offences; and protocols on narcotic drugs.

3. The total number of prosecutions for offences in connexion with unlawful possession of dagga during the years 1950-1954 was 33, 42, 48, 50 and 53 respectively (E/NR. 1950/87, 1951/92, 1952/112; E/CN.7/R.2/Add.2, 1954, p. 88 and E/CN.7/R.4/Add.4, 1955, p. 22).
4. Union Proclamation No. 267 of 1954 provides, inter alia, for the deportation from the Territory of any Union person who has, whether before or after the commencement of this Proclamation, been sentenced for dealing in or being in possession of any habit-forming drug (SWAG No. 1872, p. 2. For details, see Annex to Question 118, paragraphs 2-7).
5. On 29 December 1953, the Union of South Africa signed, on behalf of itself and the Territory of South West Africa, the Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and use of Opium (ST/LEG/3, pp. VI-39 and 43).
6. By a communication received on 5 October 1954, the Permanent Delegation of the Union of South Africa to the United Nations notified the Secretary-General of the extension to the Territory of South West Africa by the Government of the Union of South Africa, of the Protocol signed at Paris on 19 November 1948 bringing under International Control Drugs Outside the Scope of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol signed at Lake Success, New York, on 11 December 1946. In accordance with Article 8, the Protocol will extend to the Territory of South West Africa as from the thirtieth day after the date of receipt of this notification by the Secretary-General of the United Nations, that is to say on 4 November 1954 (C.N.199, 1954 Treaties; ST/LEG/3, pp. VI-35 and 37).

CHAPTER R

PUBLIC HEALTH

QUESTION 96

What health organization is in charge of research work and the prevention, control and treatment of disease? State the work done by this organization and the results observed.

QUESTION 97

Does this organization train Natives as medical and sanitary assistants, or women as midwives and as nurses? What is the method adopted?

For information regarding this Question see after Question 99.

QUESTION 98

How many doctors, both official and private, are there in the Territory? Has official and private action as regards sanitation and preventive and curative medicine been co-ordinated?

QUESTION 99

What progress has been made in inducing the natives, especially the chiefs, to adopt sanitary reforms in the towns and villages?

1. The information and documentation in respect of the Territory of South West Africa submitted to the Committee on South West Africa in 1954 contains, in document A/AC.73/L.3/Add.3, information relevant to these Questions dealing with

(a) the organization of the government health and medical services including the number of personnel up to and including the year 1953/54 and governmental expenditure on public health up to the year 1951/52

(paras. 1-3, pp.2-3);

(b) the amount of hospital and other facilities, including their organization, the number of medical practitioners and the regulations governing medical, nursing and pharmaceutical practice (paras. 4-20, pp. 3-8),

(c) the laws, regulations and practices in regard to sanitation and prevention of disease (paras. 21-27, pp. 8-12).

2. Accordingly reference is made to the above-mentioned passages in document A/AC.73/L.3/Add.3.

3. The supplementary information provided below deals with subsequent developments concerning (a) the improvement of medical facilities, (b) legislation regarding medical practice and (c) the introduction of new regulations governing public health and sanitation.

Medical services and facilities

4. The information submitted to the Committee on South West Africa in 1954 contains in paragraphs 1-20 of document A/AC.73/L.3/Add.3 a description of the medical services and facilities available in the Territory at that time. Such supplementary information as has become available is given in the following paragraphs.

5. Since 1954, additional information has been received concerning actual government expenditure on public health during the years 1952/53 and 1953/54. These figures, combined with previous expenditures, enable a general estimate to be made of the expansion of government medical and health activities during recent years and are as follows:

<u>Year</u>	<u>Total expenditure on public health<sup>1/</sup></u>
	£
1946/47	62,262
1947/48	83,657
1948/49	96,757
1949/50	121,810
1950/51	124,951
1951/52	133,508
1952/53	161,246
1953/54	200,951

An analysis of the expenditure in 1953/54 indicates a substantial increase in subsidies paid to state-aided hospitals (£48,513 compared with £29,292 in 1952/53 and £22,195 in 1951/53) and also marked increases in expenditure on

1/ Sources: SWA, Accounts, 1946/47 to 1953/54.

drugs and equipment, etc. (£37,953 compared with £22,020 in 1952/53) and maintenance of native hospitals (£24,786 compared with £21,193 in 1952/53).

6. Much of the increased expenditure since 1948 resulted from the increase of facilities as a result of the hospital building programme to which reference is made in paragraphs 17 and 18 of document A/AC.73/L.3/Add.3. It may be noted that the Health Commission appointed in 1945 had reported a need for improved hospital facilities both for Europeans and natives (SWA, Health Report, paras. 176 and 193-195).

7. The extent to which the expansion of hospital facilities has proceeded since the last information was submitted to the Committee on South West Africa may be estimated from an analysis of government expenditure from the Territorial Development and Reserve Fund and from government notices published in the official gazette.<sup>2/</sup> These developments are as follows: in 1951/52 renovations and extensions were completed on a government hospital at Keetmanshoop; in 1952/53 work was completed on the construction of a venereal disease compound at Usakos and on additions and alterations to the government hospital at Windhoek; and in 1953/54 work was begun on the construction of a new native hospital at Gobabis. (SWA, Accounts, 1951/52, p. 73; 1952/53, p. 79; and 1953/54, p. 85; also SWAG 1783, p. 812). During 1952 tenders were invited for the construction of a new European hospital at Grootfontein (SWAG, 1669, p. 2755) and in 1954 and 1955 tenders were invited respectively for conversion of a hostel at Bethanie into a hospital and for the construction of a new hospital at Mariental (SWAG 1867, p. 1407 and SWAG 1873, p. 13). It is worthy of note that the Estimates of expenditure to be defrayed from the Territorial Development and Reserve Fund during the years 1952/53 and 1953/54 disclose plans for a substantial building programme during those years, including the construction of several native hospitals and of a tuberculosis hospital at

---

<sup>2/</sup> It also appears that the capacity of existing Government native hospitals increased between 1949 and 1952/53 as follows: Keetmanshoop, from 30 beds to 39 beds; Omaruru, from 12 to 16 beds; and Grootfontein, from 60 to 85 beds (SA, Yearbook, 1952-53, page 1164).

Windhoek (SWA, Estimates, 1952/53, pp. 40-41, and 1953/54, pp. 41-43). The Territorial Accounts disclose, however, that for the most part these plans were not carried out during those years.

8. Reference is made in paragraphs 4-6 of document A/AC.73/L.3/Add.3 to the existence in 1949 of state-aided hospitals (supported by voluntary contributions and administered under the terms of the Hospitals and Charitable Institutions Ordinance No. 16 of 1930) at Windhoek, Grootfontein, Luderitz, Keetmanshoop, Walvis Bay, Outjo, Mariental, Karasburg and Maltahöhe. Since that time additional state-aided hospitals have been established at Onaruru and Okahandja. In 1952, hospital boards had also been established at Bethanie and Gobabis and steps were in progress to establish hospitals under those boards (SA, Yearbook, 1952/53, page 1161 and SWAG 1659, p. 2565).

9. With regard to professional medical personnel, the number of medical staff employed by the Government and the number of medical practitioners in the Territory during 1954/55 are not yet available. The only important change affecting medical personnel which has to be recorded was the passage of the Medical, Dental and Pharmacy Amendment Act, No. 29 of 1954 (SWAG 1839, pp. 5-31). This Act amended the Medical, Dental and Pharmacy Act, No. 13 of 1928 by, among other things, providing (a) for the registration of medical specialists under conditions pertaining to qualifications prescribed by the South African Medical Council, (b) for a restricted number or category of persons with overseas qualifications obtained outside the British Commonwealth to be registered as practitioners at the discretion of the Medical Council, (c) for foreign medical practitioners or dentists to be admitted to the Union temporarily for the purpose of treating individual patients, or dentists to be admitted to the Union temporarily for the purpose of treating individual patients, and (d) to permit the training of pharmacists at universities by reducing the period of indentured apprenticeship prescribed for graduates with pharmacy degrees.

#### Sanitation and preventive measures

10. By Act No. 38 of 1952, which entered into force on 1 October 1952 (SWAG 1692, pp. 3-55), the International Sanitary Regulations adopted by the World Health Assembly on 25 May 1951 were applied to the Union of South Africa and the Territory of South West Africa. These Regulations set forth standard practices and procedures relating to inspection, quarantine, certification and reporting to prevent the spread of certain communicable diseases through international

traffic. In accordance with the Act detailed regulations relating to health inspection, certification and quarantine at ports and places of entry into the Territory and Union were issued in Government Notice No. 219 of 1952 as amended by Proclamations Nos. 15 and 181 of 1953 (SWAG 1775, pp. 593-613 and SWAG 1825, pp. 516-518). By Proclamation No. 14 of 1954 (SWAG 1813, p. 234) Windhoek Airport was declared a sanitary airport for purposes of inspection, etc., under the Act.

11. With regard to sanitation and public health in municipalities, it will be recalled that paragraph 22 of document A/AC.73/L.3/Add.3 contains a description of the powers and duties imposed upon municipal councils under the Municipalities Ordinance, 1949 (SWA Laws, 1949, pp. 872-882) to prevent and control infections and contagious diseases, to ensure proper sanitation and to regulate and control all matters relating to public health. Less elaborate provisions pertaining to villages and smaller communities are set forth in the Village Management Boards Ordinance, 1937 (SWA Laws, 1937, p. 394; 1943, p. 558). During 1954, the local health regulations issued under the latter ordinance in regard to Mariental were repealed and were replaced by detailed health regulations conforming with the Municipality Ordinance (Government Notice No. 113 of 1954: SWAG 1833, pp. 668-707).

## Annex I to Question 96

## Patients treated, 1947 - 1951

Heading	1947	1948	1949	1950	1951
<b>(a) European State-aided hospitals</b>					
Patients treated	1,967	1,906	2,601	3,065	3,611
" discharged	1,904	1,838	2,509	2,978	3,525
" died	31	29	41	40	36
Average number of patients per day	-	-	46.68	70.47	83.97
Average stay in hospital (days)	-	-	6.55	8.39	8.49
<b>(b) State-owned Native hospitals</b>					
Patients treated	3,988	5,320	6,141	6,997	7,240
" discharged	3,371	4,715	5,566	6,343	6,590
" died	159	219	221	261	262
Average number of patients per day	-	-	406.88	385.81	446.13
Average stay in hospital (days)	-	-	22.43	20.13	22.49
Outpatients treated	-	-	9,310	9,182	8,031
Attendance	-	-	52,948	51,685	39,516
<b>(c) Mission hospitals</b>					
Europeans:					
Patients treated	6,013	5,982	5,935	6,171	6,159
" died	109	118	106	109	119
Average number of patients per day	-	-	180.94	185.5	180.12
Average stay in hospital (days)	-	-	11.13	10.97	10.68
Natives:					
Patients treated	1,478	3,034	1,986	1,782	2,061
" died	75	73	88	75	59
Average number of patients per day	-	-	106.79	90.48	86.61
Average stay in hospital (days)	-	-	19.63	14.66	17.20
<b>(d) Nursing homes</b>					
Patients treated	981	976	571	520	724
" died	11	8	1	-	5

Sources: SA, Yearbook, 1949, p. 1180; 1952-53, p. 1165.



Annex II to Question 96

Expenditure on public health (buildings) from Territorial Development and Reserve Fund 1946/7-1953/4

A/AC.73/L.7  
English  
Page 274

Building project	Total authorized expenditure (£)	Actual expenditure (£)								
		Prior to 1946/47	1946/47	1947/48	1948/49	1949/50	1950/51	1951/52	1952/53	1953/54
Native hospital, Grootfontein	30,000	124	16,897	11,817	1,138					
Native hospital, Otjiwarongo	23,800			2,202	16,537	4,649				
Native hospital, Walvis Bay	21,900			3,258	14,850	3,379			182 <sup>1/</sup>	
Hospital buildings, Windhoek	16,760			13	13,696	3,000	49			
Additions and renovations to hospital, Windhoek	8,922					533	6,869	1,519	2	
Renovations and extensions to hospital, Keetmanshoop	3,090						2,667	422		
Venereal disease compound, Usakos	13,179							4,748	8,430	
House and surgery for district surgeon, Runtu	4,532		4,283	244						
House for district surgeon, Rehoboth	4,481				4,478	2				
Native hospital, Gobabis	40,250									7,522
<sup>1/</sup> separate item										

Sources: SWA, Accounts, 1946/7 - 1953/4, Government Buildings Account.

QUESTION 97

Does this organization train Natives as medical and sanitary assistants, or women as midwives and as nurses? What is the method adopted?

1. According to the information available, no significant developments occurred during the period under review which have a bearing on this Question.

QUESTION 100

What endemic or epidemic diseases have been responsible for the greatest mortality? Are there statistics regarding the morbidity and death rate attributable to these diseases? If no general statistics exist, please supply any which may have been compiled for certain centres or certain specified areas.

QUESTION 101

Give any other information of importance from the epidemiological point of view, particularly as regards the spread of dangerous diseases, such as sleeping sickness, etc., which are not covered by the preceding question.

1. The information concerning these Questions which was submitted to the Committee on South West Africa in 1954 (document A/AC.73/L.3/Add.3, pp. 17-24) contains a fairly complete listing of the principal diseases encountered and their incidence in the Territory. The following paragraphs contain supplementary information on recent developments.
2. According to statements made by the Administrator in the Legislative Assembly during 1954 and 1955, the public health situation in the Territory during the preceding years (1953-54 and 1954-55) was good and there were no serious outbreaks of disease (SWA, LA, 1954, p.2; 1955, p.2). In 1955, however, mention was made of the Administration's concern regarding the probable increase in the incidence of tuberculosis and it was stated that active steps were under consideration to combat this disease (SWA, LA, 1944, p.2). It will be recalled that, as stated in document A/AC.73/L.3/Add.3, tuberculosis became fairly widely disseminated in the Territory during and after the Herrero war. All the local tribes, especially the Ovambo and Bushmen, are susceptible to this disease, although the highest incidence is met with among the Hottentots living in the south of the Territory. Unfortunately, full information concerning the

incidence among non-Europeans is not available since all cases are not notified to the authorities. During 1954, however; 591 non-European cases were treated in hospitals, either in the Union of South Africa or in the Territory (SWA, IA, 1955, p.16). It may be recalled that the Report of the Health Commission, 1945-46, drew attention to the increase of this disease among non-Europeans and recommended the construction of a tuberculosis sanatorium at Windhoek (Health Report, p.38). Provision for the construction of such an institution was made in the Estimates of proposed expenditure from the Territorial Development and Reserve Fund in 1952/53 (SWA, Estimates, 1952/53, p.41) but the Governments Accounts do not show any expenditure on this project. It would seem that so far government intervention consists of the payment of subsidies to local authorities and grants-in-aid to missions for the hospitalization of persons suffering from tuberculosis in a communicable form.

3. Rabies continued to be a disease requiring preventive measures following an outbreak which occurred in 1949 and subsequent notification of rabid animals in 1951 and 1952. On 1 October 1953, thirty-three farms, in the district of Gobabis, Okahandja, Otjiwarongo, Windhoek, Karibib and Omaruru were under quarantine against rabies (SWAG 1794, p. 1061). Regulations to prevent the spread of rabies were also introduced in 1953 and 1954 applying to the municipalities of Okahandja, Windhoek and the magistral district of Karibib (SWAG 1749, p.144; 1780, pp. 716-717; 1830, p.629). In Ovamboland and the Okavango suspected animals were destroyed and the injured human beings were treated with anti-rabies vaccine (SA, Yearbook, 1952-53, p. 1162).

4. As previously reported sporadic cases of epidemic cerebro-spinal meningitis occur in the Territory. During 1951 an epidemic occurred in Ovamboland, but with modern drugs, treatment proved very effective (SA, Yearbook, 1952/53, p.1162).

5. As noted in document A/AC.73/L.3/Add.3 (p.22) venereal diseases are widespread among the native population and, according to the report of the Health Commission published in 1946, constitute "a tragedy of the greatest magnitude". Although statistics of the incidence of these diseases among natives are not available, the Commission strongly recommended that additional facilities for treatment be made available (Health Report, pp. 45-46). At

present, the situation is that notification and treatment of these diseases is compulsory and for this purpose the Administration provides subsidies or grants-in-aid to hospitals and local authorities and also maintains a number of venereal disease clinics at various centres besides a compound at Usakos which was completed in 1953 (SWA, Accounts, 1952/53, p. 79). The Government Estimates for 1952/53 provided for expenditure from the Territorial Development and Reserve Fund for construction of six other venereal disease compounds (SWA, Estimates, 1952/53, page 40) but information is not available as to whether they have been constructed. The following table indicates the sums expended annually by the Government for the maintenance of venereal patients during the period 1946-54:

<u>Fiscal year</u>	<u>Expenditure</u> £
1946/47	3,577
1947/48	3,947
1948/49	4,211
1949/50	4,043
1950/51	4,097
1951/52	4,772
1952/53	4,084
1953/54	4,021

Sources: SWA, Accounts, Public Health Vote

Statistics of deaths from diseases

As stated in document A/AC.73/L.3/Add.3, no information is available concerning the deaths from diseases of non-Europeans. With regard to European deaths statistics were previously given covering the years 1946 and 1947. The table set forth as Annex 1 to Question 100 gives the numbers of European deaths from various causes for the years 1949-1952 inclusive.

ANNEX I TO QUESTIONNAIRE  
European deaths and causes of death, 1949-1952

Cause of death	1949		1950		1951		1952	
	Certified only	Certified and Uncertified	Certified only	Certified and Uncertified	Certified only	Certified and Uncertified	Certified only	Certified and Uncertified
Typhoid and Paratyphoid Fever	1	1	1	1	-	-	-	-
Plague	-	-	2	2	-	-	-	-
Meningococcal Cerebro Spinal Meningitis	-	-	-	-	-	-	-	-
Scarlet Fever	-	-	-	-	1	1	1	1
Whooping Cough	2	2	1	1	-	-	-	-
Diphtheria	-	-	-	-	-	-	-	-
Tuberculosis of the Respiratory System	1	1	1	1	3	3	3	3
Tuberculosis, All other forms of	2	2	4	4	1	1	-	-
Leprosy	-	-	-	-	-	-	-	-
Malaria	3	4	5	5	1	1	1	1
Syphilis	5	5	2	2	3	3	2	3
Influenza (All forms)	2	2	1	4	4	4	1	1
Smallpox	-	-	-	-	-	-	-	-
Measles	1	1	-	-	1	1	-	-
Typhus Fever	-	-	1	1	-	-	-	-
Cancer (All forms)	40	42	44	45	45	47	33	35
Diabetes	7	8	7	7	11	11	6	7
Cerebral Haemorrhage	18	22	15	18	17	17	19	20
Cardiac Diseases	34	34	48	51	48	54	53	57
Other diseases of the Circulatory System	4	4	14	16	31	31	7	7
Bronchitis and Pneumonia (All forms)	18	20	21	23	20	21	15	16
Miners' Phthisis without Tuberculosis	-	-	-	-	-	-	-	-
Miners' Phthisis with Tuberculosis	-	-	-	-	-	-	-	-
Other Respiratory Diseases	27	27	5	7	-	6	-	-
Ulcer of the Stomach and Duodenum	2	2	-	-	4	4	1	1
Diarrhoea and Enteritis (under 2 years)	14	14	10	10	7	9	11	11
Appendicitis	1	1	3	3	1	1	1	1
Disease of the Liver and Biliary Passages	1	1	4	4	7	7	7	7
Nephritis	7	7	8	8	5	5	5	5
Puerperal Sepsis	-	-	-	-	-	-	-	-
Other Diseases of Pregnancy, childbirth and Puerperium	4	4	2	2	1	1	-	-
Congenital Malformation and Diseases of Early Infancy	26	28	34	34	29	30	28	31
Suicide	15	15	5	5	3	3	8	8
Other Violent Deaths	30	30	31	32	23	23	25	26
Other Defined Causes	17	20	41	42	48	52	55	56
Cause Ill-Defined or Unknown	7	21	9	27	17	20	17	25
<b>Total deaths</b>	<b>289</b>	<b>317</b>	<b>319</b>	<b>355</b>	<b>331</b>	<b>356</b>	<b>299</b>	<b>323</b>

QUESTION 102

Does the health organization deal with the supervision of prostitution?  
What is the position with regard to prostitution?

1. According to the information available, no significant developments occurred during the period under review which have a bearing on this Question.

CHAPTER 5

LAND TENURE

QUESTION 103

Is the Government's policy directed towards the exploitation of the arable land by the establishment of large agricultural undertakings under foreign management or by the development of the system of native small-holdings?

QUESTION 104

What are the various classes of property which, in view of their nature, origin or use, constitute the domain of the territory?

Under what item of the local budget do the revenues of this domain appear, or in the case of the sale of such property, the sum realized?

Under what items of the local budget do the costs of exploiting such domain appear?

Are the recruiting and employment of the labour required for the exploitation of this domain regulated by the common law?

QUESTION 105

Does the law provide a definition of the term "vacant lands"? What authority is competent to decide whether land is vacant?

Does the law recognize the rights of use and enjoyment that may be exercised by the natives in the "vacant lands" (The right of gathering produce, cutting of wood, grazing, hunting, fishing, etc.)?

QUESTION 106

Has the mandatory Power acquired on its own account (and not in its capacity as Mandatory) any property or rights whatsoever in the territory? If so, what property or rights?

On what basis does the State's proprietary title rest?

Is this property subject to the same dues and charges as the property of private individuals?

Is the State subject to the ordinary regulations regarding the recruiting and employment of the labour needed for the exploitation of these lands?

How is the revenue of these lands employed?

QUESTION 107

What is the system of land registration in force? Is it applicable to land owned or occupied by natives? Is there a land registry department?

QUESTION 108

What is the native system of land tenure? Is it uniform through the territory? Have the natives any notion of the right of individual property?

Does the law recognize the right of natives to hold property as individuals?

QUESTION 109

Do the authorities exercise control over land transactions with a view to safeguarding the customary rights of the natives on such land?

What is the maximum term of land-lease to non-natives?

Does the law reserve land for the natives or native communities, from which they cannot be dispossessed for the benefit of non-natives?

QUESTION 110

Have the native chiefs the power of dispossessing existing occupiers and of granting the land to third parties? If so, have the persons dispossessed the right of appeal to the authorities?

QUESTION 111

What is the (approximate) proportion in the whole Territory of:

Native land

State land

Land leased or sold to non-natives (including any property of the Mandatory Power referred to in Section 106)?

QUESTION 112

What are the regulations with regard to expropriation for reasons of public utility? How is the compensation determined?



1. Pursuant to the request of the Committee on South West Africa for fuller information concerning land and agriculture, this Chapter includes material additional to that sought in Questions 103 to 112.
2. Accordingly, under three broad headings covering land, the conservation of natural resources, and agriculture, information is provided on the following subjects:

I. LAND

- Disposal, Occupation and Acquisition of Government lands  
(paras. 3-18)
- Land Settlement Laws (paras. 19-99)
- Operation of the Land Settlement Program (paras. 100-119)
- Expenditure for Land Settlement and Financial Assistance to Settlers  
and other Farmers (paras. 120-137)
- Application of the Union Native Trust and Land Act (No. 18 of 1936)  
to Native areas in South West Africa (paras. 138-143)
- Native System of Land Tenure in Areas Set Aside for Native  
Occupation (paras. 144-153)
- Ownership of Land by Non-Europeans in European Rural and Urban Areas  
(paras. 154-155)
- Provisions of the Land Settlement Laws Relating to Non-Europeans  
(paras. 156-157)
- Registration of Deeds (paras. 158-159)
- Reservation of Land for Public Purposes (paras. 160-163)
- Expropriation of Land for Public Purposes (paras. 164-171)
- Property of the Union of South Africa in the Territory (para. 172)
- Land Distribution in South West Africa (para. 173)
- Surveys (paras. 174-176)

II. CONSERVATION OF NATURAL RESOURCES

- The need for Soil and Water Conservation (paras. 177-178)
- Development of Conservation Programs (paras. 179-221)
- Statement of Progress of Soil Conservation Measures (para. 222)

III. AGRICULTURE

Factors Affecting Farming in South West Africa (paras. 223-237)

Agricultural Production and Marketing (paras. 238-317)

Karakul (Persian Lamb) (paras. 250-266)

Cattle and Small Stock Farming (paras. 267-286)

Dairy Farming (paras. 287-310)

Crop Farming (paras. 311-317)

I. LAND

Disposal, Occupation and Acquisition of Government Lands

3. The principal laws in the Territory relating to the disposal, occupation and acquisition of Government lands are:

(a) Crown Land Disposal Proclamation, 1920 (No. 13 of 1920), as amended by Proclamation No. 54 of 1920, Union Proclamation No. 200 of 1950, Ordinance No. 7 of 1951 (Transvaal Statutes, pp. 1129-1134, 1628; SWA Laws, 1915-1922, pp. 216-219, 430; SWA Laws, 1950, p. 254; SWA Laws, 1951, p. 196). This law will be referred to in this Chapter as the Crown Land Disposal Proclamation, 1920, and, unless otherwise specified, will include all amendments.

(b) Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation No. 310 of 1927), as amended and modified by Union Proclamations No. 85 of 1930, No. 205 of 1932, No. 77 of 1936 and No. 39 of 1947, Ordinances No. 6 of 1951 and No. 12 of 1953, and as read with Union Proclamation No. 186 of 1931, and with Union Proclamation No. 339 of 1948, as amended by Ordinance No. 14 of 1951 (SWA Laws, 1930, p. 16; 1931, pp. 10-12; 1932, pp. 22-32; 1936, pp. 4-10; 1947, p. 134; 1948, pp. 96-100; 1951, pp. 196, 256-258; SWAG 1771). This law will be referred to in this Chapter as the Land Settlement Proclamation 1927, and, unless otherwise specified, will include all amendments and modifications.

4. These two basic laws apply to the Territory, with modifications, the provisions of the Land Settlement Act 1912, as amended in 1917, and the Crown Land Disposal Ordinance 1903 of the Transvaal, as amended in 1906, the application of which was authorized under the Treaty of Peace and Mandate Act, 1919. The relevant provisions of the latter Act are as follows:

4. (1) It shall be lawful for the Governor-General by proclamation to apply the said Territory, with such modifications as he may deem necessary having regard to the conditions obtaining therein, the provisions of all or any of the following laws, to wit: the Land Settlement Act 1912, the Land Settlement Act Amendment Act 1917, the Crown Land Disposal Ordinance 1903 of the Transvaal, and the Crown Land Disposal Amendment Ordinance 1906 of the Transvaal.

4. (2) Save for the provisions of sub-section (1) of this section, no grant of any title, right or interest in State land or minerals within the said Territory ~~or~~ of any right or interest in or over the territorial waters thereof ~~shall~~ be made and no trading or other concessions shall be granted without the authority of Parliament (SWA Laws, 1915-1922, pp. 11-12).
5. The above-mentioned Union Land Settlement Acts were originally applied to the Territory in 1920 and subsequently amended and modified. The Land Settlement Proclamation 1927, however, repealed the land settlement laws then in force, while confirming the actions taken under those laws.
6. Both the Crown Land Disposal Proclamation, 1920, and the Land Settlement Proclamation, 1927, provide for the disposal of Crown or Government lands.
7. Crown lands are defined in the former Proclamation as follows:  
"Crown Lands" means all unalienated land within the Protectorate of South-West Africa however acquired, which was lately the property of the German Government, all unalienated Crown Land within the port and settlement of Walvis Bay<sup>1/</sup> and such further land as may be acquired by the Government of the Union of South Africa within the said Protectorate or which has been or may be acquired by the Administration within the Territory.<sup>2/</sup>
8. Government lands are defined as follows in the Land Settlement Proclamation, 1927:  
"Government Lands" means all unalienated land within the territory however acquired which was the property of the German Government and such further land as may be or may have been acquired by the Government of South West Africa, and "unalienated" means not leased or reserved for special purposes, as well as unalienated by grant, transfer or other form of absolute disposal.

---

<sup>1/</sup> Words underscored inserted by Ordinance No. 7 of 1951; no further amendment was introduced by this Ordinance.

<sup>2/</sup> Words underscored inserted by Union Proclamation No. 200 of 1950; no further amendment was introduced by this Proclamation.

9. The terms "Crown Lands" and "Government Lands" are synonymous according to statements made by the representative of the Union Government in the Permanent Mandates Commission (PMC, 34th session, p. 95).

10. The Crown Land Disposal Proclamation, 1920, confers the widest powers possible upon the Administrator, and its operations are practically unlimited. Section 5 of the Ordinance, which may be taken as the main provision of the law, provides (ARIN, 1937, pp. 95-96):

5. It shall be lawful for the Administrator to dispose of Crown lands within the Protectorate by grant, sale, lease or otherwise in such manner and on such conditions as he may deem advisable not repugnant to the provisions of this Ordinance; provided that particulars of every such grant sale or lease shall immediately after it is effected be published in the Gazette.

11. Under Section 6, the "Administrator may grant any Crown land in exchange for any other land if it shall appear to him advisable to do so in the public interests" (Transvaal Statutes, pp. 1129-1130; SWA Laws, 1915-1922, pp. 216-217, 430).

12. The authority of the Administrator for any reservation of land for public purposes derives in the first instance from the Crown Land Disposal Proclamation, 1920 (see para. 160 below).

13. Both the Crown Land Disposal Proclamation, 1920, and the Land Settlement Proclamation, 1927, give the Administrator "the right to resume for public purposes the whole or any portion of any land alienated under" these Proclamations. In such cases, the Government is required to pay compensation, the amount payable to be determined by agreement, or, in default of agreement, by arbitration.

14. Both laws provide for the establishment of a Land Board to advise the Administrator. Provisions regarding the composition of the Land Board are contained in the Land Settlement Proclamation, 1927, which stipulates that the Board shall consist of not more than five members, at least three of whom have a knowledge of land values, farming and agricultural conditions (sec. 3(3)). The Board advises the Administrator on matters, inter alia, relating to the acquisition or disposal of land and the granting of advances to settlers who have been allotted farms. According to the report of the Union Government to the

League of Nations in 1937, the functions of the Board are purely advisory, all of its recommendations being subject to the approval of the Administrator (ARLN, 1937, p. 93).

15. Further similarities exist between the Crown Land Disposal Proclamation, 1920, and the Land Settlement Proclamation, 1927, and, as will be seen, the principal difference lies in their application in practice.

16. There are provisions under both laws for the disposal of Government or Crown lands under five-year leases, with option to purchase, for the beneficial occupation and development of holdings, and for advances to settlers for the purpose of developing their land and for the purchase of stock and implements. In the case of the Crown Land Disposal Proclamation, 1920, the provisions concerning the terms of lease, provision for advances to settlers, as well as the power and functions of the Land Board, were introduced by regulation (GN 71/1921; SWAG 61), while, in the case of the Land Settlement Proclamation, 1927, detailed provisions concerning these matters were incorporated both in the original Proclamation and in the regulations issued thereunder (GN 70/1929, as amended). The administration of leases under the Crown Land Disposal Proclamation, 1920, "is in every respect similar to that under the Land Settlement" Proclamation, 1927, according to the report of the Union Government to the League of Nations in 1937 (ARLN, 1937, p. 96).

17. In practice, however, the land disposed of under the Crown Land Disposal Proclamation, 1920, is mostly non-agricultural while that disposed of under the Land Settlement Proclamation, 1927, is for agricultural settlement (PMC, 34th session, June 1938, p. 95). In dealing with urban properties, such as the sale of township land to private individuals and the disposal of land to municipalities or other public bodies, the provisions of the Crown Land Disposal Proclamation, 1920, rather than the Land Settlement Proclamation, 1927, are always applied (ARLN, 1937, p. 96). Otherwise, the Crown Land Disposal Proclamation, 1920, was applied in the past mainly in cases where persons had obtained leases with the option of purchase from the German Government, or where they had some moral claim, also acquired from that Government. Such persons were granted a lease over the land affected, with the option of purchase, at a valuation to be determined by the Administrator, the option of purchase to be deemed to have been exercised as from the date on which the lease had effect (ARLN, 1937, p. 96).

Sales and allotments of land under this Proclamation were also made to provide additional land to settlers and farmers whose holdings became overstocked and consequently too small to enable them to carry out their farming operations successfully (ARLN, 1932, p. 38).

18. The Union Government described the purpose of the Land Settlement Proclamation, 1927, as follows:

The main object of the Land Settlement Proclamation, 1927 is to settle people on the land who have insufficient means to purchase private land so that by the development of their holdings and the betterment of their own position they become an asset to the state (ARLN, 1937, p. 94).

#### Land Settlement Laws

19. The main provisions of the Land Settlement laws in force in the Territories, including in particular the Land Settlement Proclamation, 1927, are summarized or reproduced below, together with such information as appears to be relevant concerning the application of particular provisions. This material is presented in the following order: procedure for disposing of Government land for settlement purposes, the acquisition of additional land by the Government for settlement purposes, qualifications of applicants for land, conditions of lease, cancellation of lease, price of land, rental during lease period, purchase price payments, title to land, and advances to settlers.

20. It should be pointed out, however, that, by Union Proclamations No. 205 of 1932 and No. 77 of 1936, special relief measures providing, inter alia, for for the capitalization of debts due to the Administration, the reduction of interest thereon and the extension of the periods of repayment, were extended to holders of land under both the Land Settlement Laws (including those settled under laws repealed in 1927) and the Crown Land Disposal Ordinance. Since, except in so far as these special relief provisions were made to relieve settlers during the financial depression, leases and Government Grants of freehold continued to be governed by the provisions of the Land Settlement Proclamation, 1927, and the Crown Land Disposal Ordinance, 1920, the provisions of Union Proclamations No. 205 of 1932 and No. 77 of 1936 are dealt with in the present Chapter only to the extent that they amend or modify the principal laws.

21. In addition, reference may be made here to certain modifications introduced in 1948 and 1951 to the Land Settlement Laws of the Territory.
22. By Union Proclamation No. 339 of 1948, the Administrator was authorized, on the recommendation of the Land Board, to grant a right of temporary occupation of Government land to probationary lessees in order to determine their suitability as settlers, and to advance moneys to such probationary lessees as if they were lessees under the Land Settlement Proclamation, 1927 (SWA Laws, 1948, pp. 96-99).
23. In 1951, the provisions of Union Proclamation No. 339 of 1948 were amended, by Ordinance No. 14 of 1951, to include grazing licensees. By this Ordinance, the Administrator was authorized to grant a right of temporary occupation to any person whom he regarded as likely to prove suitable as a lessee (i.e., to a probationary lessee), or to any person who was a bona fide farmer (i.e., grazing licensee), and to advance moneys to such persons as if they were lessees under the Land Settlement Consolidation and Amendment Proclamation, 1927 (SWA Laws, 1951, pp. 256-258).
24. While the policy of allotting lands on a probationary basis prior to the granting of a lease under the Land Settlement Proclamation, 1927, has been pursued since 1935 (ARLN, 1939, p. 75), and it has been the practice since the beginning of the Mandate to allow the occupation of land for grazing under "grass" or grazing licences (ARLN, 1939, p. 73), the 1948 and 1951 Ordinances appear to authorize for the first time the granting of advances to probationary lessees and grazing licensees under the provisions of the Land Settlement Proclamation, 1927.
25. The conditions of probationary leases (GN 323/1948) are similar, though somewhat less detailed than the conditions of lease established under the Land Settlement Proclamation, 1927. The former are not dealt with in detail here, however, in view of the fact that in Gazette notices offering farms for allotment during 1952 and 1953, it was indicated that if successful applicants pursued their farming operations during the probationary period to the satisfaction of the Land Board, they would be given leases "under and subject to the provisions of the Land Settlement Consolidation and Amendment Proclamation, 1927, and any further amendments thereto, and any regulations published thereunder" (SWAG 1715 and 1800).



Procedure for disposing of Government land for settlement purposes

26. Government land considered suitable by the Administrator for disposal under the Land Settlement Proclamation, 1927, is to be divided into holdings<sup>3/</sup> and each holding is to be surveyed and valued for allotment, provided that the Administrator may (a) reserve from allotment any portion of the land which he thinks suitable for reservation for public purposes, or (b) withhold from division into holdings and set apart a surveyed area which he considers sufficient for the common pasturage of the lessees of the surveyed holdings (UP 310/1927, sec. 15).

27. The land must then be offered by notice in the Gazette and one or more newspapers for allotment. Every such notice in the Gazette must state the situation, approximate extent, and description of each holding offered for allotment and any special conditions upon which each holding is offered, and the approximate ultimate purchase price and rent of the holding (UP 310/1927, sec. 16).

28. If the Administrator is satisfied on receipt of a report from the Land Board that it is necessary to reduce the number of holdings within any settlement area in order to increase the area of the remaining holdings or that a holding cannot, owing to soil conditions or other reasons, afford a reasonable subsistence to the lessee, he may, under section 32 of the Land Settlement Proclamation, 1927, with the consent of every lessee<sup>4/</sup> concerned, cancel the lease of a holding and allot any other holding to the lessee whose lease has been cancelled.

---

3/ "Holding" as used in this Chapter, means any land allotted or leased, under the Land Settlement Consolidation and Amendment Proclamation, 1927, including such land after the right to purchase same has been exercised, or a grant thereof has been issued (UP 310/1927).

4/ "Lessee", when referred to in connexion with the Land Settlement Consolidation and Amendment Proclamation, 1927 (UP 310/1927), means a person to whom a holding has been allotted, leased, sold or granted under the Proclamation, including, where applicable, the trustee in insolvency of the lessee or the legal representative of lessee who has died or become a lunatic or any lawful assign or sub-lessee of the lessee.

Acquisition of land by the Government for settlement purposes

29. Section 10 of the Land Settlement Proclamation, 1927, provides that subject to the provisions of that Proclamation:

(a) the Administrator may, out of any moneys appropriated for the purpose, purchase either by public auction or by private treaty, on behalf of the Government, private land which he deems suitable for settlement;

(b) the Administrator may effect by private treaty an exchange of any Government land for any private land which he deems suitable for settlement, and may cause a grant to be issued in respect of the Government land so exchanged.

30. Under section 11 of the Land Settlement Proclamation, 1927, the Administrator may, subject to the provisions of that Proclamation, purchase particular land if he receives from an applicant qualified to be considered for the allotment of a holding under the Proclamation (see para. 41) a written application:

(a) requesting that certain land specifically mentioned and described by plan or otherwise in the application be purchased by the Administrator for settlement purposes on behalf of the applicant;

(b) stating the maximum purchase price of the land;

(c) stating that the applicant is willing to contribute forthwith not less than one tenth of that maximum purchase price.

31. Every proposal to acquire land under either of these sections must be referred to the Land Board for consideration and report as to the following:

(a) the value of the land;

(b) the suitability of the land for settlement purposes;

(c) the nature and extent of the existing water supply on the land and the likelihood of readily obtaining a water supply adequate for settlement purposes;

(d) the nature and value of any improvements existing on the land; and in the case of a proposed acquisition of land under section ten, as to the demand for other land in the neighborhood for settlement purposes, the probability of immediate application for the land for those purposes, and the extent of possible sub-divisions of the land (UP 310/1927, sec. 12).

32. The procedure for the disposal of land under section 10 of the Proclamation is the same as that described above (see paras. 25-27).

33. In the case of land purchased under section 11 of the Land Settlement Proclamation, 1927, the applicant shall be granted a lease subject to all the provisions of the Proclamation as soon as the land has been acquired by the Government (sec. 11 (3)).

34. Section 15 (4) of the Proclamation provides:

(4) Notwithstanding anything to the contrary in this Proclamation contained the Administrator may sell or lease by public auction or tender, any land or portion thereof which may have been acquired by the Administrator for settlement purposes in accordance with section ten or section eleven hereof.

35. Owing to the fact that before 1939 there had been sufficient Crown land available to meet all reasonable demands, acquisition by the Administration of land for settlement purposes had until then been unnecessary, according to the Union Government's report to the League of Nations for that year. The report stated:

If it is to be the policy of the Administration to continue with land settlement after the suitable available Crown land has been exhausted, the means by which the policy is to be carried out will still have to be considered. In this connection it will be recalled that the existing Land Settlement Proclamation (No. 310 of 1927, Union) provides under Sections 10 and 11 for the acquisition for settlement purposes of land...

The direct application of Section 11 (above) should receive very serious prior consideration for, apart from financial considerations and potential losses, it should be realised that the process may easily lead to nothing more than substitution, which can serve only one purpose, viz., State control in land administration. Moreover, in view of the amount of Crown land situate outside the Police Zone which might be utilised for settlement purposes it would be most difficult to justify a general policy of acquisition of private land.

The purchase of private land where suitable opportunity offers, in terms of Section 10, might be permitted, provided the price factor

receives very careful consideration. But it is not anticipated that many opportunities for such purchases will occur and, consequently, the adoption of such a policy would hardly affect the existing position (ARLN, 1939, pp. 76-77).

36. Land appears to have been purchased for settlement purposes under section 10 of the Land Settlement Proclamation, 1927, for the first time in 1939 (see para. 101 below).

37. The provisions of section 11 of that Proclamation, whereby the Administration advances nine tenths of the purchase price for a private farm and the applicant contributes the remaining one tenth in cash, was brought into operation during 1946 (AR, 1946, p. 40). Since the introduction of this system, there were 87 purchases covering an area of 530,216 hectares, according to an article appearing in the South West Africa Annual, 1954. While the amount which the Administration can advance is not prescribed by law and is "entirely a matter of policy", the article states: "At the moment the amount has been increased to £5,000 per applicant" (SWA Annual, 1954, p. 41).

38. A policy similar to that provided in section 11 appears to have been followed, at least during the period prior to the issuance of the Land Settlement Proclamation, 1927, as explained by the representative of the Union of South Africa in the Permanent Mandates Commission in 1926:

... Under the Land Settlement Proclamation, the purchaser selected a farm and, if the price were reasonable, the Administration assisted him. He paid only one-tenth of the purchase price, the Government providing the remainder of the money, which was regarded as an advance to be repaid within a certain period. The procedure followed in regard to any particular holding depended on the decision of the Land Board (PMC, 9th session, 1926, p. 44).

39. In this connexion, attention is drawn to the provisions of section 51 (1) of the Land Settlement Proclamation, 1927:

Notwithstanding anything contained in this Proclamation the Administrator may, on the recommendation of the Board, offer for allotment any holding subject to the condition that the successful applicant for such

holding shall pay on allotment and as a condition thereof an amount to be determined by the Administrator not exceeding one-fifth of the purchase price of such holding as notified in the Gazette.

40. The lessee in such cases would be deemed to have exercised the right to purchase the land, the balance of the purchase price being payable half-yearly in advance over a period of 30 years (sec. 51 (2), as read with sec. 27 (3) (a)).

Qualifications of applicants for land settlement purposes

41. Under the Land Settlement Proclamation, 1927, no application for the allotment of a holding "shall be entertained by the Administrator" unless, as provided in section 19 of that Proclamation, the applicant:

- (a) be eighteen years of age at least;
- (b) possess qualifications sufficient for utilizing the land the subject of the application;
- (c) intend in good faith to occupy personally and develop and work beneficially the said holding;
- (d) be of good character;
- (c) possess capital sufficient to develop and work the holding beneficially or, in any special cases, possess such amount of capital as, after report by the Board, the Administrator may deem fair and reasonable;
- (f) declare that he will develop and work the holding exclusively for the benefit of himself and members of his family, if any (sec. 19).

42. Under section 20 of the Land Settlement Proclamation, 1927, "Every application for the allotment of a holding shall... be referred to the Land Board, who shall advise the Administrator thereon". "The Board shall not be obliged to recommend any applicant to the Administrator", however, and "the Administrator shall not be obliged to allot a holding to any applicant recommended by the Board, or if the allottee recommended by the Board be accepted by the Administrator, to allot to that allottee the particular holding recommended by the Board".

43. Section 20 (5) provides:

In the allotment of any holding the Administrator shall, as far as possible, give preference to an applicant who is not the owner of land (UP 310/1927).

44. Under the Crown Land Disposal Proclamation, 1920, "any person above the age of eighteen years may be an applicant for land" disposed of for settlement purposes, but the Board is required when considering applications to "obtain full and detailed information as to the applicant's qualifications and fitness to become a lessee of Crown lands", and is also to give preference to those who do not possess or own land (GN 71/1921, SWAG 61).

45. The qualifications of applicants for probationary lease are not defined, but they must file the application form<sup>5/</sup> prescribed for applicants under the Land Settlement Proclamation, 1927 (GN 323/1948).

46. With regard to the holdings offered for allotment during 1952 and 1953, prospective applicants were advised to inspect holdings personally since, as a rule, the Land Board was not inclined to recommend allotments to applicants who had failed to make a personal inspection of the holdings applied for or who had requested someone else to make the inspection on their behalf (SWAG 1715 and 1800).

47. It is stated in the Official Yearbook of the Union of South Africa for 1952-53 that intending settlers should be possessed of capital of from £1,000 to £2,000 (SA, Yearbook, 1952-53, p. 1177).

Conditions of lease<sup>6/</sup>

48. Leases issued under the Land Settlement Proclamation, 1927, are for a period of five years, subject to extension for a further period not exceeding five years (sec. 24). All leases, except to applicants contributing part of

5/ The application form for a holding under the Land Settlement Proclamation, 1927, is set out in Schedule A to the Regulations made under that Proclamation (GN. 70/1929, as amended by GN 206/1942 and GN 209/1952).

6/ The form and conditions of lease (other than special conditions which may be prescribed by the Administrator) under the Land Settlement Proclamation, 1927, are set out in Schedule D to the Regulations made under that Proclamation (GN 70/1929, as amended by GN 206/1942 and GN 209/1952).

the purchase price of the holding, are subject to the condition that the lessee exercise the right to purchase the holding within or at the expiry of the five year lease period provided that he has at the time complied with the provisions of the Proclamation and all the terms and conditions of his lease. Lessees contributing part of the purchase price of the holding on allotment are considered to have exercised the option to purchase (secs. 27, as read with secs. 11 and 51).

49. Every lessee of a holding with no permanent improvements at the date of allotment is required during the period of lease to make permanent improvements on the holding to a value of at least 25 per cent of the ultimate purchase price of the holding (UP 310/1927, sec. 30). He is also required to arrange to the satisfaction of the Administrator for the care and maintenance of improvements and of any stock or its progeny, implements and other things acquired through advances from the Administration (sec. 29).

Compulsory personal and beneficial occupation and residence of holding

50. Every lessee or probationary lessee is required to personally and beneficially occupy the holding allotted to him with a specified period after allotment and thereafter for a specified period during every calendar year (UP 310/1927; and Regs. made under UP 339/1948: GN 323/1948).

51. Beneficial occupation of any holding includes, as stated in the Land Settlement Proclamation, 1927:

- (a) the proper care and maintenance of improvements thereon;
- (b) the maintenance and improvement of the fertility of the soil and the prevention of soil erosion;
- (c) the eradication of noxious and other weeds in accordance with the terms of any law requiring such eradication.

52. This Proclamation (UP 310/1927) fixes the periods of personal and beneficial occupation only in the case of holdings allotted under section 11 of the Proclamation (involving particular land acquired at the request of the applicant, who pays one-tenth of the purchase price), the periods fixed being within three months from the date of allotment and for at least eleven months in every calendar year thereafter.

53. In all other cases, the Proclamation provides that the periods are to be determined by the Administrator on the recommendation of the Land Board and specified in the Gazette when the holdings are offered for allotment (UP 310/1927, sec. 28). The regulations made under the Proclamation fix the periods, subject to the provisions of the Proclamation, at six months from the date of allotment and eight months in every calendar year thereafter (GN 70/1929, Schedule D: Conditions of Lease, clause 2). The periods specified in the Gazette for holdings offered for allotment during 1952 and 1953 were six weeks and eleven months, respectively (SWAG 1715 and 1800).

54. The Administrator may, however, in any case where he thinks it expedient and on recommendation of the Land Board, postpone the date of compulsory occupation or suspend the condition of residence either wholly or for a specified period on such conditions as he may think fit (UP 310/1927, sec. 28).

55. In this connexion, the annual report to the League of Nations for 1937 stated:

It frequently happens that a farm is allotted to two persons; in such cases it may be advisable that one of the lessees should take up some occupation and thus have more money available for the development of his holding. There are various other reasons for granting exemption from occupation, the chief of which is the lack of a water supply on a holding (ARLN, 1937, p. 94).

56. Lack of pasture also appears to be relevant in this connexion. One of the settlers in the Garinai block of farms (Keetmanshoop District) purchased by the Administration in 1944 from a farming company for settlement purposes (under section 10 of UP 310/1927; see para. 29 above), informed the Commission of Enquiry into the Prices of Crown Lands (1951-52) that he had spent no more than two years and three months on his farm since 1947 because of having to trek for lack of pasture (SWA, Crown Lands Report, p. 8).

57. Under section 35 of the Land Settlement Proclamation, 1927, a lessee may, subject to the prior written consent of the Administrator, sublet part or all of his holding or assign, transfer or hypothecate his interests in a lease to some other party. In the regulations made under the Proclamation, it is stipulated under the conditions of lease that consent will not be given for subletting, assignment, transfer or hypothecation to Natives, Asiatics or Coloured persons (for relevant text, see para. 157).



58. The Administrator is authorized under section 40 of the Proclamation (UP 310/1927) to enter and inspect any holding and to ascertain by such means as he may think fit whether or not the lessee has fulfilled or is fulfilling all the conditions of the lease.

59. Under section 39 (2) of the Land Settlement Proclamation, 1927, every lessee is required to pay such taxes, rates and other charges as may customarily and legally be required to be paid by a private landowner.

60. Section 34 of the Land Settlement Proclamation, 1927, provides, as a condition both of lease and of grant:

The Administrator may at any time and in such manner and under such conditions as he may think fit:

- (a) construct or authorize the construction of dams or reservoirs upon any holding;
- (b) construct or authorize the construction upon, through or under any holding, of water furrows, pipelines, canals and drains, and conduct or authorize the conducting of water therefrom or thereover for the benefit of the public or any owner or occupier of neighbouring land;
- (c) construct and work or authorize the construction and working, subject to the provisions of any laws of railways, roads, telegraph and telephone lines on or over any holding;

and take materials from any holding for the purposes of any such works.

61. The Proclamation also provides for compensation, the amount to be determined by agreement between the parties or, in default of agreement, by arbitration.

62. In the case of holdings advertised for allotment during 1952 and 1953, prospective applicants were informed that the leases to be issued would contain conditions relating to residence, improvements, fencing, outspan, roads and such other conditions as were usually inserted in agricultural leases granted under the Land Settlement Proclamation, 1927.

63. Successful applicants were to assume full liability for the payment of all amounts payable for fencing erected on the holdings and for any amounts rightfully claimed by adjoining owners for boundary fencing.

64. With regard to holdings on which boreholes were sunk before or after allotment, the Government would be given access to and the right to take water from the boreholes for Administration drilling purposes for a period of five years from the date of the leases. Each successful applicant would be held responsible for the proper care and maintenance of any such borehole and liable for any damage caused thereto; he was therefore on no account to use the water without a proper pumping plant.

65. Any grazing licence holder or temporary lessee who had any crops on the land would be entitled to tend and reap them.

66. The following special clauses were to be inserted in the leases and in the Government grants to be issued subsequently:

(a) The right of the Administration to resume the whole or a portion of any holding required for public or outspan purposes on payment of compensation.

(b) That existing roads and thoroughfares, whether they are described in the diagram or not, shall remain free and uninterrupted and that the lessee of any holding shall grant to any adjacent or neighbouring proprietor a way or road of necessity to and from the land of such adjacent or neighbouring properties (SWAG 1715 and 1800).

#### Cancellation of lease

67. Under section 42 of the Land Settlement Proclamation, 1927, a lease is liable to cancellation by the Administrator if the lessee fails to comply with any provision of the Proclamation or to fulfil any condition of the lease. Upon such cancellation, the land reverts to the Government, together with any improvement thereon and no compensation is payable for such improvements, provided, however, that in cases other than that of a lessee who has been convicted for making a false declaration in his application for the holding or who has failed to comply with the provisions of the Proclamation relating to personal and beneficial occupation of the holding, the new allottee of the holding may on allotment be required to pay in cash for the improvements, the amount less any moneys due the Administration, to be paid over to the former lessee.

68. The Proclamation also contains provisions for the repayment of instalments on the purchase price (UP 310/1927, sec. 42).

69. If the lease of any holding held jointly by two or more persons is cancelled, owing to the failure of one or more of the joint lessees to comply with the provisions of the lease, the Administrator may, in terms of section 31 of the Proclamation, allot the holding to the lessee or lessees not in default (UP 310/1927, sec. 31).

70. In the notices published during 1952 and 1953 offering holdings for allotment, it was stated that if at any time during the probation period the successful applicant failed to comply with all the terms and conditions of the allotment, "especially that relating to occupation," the allotment could be cancelled forthwith (SWAG 1715 and 1800).

#### Price of land

71. Under the terms of the Land Settlement Proclamation, 1927, the Administrator may not pay more for the purchase of land for settlement purposes (under sections 10 and 11; see paras. 29 and 30) than the maximum price recommended by the Land Board (UP 310/1927, sec. 13).

72. Except in the case of particular land acquired by the Administration at the request of an applicant paying at least one-tenth of the purchase price (under UP 310/1927, sec. 11), the allotment price of a holding to the successful applicant is to be, under the terms of section 15 of the Land Settlement Proclamation, 1927, at least equal to the cost price thereof, including: costs of transfer, costs of division and survey, costs of valuation, a proportionate share of the value of that part of the land acquired which has been absorbed by roads, reserves for public purposes when made solely in the interests of the settlement, common pasturage areas, and the costs of any improvements (including boring for water) effected before, and in certain cases after, allotment by the Government; if boring operations undertaken by the Government are unsuccessful or only partly successful, the Administrator may order that the cost or part of the cost of such operations be excluded from the purchase price (UP 310/1927, secs. 15, 46; UP 186/1931).

73. The purchase price of particular land acquired by the Administration at the request of the applicant is to include, as provided in section 11 of the Proclamation (UP 510/1927): the purchase price paid by the Administrator, the cost of transfer and survey fees, if any, other expenditure by the Administrator in connexion with the purchase, transfer and allotment of the land, plus interest at the rate of four per cent for two years on these amounts, but excluding interest on that portion of the purchase price contributed by the applicant.

74. Provisions authorizing the reduction of the purchase price, either before or after allotment are included in the Land Settlement Consolidation and Amendment Proclamation, 1927.

75. Thus, under section 15 (5), the Administrator may, on recommendation of the Land Board, fix the "allotment price of any holding" which he acquired by purchase or exchange for settlement purposes "at less than the price at which the said land was acquired by the Administrator".

76. Under section 23, sub-section 1, of the Proclamation, as amended by Ordinance No. 6 of 1951, the Administrator may reduce the purchase price of a holding after allotment if the Land Board reports that the purchase price was excessive and recommends a reduced price. The Administrator may not reduce the price below the sum recommended by the Board, however, and no such reduction may be made in the purchase price of any land acquired by the Administrator under section 11 of the Proclamation (relating to particular land acquired at the request of an applicant contributing one-tenth of the purchase price). Until the promulgation of Ordinance No. 6 of 1951, such a reduction was also proscribed with respect to land acquired (under section 10) for settlement purposes by exchange.

77. By the addition in 1951 of the following sub-section to section 23, the Administrator appears no longer to be bound by a recommendation of the Land Board in reducing the purchase price of holdings after allotment:

(3) Notwithstanding anything in sub-section (1) contained if it appears to the Administrator that the purchase price of any holding, not being land acquired by purchase under section eleven, which is allotted or which hereafter may be allotted is excessive, he may reduce the said purchase price to a sum which he considers to be a reasonable purchase price for such holding (Ord. 6/1951).

78. The Commission of Enquiry into the Prices of Crown Lands investigated in 1951 and 1952 the prices of all Crown lands allotted or re-allotted since 1945 or about to be allotted under the Land Settlement Proclamation, 1947, excepting those acquired by the Administration for individuals under section 11 of the Proclamation.

79. The Commission listed in its report 776 farms in the Districts of Bethanie (31), Gibeon (150), Gobabis (155), Grootfontein (45), Karibib (7), Keetmanshoop (37), Luderitz (23), Maltahohe (25), Okahandja (48), Omaruru (10), Otjiwarongo (44), Outjo (115), Rehoboth (15), Swakopmund (13), Warmbad (14), and Windhoek (44). The allotment prices of these farms ranged from 6 d. to £ 1.5 s per hectare. After a detailed enquiry into farming and land conditions in the particular areas, the Commission recommended price reductions in the case of certain farms in all Districts except Bethanie, Karibib, Maltahohe, Omaruru and Rehoboth. In its general remarks and recommendations regarding the uniformity of prices of Crown land, the Commission stated:

Your Commission considers that a larger measure of uniformity in the determination of the price of Crown Land within the same district and/or region should be maintained, in order to avoid dissatisfaction amongst the settlers. It is appreciated that farms in the same area or vicinity sometimes vary substantially and that price differences in such cases are unavoidable, but they should be the exception. Where crown lands are appraised by different persons the human factor plays an important role and valuations tend to vary more markedly: Opinions differ. The time factor also has a strong influence on the determination of prices, and yet it is felt that a fixed policy as a basis for all appraisements of Crown lands is desirable, and that all appraisers should follow it. It further appears to be desirable that appraisements as a rule should be carried out only by permanent officials, e.g. the Inspectors of Lands. By virtue of the experience gained in their work Inspectors are better able to carry out a uniform policy, as they become familiar with the values of all ground in the country and so are in a better position to judge fairly. It is by no means the intention to imply that members of the Land Board are not capable of undertaking such appraisements, but in cases where their appointments are of a

temporary nature they cannot be expected to gain the intimate knowledge of land values for purposes of settlement throughout the whole Territory, which they need for the carrying out of such a policy. The human factor may then become so strong as to vitiate a sound settlement policy.

It is admitted that the prices of newly opened land may well be higher than those of adjoining Crown lands previously allocated, since such lands have been rendered more accessible by roads built in their vicinity by the first settlers (who had to bear higher opening-up expenses in doing so) but the difference in prices should not be so great as to be out of all proportion (SWA, Crown Lands, p. 15).

80. On 11 March 1953, the Legislative Assembly resolved that the recommendations of the Commission of Inquiry into the Prices of Crown Lands with respect to the writing-off of amounts from the land-value of certain Crown land farms be accepted in principle (SWA, LA, 1953, p. 8).

81. During the fiscal year 1953-54, amounts totalling £1,219.7s.6d. were refunded, with the approval of the Administrator, to five farmers in respect of price reductions granted on their fully paid farms in accordance with the recommendations of the Commission of Inquiry into the Prices of Crown Lands. With the exception of these refunds, no accounting action had been taken as at 31 March 1954 to give effect to the recommendations for reductions recommended by the Commission and accepted in principle by the Legislative Assembly, and the Controller and Auditor-General had inquired as to the reasons for the delay (SWA, Accounts, 1953-54, p. 27).

#### Rent payable during the period of lease

82. During the period of probationary lease, rental is fixed at a flat rate of £1 per annum (GN 323/1948).

83. During the period of lease with option to purchase under the Land Settlement Proclamation, 1927, no rental is charged for the first year; for subsequent years, rental, payable half-yearly in advance, is based on a percentage of the ultimate purchase price of the land, at the rate of:

- (a) 2 per cent per annum for the second and third years;
- (b) 3 1/2 per cent per annum for the fourth and fifth years;
- (c) at least 4 per cent per annum, the rate to be determined by the Administrator, for any period of extension of the lease (not to exceed five years);
- (d) at the rate of 3 1/2 per cent per annum, from the commencement of the original lease (or if an option to purchase has already been exercised, from that date) if the original or extended lease is cancelled, the balance of the amount due being payable upon cancellation or surrender.

84. The Land Settlement Proclamation authorizes the Administrator, on the recommendation of the Land Board, to grant remission of payment of rent during the first five-year period of lease with option to purchase, provided the lessee has complied with the conditions of the lease.<sup>7/</sup> Rent due and payable as a result of surrender or cancellation of the lease may also be waived in whole or part provided the Administrator is satisfied that the surrender or cancellation was due to drought, flood, tempest, locusts, lack of water, failure of crops, disease of stock or other adverse farming conditions (UP 310/1927, sec. 24).

85. Although it is evident from the Territorial accounts of revenue and expenditure for the years 1946-47 to 1953-54 that some remissions of rent have been paid under the Land Settlement Proclamation, 1927 (SWA Accounts, 1946-47 to 1953-54), it was specifically stated in the notices of holdings advertised for disposal in 1952 and 1953 that the rent paid during the lease period was not deducted from the purchase price in the event of the option to purchase being exercised.

86. In the case of lessees contributing toward the purchase price of their holding on allotment, a rental is not charged, but interest at the rate of 4 per cent of the purchase price (excluding their contribution) is payable

---

<sup>7/</sup> Section 53 of the Land Settlement Proclamation, 1927, confirmed the remission by the Administrator of payment of rent prior to the commencement of that Proclamation to the extent and on the terms sanctioned by the relevant section of the 1927 Proclamation (sec. 24 (2) of UP 310/1927).

for two years (see para. 73). On cancellation of such a lease, the lessee must pay a sum equal to 4 per cent of the purchase price (excluding his contribution and the amount of interest paid during the lease period) from the date of allotment. He may also lose his contribution toward the purchase price (UP 310/1927, sec. 42).

#### Purchase price payments

87. When the right of purchase is exercised by a lessee under the Land Settlement Proclamation, 1927, the purchase price, together with interest thereon at an annual rate to be determined from time to time by the Administrator, becomes payable in half-yearly instalments payable in advance over a period of 30 years. In the case of a particular holding acquired by the Administrator at the request of an applicant who contributed at least one-tenth of the purchase price on allotment, his contribution is deemed a payment on purchase price, and further payments beginning at the end of two years are payable in half-yearly instalments over 28 years (UP 310/1927, secs. 27, 11).

88. Instalments payable on a mortgage bond after freehold title has been obtained are payable as they would have been under the lease (sec. 43).

#### Title to land

89. The title to all lands leased under the Land Settlement Proclamation, 1927, remain with the Government during the entire period of lease, and neither the exercise of the option to purchase nor the full payment of the purchase price of a holding by a lessee is sufficient in and of itself to effect a transfer of title.

90. Until such transfer of title, every lease issued under the Proclamation is exempt "from seizure under any process of execution issued out of any court and shall not be attached or sold in execution". This does not apply, however, to the lease of any holding mortgaged with the consent of the Administrator nor does it affect the operation of laws relating to insolvency or "any right which any third party may have acquired previous to the commencement of this Proclamation in and to any such lease" (UP 310/1927, sec. 52).



91. A lessee is entitled to obtain freehold title to land under the Land Settlement Proclamation, 1927, if, as set out in section 43 of that Proclamation:

(a) not less than ten years have expired since the date of the commencement of the lease, and

(b) all the instalments of purchase price and all other moneys due to the Government have been paid, and

(c) the lessee has complied in all respects with the provisions of this Proclamation applicable to him and with the terms and conditions of the lease, and

(d) the lessee is a British subject; provided that this paragraph shall have no application to leases commencing prior to the 1st January, 1947.

(Paragraph (d) was inserted in the original Proclamation by Union Proclamation No. 39 of 1947).

92. In special circumstances, and with the approval of the Administrator, freehold title may be obtained before the expiry of ten years from the date of allotment. When a lessee after five years tenancy can satisfy the Land Board that the value of his holding with permanent and substantial improvements exceeds by one-fourth (but not in any case by less than £400) his total indebtedness to the Government under the Proclamation, the Administrator may approve the granting of freehold title to the lessee provided a mortgage bond for the total amount of the outstanding indebtedness is passed in favour of the Government or, alternatively, that the Land and Agricultural Bank of South West Africa lodges with the Administrator an undertaking that it will, on behalf of the lessee, make all the payments under and comply with all the conditions and fulfill the stipulations contained in the mortgage bond (UP 310/1927, sec. 43, as amended by UP 85/1930).

93. As stated in section 43 (2) of the Land Settlement Proclamation, 1927:

Every grant shall be issued subject to -

(a) the rights of the Administrator described in section thirty-four;

(b) the payment by the grantee of any land taxes payable by law;<sup>8/</sup>

---

<sup>8/</sup> Section 34 authorizes the Administrator to construct certain classes of works on or over holdings (for relevant text, see para.60).

- (c) any such servitudes relating to roads and to such outspans as the Administrator may determine; and to all servitudes relating to roads and outspans to which the land is subject under the provisions of any law;
- (d) any special conditions upon which the holding was offered for allotment.

#### Advances to Settlers

94. The Administrator is authorized, under section 44 of the Land Settlement Proclamation, 1927, to make advances up to £750, at 4 per cent interest,<sup>9/</sup> out of moneys appropriated for the purpose, to provide a lessee "with stock, implements, seeds and other things necessary to enable him to develop and work his holding beneficially or may, in lieu of an advance in money and before or within twelve months after the allotment of the holding cause work and labour calculated to improve the holding to be effected thereon out of moneys so appropriated and in that event the cost of work and labour so effected shall be deemed to be an advance to the lessee".

95. The Administrator may also advance moneys, from funds appropriated for the purpose, to any group of lessees for the purchase of stock, implements, etc., such advances not to exceed £250 per lessee in the group.

96. The stock and progeny of such stock and other things purchased from moneys advanced are to vest in the Administrator until the lessee repays the advance or the Administrator is satisfied that sufficient security exists for the repayment. Liability for any damage done by stock or any losses of stock or other things purchased from the moneys advanced are to be borne by the lessee.

97. Such advances are repayable within five years, unless the Administrator in special cases allows an extension of that period not exceeding five years. If a lessee makes improvements of a substantial and permanent nature at his own expense of a value not less than his indebtedness for advances, the Administrator may, on the recommendation of the Land Board, add the amount of the advances to the purchase price of the holding (UP 310/1927, sec. 44; GN 70/1929, regs. 1929).

---

<sup>9/</sup> Interest fixed by UP 77/1936, sec.9.

98. The extension of the provisions of section 44 of the Land Settlement Proclamation, 1927, to probationary lessees was authorized in 1948 and to grazing licences in 1951 (UP 339/1948, as amended by Ord. 14/1951; GN 323/1948; GN 420/1951, as amended).

99. In terms of regulations made under the Crown Land Disposal Proclamation, 1920, the Administrator is authorized to advance money to settlers under that Proclamation for the purpose of developing their holdings and for the purchase of stock and implements. The conditions upon which advances are made are similar to those under the Land Settlement Act, excepting that advances for the purchase of stock and implements may not exceed £500 (GN 71/1921, SWAG 61; ARLN, 1937, p. 96).

#### Operation of the Land Settlement Programme

100. Since the Land Settlement Laws were first introduced in the Territory, in 1920, farms were allotted each year with the exception of the years from 1931 to 1935, during the financial depression, until, by 1939 most of the available Crown land had been disposed of (ARLN, 1929-1939).

101. In 1939, the Government exercised for the first time its authority to acquire land by purchase for land settlement purposes under the Land Settlement Proclamation, 1927, (section 10; for text, see para. 29). The 1939 report to the League of Nations indicated that the Union Government had during that year purchased from Liebig's Company the ranches Khomas Hochlands (Windhoek District), Gunther's Au (Okahandja District) and Otjimbinde and it was the intention to cut up these large areas into farms (ARLN 1939, p. 77). These farms totalled 689,000 hectares in extent (PMC, 36th session, p. 42).

The report stated:

Sub-division of the Khomas Hochland is now proceeding and, when the sub-divisional survey is completed, it is expected that some sixty farms will be available for disposal. Successful applicants will be required to pay 1/10th of the purchase price in cash, to enter into a mortgage bond for the balance of the purchase price and to redeem the sum so secured with the interest thereon at 4 per cent per annum by forty half-yearly instalments. The local Administration and the Land Board will act as the agents of the Union Government by whom all allotments will be finally approved.

102. After these properties and other farms available at that time had been disposed of, the 1939 report stated, "it is the intention to make available for settlement such Crown land as is suitable and still unsurveyed, lying within the Police Zone. A decision with regard to similar land beyond the confines of the Police Zone will be deferred until a later date." (ARLN 1939, p. 77).

103. Apart from land purchased, the situation was described as follows:

Land which is still unalienated in the Territory consists mostly of large, unsurveyed blocks scattered throughout the several districts. Two of them are beyond the Police Zone.

Within the Police Zone. - There are approximately 2,000,000 hectares, which could be utilised for settlement and this total area is comprised of three groups, as follows:

(a) 203,000 hectares situate in the North, capable of being cut up into farms of about 8,000 hectares each; considered suitable for cattle farming, i.e., about 25 farms;

(b) 973,000 hectares, situate on the Namib Desert and, therefore, very arid. Farms in this area are usually from 15,000 to 20,000 hectares in extent and this group would, therefore, represent about 50 farms;

(c) 824,000 hectares, situate in the Eastern districts and consisting of "sandfeld" and Kalahari land. This group could be divided into about 80 farms of roughly 10,000 hectares each.

Outside the Police Zone. - The bulk of this land is situate in the Kaokoveld, which is 9,735,500 hectares, in extent. The Kaokoveld contains several Native Reserves, a few privately-owned farms, as well as a large tract of Namib. After deduction of these areas there remain approximately 2,843,200 hectares, the suitability of which for settlement cannot be determined without inspection. If this land were found suitable and if the Administration resolved to throw the Kaokoveld open for settlement, it could be sub-divided into about from 140 to 150 farms.<sup>10/</sup> The only other land

<sup>10/</sup> In 1939 there were three Native Reserves, 379,000 hectares in extent. These were replaced in 1947 by the present Kaokoveld Reserve, 5,541,885 hectares in extent.

outside the Police Zone is that situate to the North of the Ovambo-Cmuramba, but this is not considered to be generally suitable for settlement, though it might be possible to lay out a few farms along the river

(ARLN, 1939, p.77).

104. There was thus in 1939 the equivalent of approximately 155 farms totalling about 2,000,000 hectares in extent, considered suitable for settlement purposes within the Police Zone, in addition to the Liebig properties, which consisted of 689,000 hectares.

105. The allotment of Crown or Government land for settlement purposes was largely suspended during the Second World War. Immediately after the war, "the progress made was limited only by the extent to which the necessary surveys could be completed and the provisions of the relevant land settlement and transfer law complied with." Attention was being given first to the sub-division and allotment of farms to returned soldiers and landless farmers on blocks of land previously given out on annual grazing licences, land acquired for the purpose or land obtained through readjustment of game reserve and police zone boundaries<sup>11/</sup> (SWA, Agriculture Report, p. 21).

106. According to statistics furnished by the Administrator in the Legislative Assembly on 5 February 1947, a total of 305 farms had been allotted under the land settlement scheme since 1 April 1946 to 483 applicants, of whom 325 were returned soldiers. Other applicants, to whom farms had not yet been allotted, numbered 757, including 152 returned soldiers, and there were only 16 surveyed farms still available for allotment within the Police Zone (SWA, LA, 1947, pp. 12-13).

107. Asked in the Legislative Assembly in June 1948 whether people from outside the Territory were allowed to obtain land from the Land Board, the Administrator stated that although no one was prohibited by law from applying for land, applicants from outside the Territory in practice had slender chances of succeeding in their applications since there were more local applicants than holdings available (SWA, LA, 1948, p. 25).

---

<sup>11/</sup> In 1947, the Police Zone was extended westward north of the Ugab River northeastward, and eastward (GN 375/1947), a total extend of 2,255,271 or 2,312,252 hectares, over half of which represented extensions of Native Reserves brought within the Police Zone (calculations based on figures shown in the Table A, Land Ownership in South West Africa, para. 173 below, and on Government Notices extending Native Reserves).

108. By the end of 1948, 671 farms had been allotted. A further 556 farms were in process of allotment while about 1,000 farmers, the majority of whom were landless, were operating on temporary grazing licences (SWA, Agriculture Report p. 21).

109. The following observations were made by the Long Term Agricultural Policy Commission concerning the granting of grass licenses:

The system under which occupation of Crown land for farming usually pastoral, is permitted on the tenure of an annual licence has inherent defects which are accentuated when, as in S.W. Africa, the land lies in distant and far scattered regions without constructed roads and telegraphic communication and without available water and when it is, at the same time, not practicable for the government to assist the newcomer in these matters or to guide him with advice on farming in his new, at times quite strange, environment or, again, to prescribe and enforce conditions which will safeguard the land against abuse (SWA, Agriculture Report, p. 21).

In these circumstances it was inevitable that the system should leave, as it has in fact, indelible marks in the shape of serious deterioration of soil and veld, on the one side, and in the proof of resourcefulness and fortitude, on the other side, displayed by licencees under many adverse circumstances. Nevertheless, this system had of necessity to be applied in respect of extensive tracts of land. In 1946 nearly 5,700,000 ha. were under occupation by 740 licencees, and it will be seen that, notwithstanding the allotment of 423 farms, there are now approximately 1,000 licencees. The position has therefore deteriorated and the difficulties have been accentuated by the issue of licences at a faster rate than the granting on application to probationer settlers of leases under the Crown Land Disposal Law (SWA, Agriculture Report, page 21):

110. It appears from the available accounts of Territorial expenditure, for the years 1945-46 to 1953-54, that all Crown lands including Government reserved farms were being leased to grazing holders, who were responsible for the

maintenance of improvements. Government expenditure on these lands varied during the period 1945-46 to 1951-52 from \$124 to \$360; no Government expenditure was shown for 1953-54 (SMA Accounts, 1945-46 to 1953-54; expenditure under heading "Lands, Deeds, and Surveys").

111. The position of the land settlement programme in 1948 was described as follows by the Long Term Agricultural Policy Commission:

The unalienated Crown land includes the block of unexplored land to the east of Waterberg-Otjituo and Epukiro Native Reserves of the Kaukouveld and the strip between the Cmuramba-u-Ovambo and the northern Native Territories; it is therefore possible that if all or some of this land is found to be suitable for permanent occupation it may eventually become available for farming. Exclusive thereof, the extent of land presently or proximately available for the purpose can be placed at 38,780,568 ha. or 149,732 square miles. To this area could be added part of the 477,660 ha. town or village commonages on which grazing is regulated by local by-laws. But the extent of effective grazing on all commonages is not known and as the carrying capacity of some commonages has dropped to a low value per unit, all commonages are excluded from effective farming land for present purposes. So also with regard to Crown land reserved for public purposes. Some of these properties may be let temporarily for grazing and on some of the "school" farms stock may be kept for requirements of the institutions, but the position will remain unstable.

Some farms already allotted or in process of allotment in the Namib Desert margin are distinctly sub-marginal as regards carrying capacity of the veld and production of crops for household requirements and the occupants are faced with the problem of finding assured supplies of water regionally distributed for the stock. In order to accommodate these farms the boundary of the Sperrgebiet (prohibited zone) had in some parts to be moved towards the desert, and the question now arises whether the occupants of the desert-margin farms can so manage their operations that their new farms will form "sperre" (a barricade) against the spread of the desert; also, whether the State has fulfilled its obligation by seeing to it that the new comers are in the position, as regards financial resources and an understanding of the dictates of the environment, to assure that such will be the case. If not, then the



enemy will have been brought to within so much nearer reach of the citadel of farming, the foundations of which are being undermined from within. The results of the early years of occupation give fruitful cause for anxiety. On the other hand, land such as that to the north and east of the Groot Berg situated west of Kamanjab in the Outjo District should, on available information, carry livestock with less potential danger.

Your Commission is impressed also with the possibilities of the belt of land already referred to between the farms on the Cmuramba-u-Ovambo and the boundary of the Northern Native Territories and it is of the opinion that permanent settlement and development thereof demand further consideration from the angle of human health, communication, trespass and stock disease. When this land, as well as that up to Longitude 19 degrees East, is allotted it would be advisable to reserve to the Crown all the timber trees thereon.

There has been concern regarding the stability of old dunes on the Herzog Block between the Nossop and Auob Rivers now being processed for allotment. This is a region of higher dunes. Sand has become exposed in parts from the effect of drought combined with occupation under the grazing licence system. But, as has been remarked in the description of soil types, there is no danger for the present that such dunes will commence to shift, if grazing on exposed parts is controlled, and title deed as opposed to licence tenure should work in that direction (SWA, Agriculture Report, page 21).

The fixing of a maximum number of stock for a land settlement farm or for a grazing licence holder will prove to be of no effect in controlling over-grazing or soil erosion, unless it can be combined with a scheme of grazing management, which in the absence of watering places in remote parts of the farm alone is not possible. However desirable it would otherwise be, your Commission therefore considers it impracticable for the Administration to prescribe conditions limiting the number of stock in such cases. Veld destruction and soil erosion

occur in their worst form around the drinking places and decrease from there in relation to the lengthening of the radius reached by the stock. This is the position also on private land. (SWA, Agriculture Report, page 25).

112. According to information provided by the Administrator in the Legislative Assembly on 12 March 1953, 202 farms were allotted under the Land Settlement Laws from 1948 to August 1950, and an additional 254 farms were allotted since that time (SWA, LA, 1953, p. 16).

113. In 1952, both the Commission of Enquiry into the Prices of Crown Lands and the South West Africa Land and Agricultural Bank expressed concern over the recently allotted areas. The former Commission stated:

...The Commission finds it necessary to point out that in its opinion a number of holdings already surveyed and allotted in the Western Namib areas of the Territory, should never have been opened up. The rainfall in these areas is exceptionally low and irregular and the veld is so poor that it is feared that the lessees of these holdings will shortly find themselves in serious difficulties through lack of grazing. Your Commission therefore wishes to recommend strongly that no further farms be allotted to the west of the holdings already surveyed in the Namib area -- namely those in the districts of Omaruru, Karibib, Swakopmund, Rehoboth and Luderitz, nor any south and southwest of the Witputs Block [District of Luderitz]. (Crown Lands Report, p. 17).

114. The Land and Agricultural Bank of South West Africa stated:

The Board is somewhat concerned at the rate of expansion of farming activities. Practically all the areas formerly regarded as reserves of grazing have been or are being surveyed and allotted as farms. In some quarters the opinion is held that encroachment into both the Namib and Kalarari deserts is taking place and it is feared that if the country experiences severe droughts commensurate with what has occurred in the past, farming, on the basis that there are now no reserves of grazing areas to which the stock can be trekked, will become untenable in these semi-desert areas (SWA, Land Bank, 1951-52, p.6).

115. From the beginning of 1952 to the end of 1954, 266 farms were advertised in the South West Africa Gazette for allotment under the land settlement laws, by General Notice No. 80, of 22 September 1952, and General Notice No. 108 of 23 December 1953 (SWAG 1715 and 1800). The approximate total area of these farms, excluding 22 of unknown area, amounted to 2,180,156 hectares, located mainly in the Magisterial Districts of Outjo, Tsumeb, Luderitz and Grootfontein.

116. The farms were offered on a probationary basis, prior to the granting of a five-year lease with option to purchase under the Land Settlement and Amendment Proclamation, 1927, and the regulations thereunder. No information is available concerning the number of farms actually allotted. However, applicants were advised, in their own interests, in view of the large number of applications which might be received for some of the holdings, to apply for more than one holding.

117. The following chart, compiled from information furnished in the above-mentioned Gazette Notices, shows for each District the number of farms offered for allotment, the area and price range of individual farms, the total area and purchase price, the type of farming for which the farms were considered suitable, and the approximate distances from the nearest town or railway station.

FARMS OFFERED FOR ALLOTMENT UNDER LAND SETTLEMENT LAWS DURING 1952 AND 1953

District	Year	No. of Farms	Area range of Individual Farms	Price Range of Individual Farms <sup>1/</sup>	Total Area (Hectares)*	Total purchase Prices 1/ £	Farms suitable for	Approximate distances from nearest town or railway station
Bethanie	1952	7	16,000-21,300	£1,195(17,700 ha.) - £2,735(19,600 ha.)	127,100	12,816	Small stock	36 to 60 miles south of Bethanie
Gibeon	1952	6	10,200-13,300(5 farms)	£2,117(11,061 ha.) - £2,955(10,200 ha.)	67,586	15,969	Cattle and small stock	150 to 202 miles east of Mariental
	1953	2	14,200(1 farm) 8,574; 10,476	£3,205 £2,929; £1,890	19,050	4,819	Large and small stock	72 miles southeast of Aranos; 160 miles south-east of Mariental
Gobabis	1952	11	7,401-10,182	£1,441(7,572 ha.) - £2,648(9,700 ha.)	99,970	23,524	Cattle	42 to 85 miles from Gobabis
	1953	9	6,462-8,300(3 farms) 9,151-10,205(6 farms)	£1,343(7,656 ha.) - £4,926(8,300 ha.) £1,275-£2,605	80,922	19,555	Large stock (2 farms); Large and small stock (7 farms)	36 to 75 miles from Gobabis
Grootfontein	1952	12 <sup>2/</sup>			5,429	3,575	Cattle and agricultural farming	22 miles south of Grootfontein
		(31)	2,814-3,106(3 farms)	£944(2,814 ha.) - £1,207(2,814 ha.)	165,031	45,092	Large stock	39 to 78 miles east of Grootfontein
	1953	32(1)	5,233-6,044(28 farms)	£749(5,615 ha.) - £3,403(5,450 ha.)	unknown	2,464		
Keetmanshoop	1952	5	10,350-11,300(4 farms) 15,759(1 farm)	£1,501-£1,848 £288	59,109	7,307	Cattle and small stock (3 farms); sheep and cattle (1 farm); small stock (1 farm)	1 farm 71 miles south of Keetmanshoop 4 farms 120 to 167 miles north-east of Keetmanshoop
	1953	6	7,000(3 farms) 9,108-10,800(3 farms)	£1,470-£2,435 £1,530(10,600 ha.) - £4,100(9,108 ha.)	51,508	13,610	Large and small stock	3 farms within 20 miles from Arcoab 3 farms: 63; 146; and 156 miles east of Keetmanshoop
Lüderits	1952	19	9,400(1 farm) 17,600-22,300(16 farms) 25,400(1 farm) 33,800(1 farm)	£1,030 £223(21,400 ha.) - £2,752(17,600 ha.) and 1 farm (18,000 ha.) £5,332 £2,418; £1,288	{ 394,070	{ 33,844	Small stock	14 farms 51 to 120 miles south of Aus 5 farms 68 to 115 miles south of Bethanie
	1953	2	20,292; 24,580	£1,413; £2,399	44,872	3,812	Small stock	14 miles north, and 57 miles south of Aus
Maltahöhe	1952	4	17,445-18,577	£1,369(18,577 ha.) - £5,961(17,479 ha.)	71,651	10,864	Small stock	40 miles to 75 miles west of Maltahöhe
Okahandja	1952	1			4,190	1,638	Large and small stock	100 miles northeast of Okahandja
Otjiwarongo	1952	1			7,024	2,000	Cattle and agricultural farming	80 miles east of Otjiwarongo
	1953	1			2,096	2,746	Large and small stock	80 miles north-east of Okahandja
Outjo	1952	25	4,600-8,000	£1,081(5,266 ha.) - £3,129(7,620 ha.)	154,219	47,302	Cattle and sheep (18 farms); large and small stock (7 farms)	3 farms 20 to 64 miles west of Outjo 22 farms 45 to 75 miles north of Outjo
	1953	71	4,700-8,700(50 farms) 9,000-13,500(21 farms)	£423(8,250 ha.) - £5,981(8,336 ha.) £714(12,000 ha.) - £4,057(10,000 ha.)	554,056	127,076	Large and small stock (16 farms); small stock (55 farms)	85 to 171 miles from Outjo or Omaruru
Rehoboth	1952	1			12,300	1,634	Sheep	100 miles west of Rehoboth
Tsumeb	1952	19 <sup>2/</sup>	3,007-4,979(3 farms) 5,721-7,389(15 farms) 10,025(1 farm)	£1,133(3,007 ha.) - £4,391(3,843 ha.) <sup>3/</sup> £1,439(6,493 ha.) - £5,084(6,860 ha.) £2,842	{ 119,589 <sup>3/</sup>	{ 50,126	Cattle and agricultural farming	12 to 60 miles north or northwest of Tsumeb
	1953	43(22 21)	5,883-6,856 unknown	£677(6,201 ha.) - £3,427(6,856 ha.) £794-£3,902	{ 140,384 unknown	{ 33,804 32,802	Large stock	25 to 70 miles northwest of Tsumeb
TOTALS	1952	100			1,122,237	210,599		
	1953	166(144 22)			1,057,919 unknown	250,514 35,266		
GRAND TOTALS		266			2,180,156	466,379		

\* Approximate.

1/ Purchase prices included the valuations of improvements and the cost of boreholes. In a few instances, specified in the Gazette notices, boring charges had still to be added; with few exceptions, survey fees were also to be added to the purchase price. The notices also indicated that the purchase prices could be subject to variations since the extents of the holdings were indicated approximately.

2/ Nineteen farms listed for disposal in September 1952 in the District of Grootfontein are shown in this table as farms in the District of Tsumeb; the locations of these farms indicate that they now come within the boundaries of the latter District by virtue of Proclamation No. 49 of 1952 which established the Magisterial District of Tsumeb and redefined the boundaries of the District of Grootfontein.

<sup>1</sup> regarding two farms (4,979 ha. and 3,843 ha.) that approximately 1,500 ha. and 2,000 ha., respectively, of additional land was being surveyed.

118. Details are given below with respect to seven farms, selected at random from the list of 166 farms for disposal published under General Notice 108 of 1953:

<u>Serial No.</u>	<u>Area of farm (Hectares)</u>	<u>Purchase Price £</u>	<u>District</u>
1.	10,476	1,890	Gibeon
26	5,523	1,539 plus survey fees	Grootfontein
51.	24,580	2,399	Lüderitz
76.	7,000	3,040	Outjo
101.	12,000	714	Outjo
126.	6,368	2,338	Tsumeb
156.	6,856	3,427	Tsumeb

119. The following information concerning these seven farms was given in the Notice:

1. Situate 160 miles south-east of MARIENTAL. Suitable for large and small stock. The improvements consist of dwelling (3 rooms), housecamp, lavatory, reservoir, drinking trough, drinking water dam, 2 sheep kraals, pipes, rods and cylinders and 3 boreholes (alkaline and salty).

26. Situate 68 miles east of GROOTFONTEIN. Suitable for large stock. The improvements consist of 2 boreholes with piping, reservoir, drinking trough, cooler, windmill, kraal, calf kraal, ranga, realie land, garden camp and 2 water camps.

51. Situate 14 miles north of AUS. Suitable for small stock. The improvements consist of dwelling house (3 rooms), windmill with piping etc., reservoir, drinking water tank with piping, outbuildings (2 rooms of raw brick), lavatory, dipping tank, kraal, concrete wall in river, garage, store room, shearing pen and kraal. The purchase price of this farm may be increased by the value of additional improvements.

76. Situate 121 miles west of OUTJO. Suitable for small stock. The improvements consist of dwelling house, 2 rondawels, house camp, garden camp with fruit trees, 4 kraals, 2 boreholes, 2 windmills with piping etc. tank, 2 reservoirs, well, 2 drinking troughs, inner camp, and partial boundary fencing.

101. Situate 132 miles north-west of OMARURU. Suitable for small stock. The improvements consist of dwelling house, well, 2 windmills with piping etc., reservoir, and 2 kraals.

126. Situate 32 miles north-west of TSUMEB. Suitable for large stock. The improvements consist of 2 rondawels, cooler, borehole with piping, windmill, piping laid on, partial boundary fencing, 3 camps, 3 kraals, garden camp, reservoir, drinking water tank, drinking trough, land camp and fowl run.

156. Situate 40 miles north-west of TSUMEB. Suitable for large stock. The improvements consist of 2 boreholes with piping, cattle dip, 2 mangas, dwelling house, partial boundary fencing, inner camps, mealie land, drinking trough, fowl run, 3 kraals, piping laid on and garden camp.

Expenditure for Land Settlement and Financial Assistance to  
Settlers and other Farmers

120. As already indicated, the practice of purchasing land for settlement purposes was initiated in 1939, and the practice of buying individual farms at the request of a particular applicant who pays one-tenth of the purchase price was begun in 1946. The practice of advancing moneys to settlers for the purchase of stock and implements and of making improvements on their land appears to have been followed earlier, but suspended in 1935, according to the following statement appearing in the report of the Union Government to the League of Nations in 1939:

As a consequence of the severe financial depression it was decided, except in exceptional cases, to abandon the policy of making advances to settlers in respect of the acquisition of breeding stock, dwelling-houses, etc., which formerly had been made on a liberal scale and this abandonment has produced astonishing results. Since 1935 a policy of allotting farms for a probationary period of one year has been pursued, the settler receiving the bare farm only, on which he has to work out his own salvation. No financial assistance is extended in any shape or form, and if it is found at

the end of the probationary period that he has developed the holding to the satisfaction of the Land Board, he is confirmed in his allotment and thus becomes a settler under the Land Settlement Proclamation. It has been found that by not making advances to a settler a sense of independence and self-confidence is created in him which, unfortunately, was unhappily too often lacking in many of his predecessors. The policy also has the effect of preventing over-capitalization and of obliging settlers to live within their means (ARLN, 1939, p. 75).

121. A total of £903,821 was written off during the depression years and thereafter to assist farmers on arrear interest, dry boreholes and prairie value; £294,903 of this amount was in respect of Angola farmers and £609,018 other farmers, according to a statement made by the Administrator in the Legislative Assembly in May 1952 (SWA, LA, 1952, p. 48).

122. In 1944, a Land Settlement and Development Account was established as an account of the Territorial Development and Reserve Fund by Ordinance No. 13 of 1944 "for the payment of moneys in respect of the purchase, survey and development of land for settlement purposes, and for the payment of advances granted to settlers under the provisions of the Land Settlement Consolidation and Amendment Proclamation 1927 (Union Proclamation No.310 of 1927), as amended from time to time" (SWA Laws, 1944, pp.806-808). Any repayments of loans or of interest on loans made under this account are to be credited, in terms of section 7 of Ordinance No. 13 of 1944, to the Territory Revenue Fund (*ibid.*, p. 810).

123. Total expenditure under this Account as at 31 March 1945 amounted to £308,920.

124. Details of expenditure from 1945-46 to 1953-54 are given in the following table.

LAND SETTLEMENT AND DEVELOPMENT ACCOUNT OF THE  
TERRITORIAL DEVELOPMENT AND RESERVE FUND

(figures rounded to nearest £)

	1945-46	1946-47	1947-48	1948-49	1949-50	1950-51	1951-52	1952-53	1953-54	Totals
1. Purchase of land for settlement purposes	£ 3,262	£30,919	£36,165	£89,370	£51,687	£33,195	£59,865	£67,816	£71,275	£443,554
Number of farms	1	7	9	18	12	11	15	11	9	93
Extent (hectares)	8,335	35,275	37,884	116,515	90,000	71,689	68,242	82,881	65,674	576,495
2. Survey and development of land for settlement purposes	£31,377	£82,009	£102,144	£89,972	£83,464	£65,386	£72,380	£167,658	£224,731	£919,121
Boring for water	£28,698	£47,898	£44,592	£55,012	£67,971	£37,491	£45,697	£102,518	£174,899	£604,756
Survey fees	£2,216	£1,381	£6,524	£10,506	£6,574	£7,524	£11,314	£17,977	£21,687	£85,703
Improvements	£463	£30,450	£10,471	£10,342	£2,475	£7,264	£10,423	£34,765	£9,363	£116,016
Advances to settlers for improvement after allotment	-	£2,301	£11,950	£14,112	£6,444	£13,105	£4,945	£12,399	£18,781	£84,037
Compensation for improvements on former Angola farms taken over by Administration			£28,606							£28,606
3. Advances to settlers to purchase stock and equipment	£500	£1,003	£3,313	£16,643	£19,072	£14,686	£19,713	£80,870	£69,725	£225,525
Number of settlers	2	4	1/	61	78	64	68	147	226	
Number of advances	2	4	1/	83	70	53	54	121	1/	1/
Advances to grazing licence holders (Ord. 14/1951)							£6,900	£29,696	£20,791	£57,387
Number of grazing licence holders							12	81	59	152
Number of advances							10	78	1/	1/

Source: SWA Accounts, 1945-46 to 1953-54.

1/ Information not available.



Assets of South West Africa with respect to Land Settlement

125. The table presented below of the balance of capital under the Land Settlement Account of the Territory shows the amounts owing to the Administration at 31 March of each year from 1946 to 1954 with respect to land settlement under both the Land Settlement Proclamation, 1927, and the Crown Land Disposal Proclamation, 1920. The amounts shown with respect to prairie value represent the amounts owing on account of land before improvements. The heading "suspense account" refers to the amounts owing as a result of relief measures extended to settlers under the Land Settlement Proclamation, 1927, and the Crown Land Disposal Proclamation, 1920, by Union Proclamations No. 205 of 1932 and No. 77 of 1936 (see para. 20).

126. The balance shown for any given year reflects the total investment by the Administration for land settlement as of 31 March of each year, less payments and write-offs.

BALANCE OF CAPITAL --- LAND SETTLEMENT ACCOUNT  
(all figures rounded to the nearest £)

	as at 31.3.46	as at 31.3.47	as at 31.3.48	as at 31.3.49	as at 31.3.50	as at 31.3.51	as at 31.3.52	as at 31.3.53	as at 31.3.54
	£	£	£	£	£	£	£	£	£
<b>(a) Leases:</b>									
Prairie value	243,125	191,476	515,883	688,976	882,968	1,022,040	1,121,684	1,200,374	1,363,195
Suspense account (interest and rent capitalised to 31.12.1931)	18,774	14,587	11,715	10,209	9,224	7,662	5,869	4,779	4,010
<b>Total</b>	<b>261,898</b>	<b>206,063</b>	<b>527,598</b>	<b>699,185</b>	<b>892,193</b>	<b>1,029,702</b>	<b>1,127,553</b>	<b>1,205,154</b>	<b>1,367,205</b>
Advances for improvements, stock and insurance (capitalised)	90,435	65,462	49,467	39,554	31,104	24,634	16,782	12,979	10,316
<b>Total</b>	<b>352,333</b>	<b>271,525</b>	<b>577,064</b>	<b>738,739</b>	<b>923,297</b>	<b>1,054,336</b>	<b>1,144,334</b>	<b>1,218,133</b>	<b>1,377,521</b>
<b>(b) Bonds:</b>									
Prairie value	40,347	35,488	27,122	21,779	19,740	15,041	9,948	8,549	5,932
Advances	27,871	23,128	18,098	14,818	13,021	9,559	7,236	6,340	4,816
<b>Total</b>	<b>68,218</b>	<b>58,617</b>	<b>45,217</b>	<b>36,597</b>	<b>32,761</b>	<b>24,600</b>	<b>17,184</b>	<b>14,890</b>	<b>10,748</b>
<b>(c) Advances (not capitalised):</b>									
Grazing Licence Holders(Ord.14/1951)	—	—	—	—	—	—	6,866	41,987	58,647
Leases	977	1,848	4,575	22,730	39,714	47,489	68,083	124,809	184,399
Cancelled Leases	2,152	1,921	1,806	1,630	879	539	66	66	66
Crown Lands Disposal Ordinance	37	—	—	375	1,175	803	709	709	2,814
<b>Total</b>	<b>3,165</b>	<b>3,769</b>	<b>6,381</b>	<b>24,735</b>	<b>41,767</b>	<b>48,831</b>	<b>75,723</b>	<b>167,571</b>	<b>245,926</b>
<b>(d) Angola Settlers</b>									
Prairie value	63,143	68,685	62,156	59,007	55,485	48,031	39,899	40,000	36,516
Improvements	622	384	273	249	230	565	476	110	9
<b>Total</b>	<b>63,764</b>	<b>69,070</b>	<b>62,430</b>	<b>59,256</b>	<b>55,715</b>	<b>48,595</b>	<b>40,374</b>	<b>40,111</b>	<b>36,525</b>
<b>(e) Crown Lands Disposal Ordinance</b>									
Prairie value	20,438	14,733	14,115	12,484	13,586	17,619	14,520	14,129	18,339
Suspense account (interest and rent capitalised to 31.12.1931)	752	443	300	169	169	169	118	14	14
<b>Total</b>	<b>21,190</b>	<b>15,176</b>	<b>14,415</b>	<b>12,653</b>	<b>13,755</b>	<b>17,788</b>	<b>14,638</b>	<b>14,142</b>	<b>18,353</b>
Advances for improvements, stock and insurance (capitalised)	2,658	1,958	1,539	1,103	936	887	448	—	—
Sales	412	376	1,283	3,303	6,147	6,871	10,131	3,399	1,632
<b>Total</b>	<b>24,259</b>	<b>17,510</b>	<b>17,237</b>	<b>17,059</b>	<b>20,839</b>	<b>25,545</b>	<b>25,217</b>	<b>17,541</b>	<b>19,985</b>
<b>GRAND TOTAL CAPITAL</b>	<b>511,740</b>	<b>420,490</b>	<b>708,332</b>	<b>876,386</b>	<b>1,074,379</b>	<b>1,201,907</b>	<b>1,302,833</b>	<b>1,458,244</b>	<b>1,690,705</b>

SUMMARY OF ASSETS OF SOUTHWEST AFRICA UNDER LAND SETTLEMENT ACCOUNT  
(embracing advances, purchase price of land, boring, survey fees and interest)  
(all figures rounded to the nearest £)

	as at 31.3.46	as at 31.3.47	as at 31.3.48	as at 31.3.49	as at 31.3.50	as at 31.3.51	as at 31.3.52	as at 31.3.53	as at 31.3.54
<b>Capital:</b>									
Unaccrued	503,570	412,364	702,203	870,611	1,067,234	1,195,019	1,294,612	1,435,903	1,654,047
Accrued	8,170	8,126	6,130	5,774	7,145	6,888	8,221	22,341	36,658
<b>Total Capital</b>	<b>511,740</b>	<b>420,490</b>	<b>708,332</b>	<b>876,386</b>	<b>1,074,379</b>	<b>1,201,907</b>	<b>1,302,833</b>	<b>1,458,244</b>	<b>1,690,705</b>
<b>Interest Outstanding</b>	<b>4,287</b>	<b>4,163</b>	<b>3,407</b>	<b>3,583</b>	<b>3,636</b>	<b>3,715</b>	<b>4,983</b>	<b>14,316</b>	<b>21,170</b>
<b>Rent Outstanding</b>	<b>4,694</b>	<b>3,707</b>	<b>3,391</b>	<b>4,013</b>	<b>4,689</b>	<b>6,040</b>	<b>6,019</b>	<b>5,608</b>	<b>7,609</b>
<b>Insurance Outstanding</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>1</b>	<b>11</b>	<b>11</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>TOTAL ASSETS</b>	<b>520,727</b>	<b>428,365</b>	<b>715,134</b>	<b>883,983</b>	<b>1,082,704</b>	<b>1,211,662</b>	<b>1,313,835</b>	<b>1,478,168</b>	<b>1,719,484</b>

127. Repayments would appear to be included in the table of revenue of the Territory under the heading "Extraordinary Revenue". Reference is accordingly made to document A/AC.73/L.3/Corr.1, page 3, for repayments from 1946-47 to 1952-53, and to Question 14, Table 2, of the present document with respect to repayments during 1953-54.

128. Amounts written off during the period 1948-49 to 1953-54 with respect to land settlement, excluding relief measures, are as follows:

REMISSIONS AND LOSSES

(Figures rounded to the nearest £)

	1948-49	1949-50	1950-51	1951-52	1952-53	1953-54	Totals
	£	£	£	£	£	£	£
Land Settlement Fund (Angola)	3,084	7,554	2,570	229	24,525	832	38,794
Land Settlement <sup>1/</sup>	2,727	7,126	12,487	11,991	6,541	8,405	49,277
Dry boreholes on Land Settlement Farms	5,914	6,391	4,292	4,412	33,117	42,647	96,773
Loss on boreholes on Land Settlement Farms	-	13,488	12,758	15,576	27,830	65,644	135,296
Refunds: reductions of purchase prices of Crown lands	-	-	-	-	-	1,219	1,219
<b>TOTALS</b>	<b>11,725</b>	<b>34,559</b>	<b>32,107</b>	<b>21,408</b>	<b>92,013</b>	<b>118,747</b>	<b>321,359</b>

Source: SWA Accounts, 1948-49 to 1953-54

<sup>1/</sup> Includes remissions of rent under the Land Settlement Proclamation, 1927, section 24 (2).

Special Relief Measures

129. Farmers' Special Relief Scheme. By Proclamation No. 13 of 1948, as amended, provision was made for advances for the purchase of livestock to farmers who were suffering from the effects of the drought in order to enable them to continue farming operations.

130. The scheme was administered by the Land and Agricultural Bank of South West Africa against a remuneration of 5 per cent of the aggregate amount collected.

131. Under Proclamation No. 13 of 1948, applications for assistance were to be submitted by 30 September 1948, later extended to 31 December 1948. A Special Relief Board dealt with 732 applications under this scheme and granted an aggregate amount of £170,165 for the purchase of approximately 55,700 head of small stock and 1,000 head of large stock. The maximum loan granted was £1,000; all loans were for a period of six years at 4 per cent interest (Land Bank, 1948-49, p.3).

132. In its report for 1953-54, the Land Bank stated:

The Farmer's Special Relief Scheme has only a short while to run and as far as it is possible to judge at this stage the security for these advances, which is the stock acquired with the advance, has increased considerably and there is every likelihood that the balance of £34,268.18.6 in capital and £239.12.11 in arrear interest as at the close of the financial year will all be collected (SWA, Land Bank, 1953-54, p.3).

133. A total of £1,293 had been written off on this scheme as of 31 March 1954 (SWA Accounts, 1948-49 to 1953-54).

134. Advances to Farmers who hire grazing. In terms of an Executive Committee Resolution to render financial assistance to farmers who do not own land, the Administration, during the financial year 1952-53 and 1953-54, set aside a total of £154,890 for the purpose of making advances up to a maximum of £600 to persons who devote their entire attention to farming as their only means of livelihood and who hire land privately for a period of not less than twelve months. The Land and Agricultural Bank agreed to undertake the administration of the fund on a commission basis, but entirely at the risk of the Administration.

135. During 1952-53, the Bank received 441 applications for an amount of £260,360 for the purchase of breeding stock (Land Bank, 1952-53, p.3; SWA, Accounts, 1952-53, p. 21, and 1953-54, p. 24).

136. The Bank made the following advances:

<u>Year</u>	<u>No. of advances</u>	<u>Total amount</u>
1952-53	181	£ 89,830
1953-54	<u>139</u>	<u>£ 64,460</u>
Totals	320	£154,290

137. As of 31 March 1954, £13,650.7s.2d. had been recovered (£13,520.7s.2d.) or written off (£130, later reduced to £99.16s.6d. owing to subsequent recovery), leaving a balance outstanding of £140,639.12s.10d. (SWA Accounts, 1953-54, p. 24). With respect to the recovery of this amount, the Land Bank made the following statement in its report for the year ending 31 March 1954:

It is not possible, at this stage, to anticipate what success we will have in the collection of the Capital of £140,639.12.10 and Interest of £514.5.6 as at 31st March 1954 in respect of loans to landless farmers. As already stated these loans were all granted to persons who have no fixed place of abode so that the Bank has ever so often to try and trace debtors who change their place of residence, simply leave the stock in the care of some other person and take up employment elsewhere. The Police and some of our Valuers have rendered very valuable and much appreciated assistance in this respect and the Bank has now warned all debtors by letter that the Board will be compelled to take a serious view of their failure to advise us of any change of address (Land Bank, 1953-54. pp.3-4).

Application of the Union Native Trust and Land Act (No. 18 of 1936) to Native Areas in South West Africa

138. Until the coming into operation of the South West Africa Native Affairs Administration Act, 1954 (Act No. 56 of 1954), on 1 April 1955, land in Native Reserves remained the property of the South West Africa Administration,

or, in the case of the Berseba and Bondels Reserve, the property of the tribe (ARLN, 1946, p. 18; Act 56/1954).

139. Under the South West Africa Native Affairs Administration Act, 1954, any land "reserved and set apart for the sole use and occupation of natives", including land so reserved or set apart in the future "in terms of any law, shall be vested in the South African Native Trust", of which the Minister of Native Affairs of the Union of South Africa acts as Trustee. The Act further provides, in section 4(2):

(2) In relation to any such land or area -

(a) the Trustee referred to in the Act shall, subject to the provisions of this Act, have the same powers and functions, and be subject to the same duties, as if the territory were included in the Union;

(b) section five of the Native Trust and Land Act, 1936, shall apply as if such land or area were the property of any trust mentioned in that section, and as if the reference therein to the commencement of that Act were a reference to the commencement of this Act, or to the date of the reservation or setting apart of the land or area affected, as the circumstances may require.

(Act 56/1954, sec. 4; for full text of Act, see Question 2, Annex I).

140. From the above provisions, read with the provisions of section 5 of the Native Trust and Land Act, 1936, as amended, it would appear that title deed to all land "reserved and set apart for the sole use and occupation of Natives" in South West Africa is transferrable to the South African Native Trust.

141. Section 5 (1) of the Native Trust and Land Act (No. 18 of 1936) as amended, provides for the merger in the South African Native Trust of former Native Trusts in the Union of South Africa, and the balance of the section reads as follows:

(2) The assets and liabilities of the former trusts shall upon the commencement of this Act become assets and liabilities of the Trust.

(3) All the property, movable and immovable, of the former trusts shall upon the commencement of this Act vest without payment of transfer duty, stamp duty or any other fee or charge in the Trust, but subject always to any existing charge, obligation or trust in or over such property or otherwise lawfully affecting the same.

(4) The Registrar of Deeds shall upon production to him of the title deed of any immovable property referred to in sub-section (3) endorse the same to the effect that the immovable property therein described is vested in the Trust and make the necessary entries in his registers and thereupon the said title deed shall serve and avail for all purposes as the title deed of the Trust to the said property (SA, Revised Statutes, vol. 10, 1910-47, p. 191).

142. The Native Trust and Land Act, 1936, contains provisions, inter alia, regarding the acquisition, tenure and disposal of land by the Trust and by Natives, prospecting or mining on land "in respect of which the Trust or a native is the owner of the mineral rights", and the residence of Natives on land in certain areas.

143. It is not possible at the present stage to determine to what extent the functions of the Trustee under the Native Trust and Land Act, 1936, or the other provisions of that Act will be applied in relation to South West Africa. In South West Africa, for example, the ownership of land does not include the ownership of "minerals and precious stones, in or under such land" (SWAG 1800), and the disposal of minerals throughout the Territory is vested in the Administration only (see Question 114).

Moreover, in setting aside the Aminuis Native Reserve in the Gobabis District in 1923, the Administration reserved to itself all rights for the collection of salt on the salt pans within this area (GN 122/1923, as amended). (For statements made regarding land in the Union Parliament by the Union Minister of Native Affairs and members from South West Africa during the debate on the South West Africa Native Affairs Administration Act, 1954, see Question 2, paras. 61-66).



Native system of land tenure in areas set aside for Native occupation<sup>12/</sup>

144. For a description of the Native system of land tenure in the Territory, reference is made to the information presented in document A/AC.73/L.3/Add.1, Questions 108 and 110, containing extracts of the report of the Union Government to the League of Nations in 1929.

145. Attention is called in this connexion to the following statement contained in the annual report to the League of Nations for 1939:

Upon the subject of Native land tenure there is nothing that could usefully be added to the passage which appeared in the 1929 Report...The position as therein reflected has undergone no change, and hitherto the Natives have evinced no desire for the acquisition of land on the principle of individual ownership or under lease (ARLN, 1939, p. 77).

146. In its report to the United Nations in 1946, the Union Government again referred to the 1929 report for a complete description of the Native system of land tenure to be found in the Territory (AR, 1946, p. 17).

147. Reference is also made to the provisions of the Natives (Urban areas) Proclamation No. 56 of 1951, as amended, relating to the restriction as to right of Natives to acquire land in urban areas or rural townships and to the restriction on transactions for acquisition of land in certain areas by persons other than Natives. The relevant provisions, which remain unaltered as of the beginning of 1955, are reproduced in document A/AC.73/L.3/Add.1, Question 109, para. 3. Reference is also made to document A/AC.73/L.3, Question 12, para. 54.

---

<sup>12/</sup> Information concerning the setting aside of Native Reserves, the extensions of these Reserves, and the legal provisions concerning alienation of land so set aside, as well as information concerning the occupation of land by Non-Europeans in urban and rural areas, and land ownership in the Rehoboth Gebiet are included under Question 12, in document A/AC.73/L.3, and in the present document.

Information relating to the use and development of land occupied by Non-Europeans is presented under Question 44, in document A/AC.73/L.3/Add.1, and in document A/AC.73/L.7/Add.1.

Reference is accordingly made to these questions and, in the case of the Rehoboth Gebiet, reference is also made to documents A/AC.73/L.6 and A/AC.73/L.6/Add.1.

148. The following additional information with respect to Native land tenure in the Eastern Caprivi Zipfel is taken from Native Administration in the Union of South Africa, published by authority in 1949:

In this area, in extent 1,161,216 hectares (about 4,500 square miles), land tenure is on a tribal basis. No new lands may be cultivated or new villages built without the permission of the Native Commissioner, which is only given after consultation with the tribal authority (SA, Native Administration, p. 11).

149. The following brief description of the system of land tenure in the Native Reserves is taken from the report of the Long Term Agricultural Policy Commission (1948):

... the system of occupation of plots for residence and cultivation and the use of the common grazing, fixed either by Government regulation or by well established tribal law, gives the occupiers suitable security of tenure which, combined with compensation for improvements on transfer and elimination of pledging or forfeiture, ensures that the land can always be properly worked and improved. This kind of permanent usufruct is broken only in the event of gross misbehaviour or of misuse or unbeneficial use of the land and is preferable to any form of freehold which, in the present state of development of the people, may lead to abuse or destruction of the land (SWA, Agriculture Report, p. 50).

150. The provisions of Government regulations issued under the Native Administration Proclamation, 1922 (No. 11 of 1922), as amended, relating to the allotment of land, residential sites and the erection of buildings are reproduced below (GN 68/1924, as amended). These regulations apply to all Native Reserves within the Police Zone excepting Berseba and Bondels Reserves. Regulations made for the Berseba and Bondels Reserves (GN 239/1930, as amended) contain no comparable provisions.

151. The following provisions relate to the duties of Headmen: in the other Native Reserves within the Police Zone:

(c) He shall not make any allotment of land, either to new comers or by way of redistribution of land already occupied, nor shall he under any circumstances deprive any person of any land of which such person shall be in occupation except upon the express order thereto of the Superintendent.

(d) He shall at once report to the Superintendent any allotment which may become vacant.

(e) He shall see that every hut or dwelling is duly registered and shall notify the Superintendent of the erection, abandonment or disappearance of any hut or dwelling.

(f) He shall not grant permission to any one to reside in the Reserve without the previous consent thereto of the Superintendent.

152. With regard to the allotment of residential sites and the erection of buildings, the regulations provide:

11. The Superintendent shall allot a site to any native permitted to reside in the Reserve and it shall be lawful for him to transfer any resident to some other site should it become necessary so to do. No native resident shall change his residence without the sanction of the Superintendent in writing.

10. No building of any kind whatsoever shall be erected in any Reserve by any European without the sanction of the Administrator and no new homestead or other building whatsoever shall be erected by any native without the consent of the Superintendent first had and obtained, and any person erecting any building or hut or establishing a homestead without such consent shall be guilty of an offence (GN 68/1924).

153. The duties of chiefs and headmen appointed by the Administrator to control a tribe or location under section 1 of the Native Administration Proclamation, 1928 (for relevant text, see A/AC.73/L.3, Question 13, para. 4), are also prescribed by regulation (GN 60/1930). Their duties relating to the allotment of lands are as follows:

4. They shall comply with all laws and render such assistance as may be required of them by responsible officers of the Administration in connexion with ...

(e) The efficient administration of the laws relating to the allotment of lands and kraal sites and to commonages and the prevention of illegal occupation of or squatting upon land.

6. They shall promptly report to the responsible officers of the Government ...

(f) The unauthorized occupation of land, or encroachments thereon.

19. They shall be responsible for the proper allotment to the extent of the authority allowed them by law of arable lands and residential sites in a just and equitable manner without favour or prejudice (GN 60/1930).

#### Ownership of land by Non-Europeans in European Rural and Urban Areas

154. No information other than that presented below is available regarding the extent of land owned by Non-Europeans.

155. Asked in the Legislative Assembly on 23 March 1955 whether any Coloured persons owned land in rural or urban European areas and whether they paid land and income tax on a par with Europeans, the Administrator replied that (a) in rural European areas Coloured persons own four farms with an area of 21,626 hectares, plus seven farms in one district, the area of which was not yet available; (b) they pay land and income tax on a par with Europeans; and (c) no Coloured persons own land in European urban areas, save in Windhoek, where approximately six Coloured persons own erven (SWA, LA, pp. 16-17).

#### Provisions of the Land Settlement Laws Relating to Non-Europeans

156. With regard to the application of the laws relating to land settlement, the Union Government informed the Trusteeship Council in 1948 that these laws applied equally to Europeans and Non-Europeans, "but the Natives generally have not yet reached a stage of development where they would benefit from individual land ownership, particularly of farms". The Union Government further stated:

It is, therefore, the policy of the Administration to allocate reserves to non-Europeans gratis, where they may live on a communal basis in conformity with their traditional customs. In the case of Europeans allotments may be made of individual farms. For these farms the Europeans pay a purchase price in accordance with the valuation placed on the farms by the Land Board ... As the land allotted is vacant Crown land there are no Native rights involved (T/337, p. 82).

157. The following are the conditions of lease relating to Non-Europeans under the Land Settlement Proclamation, 1927:

5. The Lessee shall not be entitled to sublet his lease or holding, or any part of his lease or holding, during the currency of this Lease, or assign, transfer or hypothecate any of his interest in the lease or holding, unless and until the consent in writing of the Administrator, subject to such regulations as may be in force, has first been obtained. In no case will consent be given to any hypothecation, assignment, transfer, sub-lease or sub-letting to natives, Asiatics or coloured persons. The presence of stock other than the Lessee's stock on the holding shall be taken as prima facie evidence of sub-letting.

16. The Lessee shall not levy or exact from any native or coloured person resident or who may become resident on the holding of any consideration in money or kind in respect of rent of any portion of the holding without the written consent of the Administrator, provided that the Lessee shall have the right to contract or hire the labour or services of any or all the said natives or coloured persons for the agricultural or pastoral development of the holding, and to agree with the said natives or coloured persons that the consideration for such labour or services may take the form of placing at their disposal an area for cultivation or the depasturing of stock, or for both such purposes. Should any of the said natives or coloured persons resident on the holding at the date of commencement of the lease decline or refuse to enter into any contract of hire with the Lessee, the latter shall have the right to remove any such native or coloured person or natives or coloured persons.

25. In the event of the Lessee marrying or habitually cohabiting with a native or coloured woman the Administrator may forthwith cancel this lease.

(Schedule D: Conditions of Lease, clauses 5, 16, 25, of Land Settlement Regulations (GN. 70/1929), issued under the Land Settlement Proclamation, 1927; as read with Regulation No. 40 of GN. 70/1929).

#### Registration of Deeds

158. The Deeds Registry Proclamation, 1939 (P. 37/1939), as amended, contains provisions inter alia, for the registration of deeds, grants, certificates of titles and deeds of transfer, as well as for the recording of leases, mortgages and other liens upon land. Under this Proclamation, which consolidates and amends the laws previously in force in the Territory relating to the registration of deeds, the Deeds Registry continues to be established at Windhoek (SWA, Laws, 1939, pp. 262-340).

159. Both the Deeds Registry Proclamation, 1939, and the regulations made under the Proclamation (GN. 151/1939, as amended) appear to be applicable to Europeans and non-Europeans alike, with the exception of the following regulation:

18(1). The identity of persons shall be established by means of their names and dates of birth, or in the case of non-Europeans in lieu of the date of birth by a method approved by the Registrar, which shall be entered in the personal and other registers in which transactions relative to any one person are recorded (GN. 151/1939, as amended).

#### Reservation of land for public purposes

160. The authority of the Administrator for any reservation of land for public purposes derives in the first instance from section 12 of the Crown Land Disposal Ordinance, 1920 (ARLN. 1937, p. 96).

This section reads as follows:

The Administrator is hereby authorized subject to such conditions and limitations as he may think fit to except from sale and either to reserve or to dispose of in such other manner as for the public interest may seem best any Crown lands that may be required for the following objects and purposes:

- (1) for the use or benefit of aboriginal natives, coloured persons, and Asiatics;
- (2) for the use or requirements of the Protectorate Administration, or for military or police purposes;
- (3) for railways, railway stations, roads, tramways or canals or other internal communications, or for drainage or irrigation works, or for the approaches or other purposes necessarily appertaining to any such works;
- (4) for landing places on rivers, ferries, and bridges;
- (5) for sites for churches and chapels;
- (6) for sites for schools and other buildings for the purposes of education, and land for the endowment of schools and other educational institutions of a public character;
- (7) for state forests, areas for the conservation of timber and indigenous flora and fauna, and for reservoirs, aqueducts or water-courses, sewers or drains;
- (8) for saltpans;
- (9) for sites for cities, towns, villages, residence and business areas, town halls, mechanics' and miners' institutes, tramways, railways and railway stations, telegraph stations, telegraph lines, post offices, abattoirs, public baths, schools of art, libraries, museums, public gardens, experimental farms, agricultural colleges, agricultural and horticultural societies, temperance institutions, recreation grounds, race-courses, hospitals, magazines for explosives, sanitary depots, camping grounds and institutions for charitable purposes, markets, court-houses, police stations, paddocks, prisons, or other edifices for public use or purposes;
- (10) for cemeteries;
- (11) for places necessary for the embellishment of towns or for health, recreation or amusement of the inhabitants;
- (12) for the endowment of municipal corporations within the Protectorate;

- (13) for resting places, watering places, stock routes or outspans for travellers and stock;
- (14) for commonages for use of the inhabitants of any town or settlement;
- (15) for any other purposes of public health, safety, utility, convenience or enjoyment or otherwise facilitating the improvement and settlement of the Protectorate (Punctuation supplied).

161. The Administrator is further authorized (section 14) to cancel or change the specified purposes for which any reserve is made.<sup>13/</sup> A complete description of every reserve, including the purposes for which it is made, and a notice of any cancellation or change in a reserve is required to be published in the Gazette (sections 13 and 14). (Transvaal Statutes, pp. 1132-1133; SWA, Laws, 1915-1922, pp. 216, 218, 430).

162. According to the Long Term Agricultural Policy Commission (1948), it has been the policy of the Administration to reserve in each larger block of land which is cut up into farms for settlement a selected piece of ground of larger or smaller extent according to the needs in each case and to reserve it for public purposes, such as rural schools, post and police offices and other offices or housing accommodation for public servants. Attention is also drawn in this connexion to the reservations made by the Administration with respect to two of the 166 holdings advertised for disposal in 1953. In the case of one farm, measuring approximately 6680 hectares, situated 131 miles west of Outjo, the following notation was inserted after a brief description of the holding:

N.B. - The Petrified Forest and Rest Camp, which are fenced in and surveyed, are retained by the Administration as historical monument.

It shall be a condition of allotment that the public be granted a way of right at all times to the Petrified Forest (SWAG 1800, p. 1166).

163. Particulars concerning the other farm, about 12,000 hectares in extent, situated 143 miles north-west of Omaruru, included the following statement:

13/ In the case of areas set aside as Native Reserves, however, the consent of the Union Parliament is required for any cancellation or alienation of land.



Not more than 100 hectares of this farm on which there are certain rock sketches is reserved by the Administration as a Historical Monument. This land will be surveyed later and it will be a condition of allotment that the public will at all times have free access to the site. (SWAG 1800, p. 1169).

Expropriation of land for public purposes

164. The expropriation of land for general public purposes is governed by Ordinance No. 13 of 1927, which states:

The expression "public purposes" includes:

(a) the establishment of training grounds and the erection of buildings for the use of any police or defence force;

(b) the construction and maintenance of telegraphs, telephones, public roads, cemeteries, irrigation works, water courses, reservoirs, public buildings, schools or institutions or

The expression "public purposes" shall not be deemed to cover the expropriation or acquisition of land required for railway purposes.

165. Ordinance No. 13 of 1927 also empowers municipalities to expropriate land. Section 20 of the Ordinance reads:

The municipal council may for municipal purposes acquire by voluntary or compulsory sale any land the property of private persons situate within this Territory, whether situate within or without the limits of the municipality. The expression "municipal purposes" shall include the construction, improvement or alteration of any street, square, open space, park, recreation ground, market, sewer, drain, sewerage works, sewage farms, drainage works, culvert, bridge or any other works which the council is now or may hereafter be empowered to carry out.

166. The expropriation of land for railway purposes is governed by Proclamation No. 37 of 1922 (as amended by Proclamation No. 6 of 1928), section 3 of which reads:

3.(1) The Railway Administration may expropriate any land required for the purpose of making any railway authorized by the Administrator or by any statute or proclamation, or for any accommodation or other works or conveniences connected therewith, or for the purpose of obtaining a water supply (inclusive of the water on any such land) for railway purposes; the powers hereby granted shall also include the expropriation of land for the purpose of effecting any deviation or alteration of route of any roads or streets, or the course of any rivers, streams or water-courses.

(2) The Railway Administration may take and use, and if need be expropriate water from any river, stream or vlei for railway purposes, provided that a sufficient supply shall be left to the owners or occupiers of the land entitled to the use thereof for domestic and stock-farming purposes. In expropriating water the provisions hereof relating to the expropriation of land shall mutatis mutandis apply.

(3) Where deemed convenient the Railway Administration may expropriate a servitude over the surface of the land instead of acquiring the dominium in the land, provided special mention thereof is made in the notice of expropriation. <sup>14/</sup>

167. In terms of section 14 of the Proclamation, "All land or other rights expropriated for railways under the provisions of this Proclamation shall be transferred to and vest in the Governor-General ...". <sup>14/</sup>

168. The Soil Conservation Ordinance, 1952 (No. 28 of 1952), as amended, contains the following provisions authorizing the expropriation or suspension of owner's or occupier's rights in or over land:

26.(1) Whenever in the opinion of the Administrator any land should, in the national interest, be reclaimed or conserved by the Administration he may on the recommendation of the conservation board with respect to that land or any portion thereof or any right therein or thereover -

- (a) acquire such land or such right by direct purchase; or
- (b) expropriate such land or such right subject to the provisions of this section and to a right of pre-emption remaining to the owner or his successor in titles; or

<sup>14/</sup> See paragraph 172 however.

(c) by notice in writing suspend for a period to be specified in such notice (which period may from time to time in like manner be extended) all or any of the owner's or occupiers' rights in or over such land, and at the expiration of three months from the date of such notice, enter upon and take possession of the land for the purpose of reclamation or conservation;

(d) in the case of unalienated Crown land, reserve such land for any of the purposes of the sub-section

For the purposes of this sub-section "national interest" shall include -

- (i) the prevention of sand drift or the reclamation of land affected thereby; or
- (ii) the prevention of soil erosion or the reclamation of land affected thereby; and
- (iii) the protection of catchment areas or the conservation of water sources.

169. The Administrator may at any time cancel any suspension of rights under paragraph (c) above; he may also exempt from the provisions of that paragraph any owner or occupier who within three months of a notice of suspension enters into a written undertaking to construct or carry out at his expense such soil conservation works or measures as the Administrator may require (section 26 (1), (7), (8)).

170. Each of these laws contains provisions for compensation. In the case of land expropriated for railway purposes under Proclamation No. 37 of 1922, as amended, the amount is to be determined by agreement, or, failing agreement, by majority decision, binding on all parties, of a board composed of the Magistrate of the relevant District of the Territory, a person appointed by the landowner and a person appointed by the Director of Railways.

In the case of land or rights expropriated for conservation purposes under Ordinance No. 28 of 1952, the amount is to be determined, in the absence of agreement, by a board consisting of the Magistrate of the relevant District, a person appointed by the landowner and a person appointed by the Administrator (Ordinance 28/1952, section 26 (3)). In instances where the arbitration

procedure, is not specified, it is generally provided that "the provisions of the law for the settlement of differences by arbitration which is in force in the Territory shall apply".

171. In the case of land expropriated for public purposes in the Rehoboth Gebiet under Ordinance No. 13 of 1927, which was extended to the Gebiet by Proclamation No. 25 of 1931, the following provisions govern compensation:

Compensation in respect of any land expropriated under the provisions of the Ordinance, as applied to the Gebiet by this Proclamation, shall if such land be expropriated for the sole benefit of the Rehoboth Community, be paid out of the communal revenues of that Community, and shall, if such land be expropriated for the benefit of the general public other than the members of that Community, be paid out of the Territory Revenue Fund.

If any land be so expropriated for the benefit of both the Rehoboth Community and the general public other than members of that Community, compensation in respect thereof shall be paid out of the communal revenues of that Community and the Territory Revenue Fund in such proportions as the Administrator may determine (P 25/1931, sec. 5).

#### Property of the Union of South Africa in the Territory

172. In connexion with this question, it may be noted that the South West Africa Railways and Harbours Act, 1922 (Act No. 20 of 1922), under which the railways and harbours in the Territory as they existed on 10 January 1920, were "transferred to and vested in the Governor-General of the Union", and immovable property transferred under the Act was "transferred in full dominium", was amended by Act No. 9 of 1930, which reads in substance as follows:

Notwithstanding anything contained in the South West Africa Railways and Harbours Act, 1922 (No. 20 of 1922), the Railways and Harbours in the Territory of South West Africa and any rights thereto which were transferred to and vested in the Governor-General of the Union in terms of section one of that Act shall be held by him

subject to the Mandate issued by the Council of the League of Nations in pursuance of Article 22 of the Treaty of Versailles (SWA Laws, 1915-1922, pp. 15-19; 1930, p. 10).

Land Distribution in South West Africa

173. Three tables are given below showing land ownership or distribution in the Territory. Table A gives comparable figures for the years 1937, 1946, 1948, 1950 (May), and 31 December 1952. The information contained in Tables B and C is given separately since the headings therein defining the areas of land involved were not entirely comparable.

Land Ownership in South West Africa <sup>1/</sup>

	1937 <sup>2/ 3/</sup>		1946		1948 <sup>4/</sup>		1950 (May)		31 December 1952	
	Area (hectares)	No of Euro- pean farms	Area (hectares)	No of Euro- pean farms	Area (hectares)	No of Euro- pean farms	Area (hectares)	No of Euro- pean farms	Area (hectares)	
<b>1. Area of Territory:</b>										
(a) Outside Police Zone	30,101,000		30,101,000		30,101,000		27,845,729		27,445,618	
(b) Inside Police Zone : Namib (desert) lands Other lands	7,164,860 <u>45,025,000</u>		7,164,860 <u>45,025,000</u>		7,164,860 <u>45,025,000</u>		7,164,860 <u>47,337,252</u>		7,564,971 <u>47,337,252</u>	
(c) Total area	82,290,860 <sup>5/</sup>		82,290,600 <sup>5/</sup>		82,290,600 <sup>5/</sup>		82,347,841 <sup>5/</sup>		82,347,841 <sup>5/</sup>	
<b>2. Non-European (Native and Coloured) Lands : <sup>6/</sup></b>										
(a) Proclaimed Native Reserves (inside and outside Police Zone) <sup>7/</sup>	11,887,557		11,947,924 <sup>8/</sup>		11,947,924 <sup>9/</sup>		18,630,597 <sup>10/</sup>		18,630,597 <sup>11/</sup>	
(b) Areas reserved for extension of Native Reserves (inside and outside Police Zone) <sup>12/</sup>	4,255,800 <sup>12/</sup>									
(c) Set aside for Natives but not proclaimed: <sup>7/</sup> Hoachanas Caprivi Zipfel			13,900 <sup>13/</sup> 1,937,100 <sup>14/</sup>		13,900 <sup>13/</sup> 1,937,100 <sup>14/</sup>		13,900 <sup>13/</sup> 1,937,100 <sup>14/</sup>		13,900 <sup>13/</sup> 1,937,100 <sup>14/</sup>	
(d) Rehoboth Gebiet	1,356,200 <sup>15/</sup>		1,303,400 <sup>15/</sup>		1,303,400 <sup>15/</sup>		1,244,400 <sup>15/ 16/</sup>		1,244,400 <sup>15/ 16/</sup>	
(e) Total Non-European lands	17,499,557		15,202,324		15,202,324		21,825,997		21,825,997	
<b>3. European Farm Lands</b>										
(a) Farms in private ownership	14,708,692	2,922	21,213,392	3,296 <sup>17/</sup>	23,749,778 <sup>17/</sup>	3,380	24,152,583	3,415	24,409,118	
(b) Government farms, surveyed <sup>18/</sup>		558	5,668,547	859 <sup>18/</sup>	7,052,200 <sup>18/</sup>	421	3,209,669	485	3,603,780	
(c) Farms leased to settlers <sup>18/</sup>	8,828,187	740	4,547,233	368 <sup>18/</sup>	2,540,413 <sup>18/</sup>	823	6,854,813	1,102	9,400,234	
(d) Company (registered) Farms	2,077,331	60	531,919	42 <sup>17/</sup>	227,744 <sup>17/</sup>	39	186,837	39	165,733	
(e) Total European Farm Lands	25,614,210	4,280	31,961,091	4,565	33,570,135	4,663	34,403,902	[5,041]	37,578,865	
4. Urban Areas	437,100		425,314		425,314		474,684		474,684	
5. Game Reserves (inside and outside Police Zone)	9,593,600		9,485,658		9,485,658		8,526,250		8,526,250	
<b>6. Area of Unalienated Crown Lands : <sup>19/</sup></b>										
(a) Inside Police Zone	11,600,000									
(b) Outside Police Zone	<u>9,500,000</u>									
(c) Total area of unalienated Crown Lands	21,100,000									

TABLE A

Land Ownership in South West Africa <sup>1/</sup>

	1937 <sup>2/ 3/</sup>		1946		1948 <sup>4/</sup>		1950 (May)		31 December 1952	
	Area (hectares)	No of Euro- pean farms	Area (hectares)	No of Euro- pean farms	Area (hectares)	No of Euro- pean farms	Area (hectares)	No of Euro- pean farms	Area (hectares)	
<b>1. Area of Territory:</b>										
(a) Outside Police Zone	30,101,000		30,101,000		30,101,000		27,845,729		27,445,618	
(b) Inside Police Zone :										
Namib (desert) lands	7,164,860		7,164,860		7,164,860		7,164,860		7,564,971	
Other lands	45,025,000		45,025,000		45,025,000		47,337,252		47,337,252	
(c) Total area	82,290,860 <sup>5/</sup>		82,290,600 <sup>5/</sup>		82,290,600 <sup>5/</sup>		82,347,841 <sup>5/</sup>		82,347,841 <sup>5/</sup>	
<b>2. Non-European (Native and Coloured) Lands : <sup>6/</sup></b>										
(a) Proclaimed Native Reserves (inside and outside Police Zone) <sup>7/</sup>	11,887,557		11,947,924 <sup>8/</sup>		11,947,924 <sup>2/</sup>		18,630,597 <sup>10/</sup>		18,630,597 <sup>11/</sup>	
(b) Areas reserved for extension of Native Reserves (inside and outside Police Zone) <sup>12/</sup>	4,255,800 <sup>12/</sup>									
(c) Set aside for Natives but not proclaimed: <sup>7/</sup>										
Hoachanas			13,900 <sup>13/</sup>		13,900 <sup>13/</sup>		13,900 <sup>13/</sup>		13,900 <sup>13/</sup>	
Caprivi Zipfel			1,937,100 <sup>14/</sup>		1,937,100 <sup>14/</sup>		1,937,100 <sup>14/</sup>		1,937,100 <sup>14/</sup>	
(d) Rehoboth Gebiet	1,356,200 <sup>15/</sup>		1,303,400 <sup>15/</sup>		1,303,400 <sup>15/</sup>		1,244,400 <sup>15/ 16/</sup>		1,244,400 <sup>15/ 16/</sup>	
(e) Total Non-European lands	17,499,557		15,202,324		15,202,324		21,825,997		21,825,997	
<b>3. European Farm Lands</b>										
(a) Farms in private ownership	14,708,692	2,922	21,213,392	3,296 <sup>17/</sup>	23,749,778 <sup>17/</sup>	3,380	24,152,583	3,415	24,409,118	
(b) Government farms, surveyed <sup>18/</sup>		558	5,668,547	859 <sup>18/</sup>	7,052,200 <sup>18/</sup>	421	3,209,669	485	3,603,780	
(c) Farms leased to settlers <sup>18/</sup>	8,828,187	740	4,547,233	368 <sup>18/</sup>	2,540,413 <sup>18/</sup>	823	6,854,813	1,102	9,400,234	
(d) Company (registered) Farms	2,077,331	60	531,919	42 <sup>17/</sup>	227,744 <sup>17/</sup>	39	186,837	39	165,733	
(e) Total European Farm Lands	25,614,210	4,280	31,961,091	4,565	33,570,135	4,663	34,403,902	[5,041]	37,578,865	
4. Urban Areas	437,100		425,314		425,314		474,684		474,684	
5. Game Reserves (inside and outside Police Zone)	9,593,600		9,485,658		9,485,658		8,526,250		8,526,250	
<b>6. Area of Unalienated Crown Lands : <sup>19/</sup></b>										
(a) Inside Police Zone	11,600,000									
(b) Outside Police Zone	9,500,000									
(c) Total area of unalienated Crown Lands	21,100,000									

TABLE B

Occupation Distribution of Land in 1948 <sup>1/</sup>

	<u>No. of European Farms</u>	<u>Area (hectares)</u>
1. <u>Occupied by Non-Europeans:</u>		
(a) Reserves and territories proclaimed		18,630,597 <sup>2/</sup>
(b) Hoachanas Reserve unproclaimed		13,900 <sup>3/</sup>
(c) Caprivi Zipfel		1,937,100 <sup>4/</sup>
(d) Rehoboth Gebiet		<u>1,244,400</u> <sup>5/</sup>
(e) Total area occupied by Non-Europeans		21,825,997
2. <u>Occupied by Europeans:</u>		
(a) Urban or communally owned or occupied		477,660
(b) Government experimental farms		33,102
(c) Farms individually and company owned	3,338 <sup>6/</sup>	23,977,522 <sup>6/</sup>
(d) Leased to settlers	671 <sup>7/</sup>	4,975,571 <sup>7/</sup>
(e) In process of allotment	556 <sup>7/</sup>	4,617,042 <sup>7/</sup>
(f) Licensed for temporary grazing	—	<u>5,177,331</u>
(g) Total area occupied by Europeans	4,565	38,780,568
3. <u>Unalienated Crown Land:</u>		
(a) Game Reserves		8,526,250
(b) Leased for mining purposes		5,528,300
(c) Vacant Namib land		1,636,560
(d) Reserved for Government purposes		<u>5,612,592</u>
(e) Total unalienated Crown Land		21,303,702
Total Area		<u>82,387,927</u> <sup>8/</sup>

TABLE C

Land Distribution Figures Given by Union Minister of Native Affairs in Union Senate on 15 March 1951.

	<u>Area (hectares)</u>
<u>Allocated for Native and Coloured occupation:</u>	
(a) Inside the Police Zone	12,301,839 <sup>1/</sup>
(b) Outside the Police Zone	14,728,640 <sup>2/</sup>
(c) Total Area allocated for Native and Coloured occupation	<u>27,030,479</u>
Set aside for urban areas	474,684
Reserved for Government purposes	33,102
Allocated for European settlement	24,403,902
Leased to Europeans as Crown Land	4,714,564
Allocated for Game Reserves	8,526,250
Leased for mining purposes	5,949,400
Held as unoccupied Crown Land other than land reserved for Government purposes	<u>11,215,460</u>
Total Area	<u>82,347,841</u> <sup>3/</sup>



NOTES TO TABLE A

Sources: 1937: ARLN, 1937, pp. 97-98  
1946: SA, Yearbook, 1946, Chapter XXVII, p. 35  
1948: SA, Yearbook, 1948, p. 1173  
1950 (May): SA, Yearbook, 1949, p. 1191  
31 Dec. 1952: SA, Yearbook, 1952-53, p. 1176

- 1/ Figures given are approximate.
- 2/ Figures given are specifically stated to exclude the territory of Walvis Bay.
- 3/ As noted in source, extents of the different areas do not add to the total area of the Territory because the game reserves overlap the Namib and Native Reserves.
- 4/ Figures for 1948, though shown as for 1948 in source, do not reflect the extension of the Police Zone made during 1947 (GN397/1947) nor the establishment and extensions of Proclaimed Native Reserves during 1947 and 1948 (see footnote 9 below); figures given for European farm lands during the year, however, correspond to figures given for 1948 in the Agricultural Policy Report and reproduced in Table B (see footnotes 17 and 18 below).
- 5/ Total area of the Territory as shown in sources cited. The total area is given in AR, 1946, p. 1, as 82,290,860 hectares, excluding the Port and Settlement of Walvis Bay (in extent 96,867 hectares, which, if added, would bring the total area to 82,387,747 hectares). The Agricultural Policy report (1948), p. 21, (see Table B) shows the total area as 82,387,927 hectares, including the Port and Settlement of Walvis Bay. The total area is given as 82,347,841 hectares in 50 Facts (published 1954) and in figures furnished by the Union Minister of Native Affairs to the Union Senate on 15 March 1951 (Table C), as well as in the table of land distribution included in the 1949 and subsequent editions of the SA Yearbook; in a section on physical characteristics of the Territory, however, the SA Yearbook 1952-53 (p. 1146), like earlier editions of the Yearbook, continues to show the total area of the Territory as 82,290,860 hectares.

- 6/ For more detailed information concerning the area and distribution of Non-European lands, see under Question 12, table of Native Reserves in South West Africa, and A/AC.73/L.3, Question 12, para. 11.
- 7/ The area of the Eastern Caprivi Zipfel, although proclaimed as a Native Reserve by the Union Minister of Native Affairs in 1940 (UGN 1210/1940; SWA Laws, 1940, p. 146), is shown in this table, as in sources cited, under land "Set aside for Natives but not proclaimed".
- 8/ Figures given in a table of Native Reserves on the preceding page of the same source (SA Yearbook, 1946, Chapter XXVII, p. 34) shows the extent of these Reserves as 11,880,789 hectares. According to the information presented in A/AC.73/L.3, Question 12, para. 11, the corresponding Reserves were approximately 11,950,978 hectares in extent at the end of 1946, based on figures provided in the SA Yearbook 1949 (p. 1190), AR 1946 (p. 14), and the SWA Laws.
- 9/ The establishment or extensions of Proclaimed Native Reserves during 1947 and 1948 increased these areas by approximately 6,650,822 hectares (GN 374/1947 and GN 179/1948: SWA Laws, 1947, pp. 286-288; 1948, p. 242), which, added to 11,947,924 hectares, the figure given on p. 1173 of the SA Yearbook 1948, would bring the total to 18,598,746 hectares at the end of 1948. In a table of Native Reserves on p. 1172 of the same edition of the Yearbook, the extent of the comparable areas is given as 18,571,589 hectares. According to figures given in A/AC.73/L.3, Question 12, para. 11, the extent of these areas would total approximately 18,601,800 hectares. The figure 18,630,597 hectares given for May 1950 in the SA Yearbook 1949, p. 1191, which in this instance agrees with the information given for 1 January 1949 in the table of Native Reserves on p. 1190 of the same volume, represents another source for the total area of Proclaimed Native Reserves at the end of 1948, since there were not further additions to these Reserves from the end of 1948 to the end of August 1950 (SWA Laws, 1949, 1950); this figure also agrees with that given in Table B.

- 10/ See footnote 9/ above. The area of the Proclaimed Native Reserves was not changed during the period from the end of 1948 to August 1950.
- 11/ The establishment or extensions of Proclaimed Native Reserves by Government Notices of 1 September 1950, 1 February and 15 December 1951 increased the aggregate extent of these areas by 154,243 hectares, which, added to 18,630,597 hectares, would total 18,784,840 hectares (GN215/1950, GN 122/1951, GN 485/1951: SWA Laws, 1950, p. 650; 1951, pp. 288, 394). In addition, during 1952, an unnamed area of land between the Okavango Native Territory and Ovamboland was set aside as a Native Reserve; the boundaries of this Reserve were defined, but no other information is available concerning the extent of this area (GN 193/1952; SWA Laws, 1952, pp. 850-852).

Other figures given in the SA Yearbook, 1952-53, p. 1175, and in the SA Yearbook, 1950, p. 1255, in tables of Native Reserves, show the comparable area as 18,834,564 hectares in extent as at 1 September 1951; on the basis of this total, adjusted by the addition of 6,743 hectares in terms of GN 485 of 15 December 1951, the aggregate extent of Proclaimed Native Reserves would be 18,841,307 hectares on 31 December 1952, excluding the unnamed Native Reserve established during that year. A total of 18,841,307 hectares is also reflected in the information given in the table of Native Reserves under Question 12 above, drawn primarily from the SA Yearbook, 1952-53, p. 1175. According to the information contained in the table of Native Reserves in A/AC.73/L.3, Question 12, para. 11, based on figures provided in the SA Yearbook 1949 (p. 1190), AR 1946 (p. 14), and the SWA Laws, the comparable area, excluding the Native Reserve established in 1952, would be approximately 18,756,043 hectares.

From the end of 1952 to the end of 1954, further areas, totalling 44,413 hectares, were added to the Proclaimed Native Reserves.

- 12/ This heading was included only in the ARLN 1937. A note to the table of Native Reserves contained in AR 1946 (p. 60) stated: "Further areas, several million hectares in extent, are held by the Administration for the future extension of Native Reserves". The SA Yearbook, 1946 (Chapter XXVII, p. 34), also stated that areas approximately 4,255,800 hectares in extent were reserved for the future extension of the Native Reserves. No comparable statement was included in the sources available

for later years. However, the Union Minister of Native Affairs, on 15 March 1951, informed the Union Senate that a total of 27,030,479 hectares was allocated for Native and Coloured occupation (see Table C), and the total of the areas set aside as of the end of 1954, excluding the unnamed Native Reserve established in 1952 and the Rehoboth Gebiet, amounted to 20,642,309, according to the table given under Question 12 above.

- 13/ Although no additions were made to the Hoachanas Temporary Reserve, its extent is given in the tables of Native Reserves in the SA Yearbook 1952-53, p. 1175, and in the SA Yearbook 1950, p. 1255, as 14,253. Its area is consistently shown as 13,900 in the tables of land ownership included in the 1946 (Chapter XXVII, p. 35), 1948 (p. 1173), 1949 (p. 1191), 1950 (p. 1256), and 1952-53 (p. 1176) editions of the SA Yearbook as well as in the tables of Native Reserves included in the 1948 (p. 1172) and 1949 (p. 1190) editions.
- 14/ In the tables of Native Reserves given in 1950 (p. 1255) and 1952-53 (p. 1175) editions of the SA Yearbook, the extent of the Eastern Caprivi Zipfel is given as 1,161,216 hectares, and the Western Caprivi Zipfel as 581,120 hectares, a total of 1,742,336 hectares.
- 15/ Notes to the tables of Native Reserves included in the 1946 and subsequent editions of the SA Yearbook give the area of the Gebiet as 1,393,400 hectares (SA Yearbook, 1946, Chapter XXVII, p. 34; 1948, p. 1172; 1949, p. 1190; 1950, p. 1255; 1952-53, p. 1175). The extent is given as 1,356,200 hectares in the AR 1946, p. 14. There was no alteration of the boundaries of the Gebiet during this period. See also footnote 16/ below.
- 16/ Specifically stated to exclude the Rehoboth Townlands (59,000 hectares in extent, according to figures given by Rheinallt Jones (p. 3) as supplied by the Administration). Rheinallt Jones also gives 1,244,400 hectares as the extent of the Gebiet, excluding the Rehoboth Townlands.
- 17/ The total of the "farms in private ownership" and "company (registered) farms" corresponds, both in regard to the number of farms and the area involved, to the total, under Table B, of the "farms individually and company owned" in 1948.

- 18/ The total of "government farms surveyed" and "farms leased to settlers" corresponds, both in regard to the number of farms and the area involved, to the total, under Table B, of the farms "leased to settlers" and "in process of allotment".
- 19/ This heading did not appear in the tables of land ownership contained in the SA Yearbook.

NOTES TO TABLE B

Source: Agricultural Policy Report, p. 21, which attributes statistics to a return furnished by the Surveyor-General

- 1/ Includes Port and Settlement of Walvis Bay (in extent 96,867 hectares (AR 1946, p.1)).
- 2/ This figure was erroneously printed in source as 8,630,597.
- 3/ See footnote 13/ to Table A.
- 4/ See footnote 14/ to Table A.
- 5/ See footnote 15/ to Table A.
- 6/ See footnote 17/ to Table A.
- 7/ See footnote 18/ to Table A.
- 8/ See footnote 5/ to Table A.

NOTES TO TABLE C

Source: Senate Debates, 1951, col. 1114

- 1/ According to the table of Native Reserves included under Question 12 above, the total area set aside for Native Reserves inside the Police Zone as of the end of 1954, excluding the Rehoboth Gebiet, amounted to approximately 5,869,256 hectares. From the beginning of 1951 to the end of 1954, a total of 21,243 hectares had been added to the area of these Reserves: 14,500 hectares by GN 122 of 1 February 1951, and 6,743 hectares by GN 485 of 15 December 1951.
- 2/ According to the table of Native Reserves included under Question 12 above, the total area set aside for Natives outside the Police Zone as of the end of 1954 amounted to 14,773,053 hectares including 44,413 hectares set aside after 1950, but excluding the unnamed Native Reserve established in 1952.
- 3/ See footnote 5/ to Table A.

### Surveys

174. In 1948, the Long Term Agricultural Policy Commission observed that it had been handicapped in dealing with several important questions due to the absence of agro-ecological, botanical and soil surveys, or of a topographical map for any part of the Territory. It was the absence of a sufficient, even though elementary, knowledge of the vegetational composition of the veld - of its possibilities and dangers - on the part alike of Government and farmer, the Commission stated, that lay at the tap root of the evil of overstocking and of general veld deterioration.

175. The Commission concluded that the services of trained botanists and ecologists were imperative and urgent. Regional mapping of vegetation and soil types and of underground water supplies was the first requirement, in the Commission's opinion. Rainfall data were insufficient and the number of rainfall stations inadequate. Information on these matters was required for the basis of an agro-economic survey, i.e., the classification into homogeneous regions of the agricultural economic structure of the country on which the systems and practices of farming have to be determined for the adoption of improved methods aiming at conservation farming (Agriculture Report, pp. 6, 66).

176. In 1952, the Commission of Enquiry into the Prices of Crown Lands noted that it was impossible to determine the economic soundness of Crown land prices on a scientific basis since no agro-economic survey of the Territory had yet been made (Crown Lands Report, p. 2).



## II. CONSERVATION OF NATURAL RESOURCES

### The Need for Soil and Water Conservation

177. The following extracts relating to the condition and conservation of natural resources in the Territory are taken from the report of the Long Term Agricultural Policy Commission.

Within two generations of civilized occupation a position has been reached with regard to conservation of the natural resources of the country which calls for positive action on the part of State and citizen alike, if the future of farming and thereby the political economy of the Territory are to be assured (SWA, Agriculture Report, p. 67).

It is proved beyond doubt that the soil has become more arid; that the character of the vegetation over extensive regions has become more xerophytic. Consequently, in such parts, the land has become more barren and erosion by wind and water is increasing intensively over extensive areas. These conditions have been induced by interference and, where severe and of long enough duration, have brought about effects similar to those of a change of climate. Recurrence of droughts must be accepted as a usual occurrence in planning the Agricultural policy of the country (SWA, Agriculture Report, p. 65).

Deterioration of the soil results from disturbance of the equilibrium between the vegetation and the climatic and soil factors through overstocking and overtrampling or concentration of stock, leading to destruction in varying degree of the vegetal cover and through this to exposure of the surface of the land, to loss of fertility and increased erodibility of the soil and hence to erosion by wind and water. Erosion is also caused by concentration of water in road, railway and dam construction. By comparison, cultivation of land has hitherto not been a major cause of soil loss.

The volume of living, fertile surface soil lost through erosion by wind and water over the southern half of the Territory from the mountains around Windhoek (the Mont-aux-Sources, of South West Africa) to the Orange River is incalculable...

Conditions in the northern half of the Territory are more satisfactory. Except along the western escarpment, relatively low drainage and a far better vegetation cover have hitherto prevented excessive surface erosion. The greatest loss, and now the greatest danger, is the ripping out of the deep, fertile omuramba dry river bed valley land already referred to. Omuramba soil was formed under full vegetative cover and it can only live, grow and maintain itself under such cover. The erosion evil is caused by interference with that cover through grazing and burning. It starts along the cattle track or sheep path; the effect is slight, is seen but not heeded, so also the subsequent gradual increase in width and depth; nothing is done, not when danger now clearly threatens, not when flood must be expected on the drought denuded surface; the donga is formed, it is converted into a ravine which, in its further development, neither dam nor mountain can control. In that stage, destruction is no longer confined to one farm, it extends to several farms and spreads upwards and sideways until the destruction of the whole valley is involved. Reclamation then is beyond the power of the individual and efforts by one individual are futile. Regional planning and help by the State are essential, but reclamation works must be preceded by control measures, in order that torrent effects can first be minimized. Enabling legislation is therefore required. Subsidization of fencing and construction materials or of implements and machinery without planning and control has in other countries proved to be a palliative, which leads to further exploitative use of the land (SWA, Agriculture Report, p. 37).

POWER OF RESPONSE: The S.W. African veld is noted for its power of response to the return of good seasons after drought and is followed as a rule by rapid increase in stock populations... Sufficient seed of

the blinkaar (aristida) grasses, for instance, seems to escape destruction and to retain its germinative power for several years; similarly do these and other tuft or bunch grasses as well as the more valuable fodder shrubs retain root vitality for long periods. But when conditions become extreme as the result of duration of drought and continuing grazing and tramping, both seed and roots disappear leaving smaller or larger areas of surface completely denuded of vegetal cover and vegetable soil. This becomes accentuated and is expressed in loss of productive capacity of the land, if recovery of the veld has not been assisted effectively by appropriate grazing control and other conservation measures before the recurrence of drought. The state of retrogression in veld and soil over large areas in the arid regions prove that a too rapid increase in stock populations was obtained during the all too short intervals between the drought periods and that denuded veld was not given an opportunity to recover. There are exceptions: a few farmers are making noteworthy efforts to keep animals away from such land, to conserve it by making of contour furrows and sowing of seed along the furrows or by sowing seed of good grasses, specially collected for the purpose, on bare land, or ploughing and planting it with spineless cactus, or other similar measures (SWA, Agriculture Report, page 33).

Reclamation of soil and pasture. Keen appreciation of the need to reclaim and conserve the soil and the pasture and to raise the question to national level is felt throughout the Territory. Although approach to the problem differs, the Commission is of the opinion that financial and technical assistance at least will be required by most farmers.

The fact that much time must elapse before an organization on a commensurate scale can be created to combat soil erosion should no longer be used as an excuse for indefinite procrastination. .... Premature action in construction of larger works not co-ordinated with control of the use of the land must be avoided.

Similarly, the adoption of proper grazing management is a sine qua non for reclamation and conservation of the soil and pasture, and the first essential the provision of grazing camps with drinking places for stock (SWA, Agriculture Report, p. 68).

Conservation of water supplies. The perennial rivers, on the boundaries of the Territory, cannot be harnessed so as to affect to any extent the general problem of water conservation. The Country is dependent on sub-surface sources of sand-filled rivers, subterranean supplies and open storages. Development of urban and rural settlement and of industries depends on improvement of these supplies (SWA, Agriculture Report, p. 68).

178. The following constituted the principal recommendations of the Commission regarding soil and water conservation and reclamation:

Since the conservation and reclamation of the soil and pasture and the conservation of water and the augmentation of existing supplies is fundamental to the welfare of the Territory, positive steps must be taken to ensure the conservation of these natural resources by means of:

- (a) prevention of soil erosion in its various forms;
- (b) reclamation of eroded areas;
- (c) prevention of overstocking;
- (d) protection of the natural vegetation; and
- (e) destocking of marginal semi-desert areas.

To this end it is recommended that:

- (a) the Territory's technical agricultural services be augmented in order to enable the farmers to obtain the necessary guidance;
- (b) the geological survey service be expanded in order to provide assistance in locating and developing the underground water supplies to the Territory;
- (c) greater assistance be extended for the construction of dams and reservoirs, especially with a view to augmenting the underground water supplies;

- (d) the Administration extend financial assistance to farmers for securing fencing and other material for the purpose of ensuring controlled grazing;
- (e) the State undertake the construction of storage reservoirs wherever practical;
- (f) the draft ordinances relating to conservation of the soil, veld and water supplies and to the protection and preservation of trees be enacted without delay with the object of implementing the foregoing recommendations (SWA, Agriculture Report, pp. 70-71).

#### Development of Conservation Programmes

##### Water and Veld Conservation Account

179. Asked in the Legislative Assembly in February 1947 what steps had been taken since the previous session of the Assembly to investigate the vital problems of water and veld conservation in the Territory and to encourage such conservation, the Administrator replied:

Serious consideration has been given to this matter by the Administration. Legislation for the creation of a Water and Veld Conservation and Reclamation Account in the Territorial Development and Reserve Fund will be submitted, and the House will be asked to vote a sum of £100,000 to this account. Furthermore, several additional engineering posts have on recommendation of the Public Service Commission been created on the establishment of the Administration with the express view of obtaining staff to assist in tackling the problems the Honourable Member has in view. In addition the Administration has engaged the services of a renowned geophysicist and his organisation to assist in the problem of finding underground water in difficult areas (SWA, LA, 1947, p. 12).

180. In 1947, by Ordinance No. 8 of 1947, a Water and Veld Conservation and Reclamation Account was established as an account of the Territorial Development and Reserve Fund "for the payment of monies in respect of water and veld conservation and reclamation schemes recommended to the Assembly by the Administrator and adopted by such Assembly including the payment of subsidies and loans in respect of such schemes" (SWA, Laws, 1947, p. 232).

181. Successive annual appropriations from the Territory Revenue Fund during 1947-48 to 1950-51 brought the funds set aside to this Account to £305,000. No expenditure was recorded however (SWA Accounts, 1947-48 to 1950-51).

182. By resolution of 1 June 1950 the Legislative Assembly requested the Administrator "to present as soon as possible to this House, a scheme for the appropriation of the funds already voted for soil and water conservation, by way of long term loans at a low rate of interest for the construction of dams and the fencing of farms, and to make such scheme applicable to grass licence holders as well" (SWA, LA, 1950, p. 42).

183. Under the terms of Ordinance No. 29 of 1952, the Water and Veld Conservation Account was abolished and the moneys in the Account, £305,000, were transferred to the Farming Interests Fund established by that Ordinance (see paras. 203-204).

#### Bringing into force of the Water Ordinance, 1952

184. By resolution of 8 May 1951, the Legislative Assembly requested the Administrator to bring the provisions of the Water Ordinance No. 13 of 1932 into force as from 1 July 1951 (SWA, LA, 1951, p. 13). The Ordinance was brought into force as of that date by Government Notice No. 283 of 1951.

185. The State as Dominis Fluminis, changed by the Union irrigation law to riparian ownership, is restored by the 1932 Ordinance, which aims at the equitable distribution of water, having due regard to the most beneficial and efficient use thereof, and at the development of the water resources of the Territory in the best interests of the Territory. Preference is given to the use of water for domestic purposes, which includes the watering and dipping of stock and the essential requirements of farming operations (SWA, Agriculture Report, p. 39).

#### Establishment of a Water Account

186. By Ordinance No. 16 of 1953, a Water Account was established as an account of the Territorial Development and Reserve Fund for "the payment of monies in respect of water supply investigations in the Territory, financial assistance and sub-economic loans to Municipalities in connection with water supply."

A sum of £100,000 was credited to the Water Account in 1953-54. By 31 March 1954, no expenditure had as yet been recorded (Ord. 16/1953, SWAG 1771, p. 486; SWA Accounts, 1953-54).

Statement of the Commission of Enquiry into the Financial Relations  
between the Union Government and South West Africa

187. The Commission of Enquiry into the Financial Relations between the Union Government and South West Africa made the following observations regarding the conservation measures in South West Africa:

It will be difficult to supply figures for expenditure which will have to be incurred under the Head Irrigation and Soil Conservation in the future. It is partly owing to the fact that opinions differ considerably in the Territory as to what would be the best way to cope with these problems. In fact, expenditure on these services was very small during the past ten years. The South West Africa Administration is engaged on a scheme in connection with water, veld conservation and soil erosion. It will take the form of long-term loans to farmers for dams, bore-holes, fencing and camps, etc. This scheme will be financed from moneys already provided for in the Estimates (£305,000) and from a large portion of the karakul-skin export duty, etc.

The cost of two irrigation schemes which were investigated (one on the Swakop River, and one on the Fish River) is estimated to be £300,000 and £800,000 respectively for the construction of dams alone.

However, it is the general feeling that much more money will have to be devoted to these services in the future. The Territory is dependent upon underground water for probably 90 per cent. An adequate water supply is considered of paramount importance in comparison with all other capital works for the general development of the Territory. It appears that in course of time it will become necessary to dam up water courses wherever it is practicable at a reasonable cost, mainly in order to feed the vitally necessary underground water supplies. It is however clear that a great deal of work will have to be done in order to determine the best methods by which sufficient water can be made available. Some witnesses with long experience in the country even expressed the opinion that, if this matter is neglected, important general development is out of the question (SA, Financial Relations, p. 12).

Irrigation schemes

188. With respect to the proposed irrigation scheme in the Fish River, the Administrator informed the Legislative Assembly in May 1951 that surveys of possible dams had already been made and plans and estimates prepared. Canals and irrigable areas, however, had still to be investigated and surveyed before a final opinion could be expressed (SWA, LA, 1951, p. 51).

189. On 18 May 1954 the Legislative Assembly requested the Administration to give consideration to a dam-scheme in the Swakop River near Okahandja to ensure water supplies for industries, for Windhoek and for irrigation purposes (SWA, LA, 1954, p. 47).

190. An article concerning land settlement in South West Africa appearing in the South West Africa Annual, 1954, stated: "there are no irrigation schemes in existence here" (SWA, Annual, 1954, p. 39).

Soil Conservation Ordinance

191. In 1952, the Legislative Assembly passed the Soil Conservation Ordinance, No. 28 of 1952, binding upon the Administration and applying to all land within the Territory, except to land within the Rehoboth Gebiet or within a Native Reserve or Native Territory, until applied thereto by Proclamation of the Administrator<sup>15/</sup> (SWA Laws, 1952, pp. 294-344). The Ordinance was brought into operation on 1 January 1953 (GN.273/1952; SWA Laws, 1952, p. 874).

192. The Ordinance, as amended by Ordinance No. 20 of 1954 (SWAG 1846, p. 883),<sup>16/</sup> provided for the establishment of a Soil Conservation Board, consisting of an engineer of the Administration, an officer from the Native Affairs Branch, one from the Lands Branch, one from the Agricultural Branch, and any other member which the Administrator may from time to time appoint (section 4).

---

<sup>15/</sup> As of the beginning of 1955, the Ordinance had not been extended to these areas by Proclamation. Funds were spent under the Ordinance for conservation purposes in the Native Reserves, however (see para. 202).

<sup>16/</sup> The amending Ordinance, No. 20 of 1954, changed the name of the Soil Conservation Committee provided for in the original Ordinance, to the Soil Conservation Board.



193. The functions of the Board were set out in the Ordinance as follows:
- (a) to advise and assist the Administrator in connexion with all matters relating to veld, soil and water conservation in the Territory, including the establishment and control of facilities for the collection and dissemination of information in regard thereto;
  - (b) to prepare and submit to the Administrator any soil conservation plan which it may deem necessary to respect of any land, or which the Administrator may require it to prepare;
  - (c) to examine, report upon and recommend to the Administrator any soil conservation plan submitted by a district committee under section seventeen<sup>17/</sup> or by an owner of land under section eighteen<sup>18/</sup>;
  - (d) to examine from time to time any soil conservation plan which is in operation in terms of this Ordinance, and to inspect any soil conservation works which are being or have been constructed on any land whether in terms of a soil conservation plan or otherwise, including the examination of books, accounts, records or statistics in connexion therewith, and to report thereon to the Administrator, and to make such recommendations in regard thereto as it may deem fit;
  - (e) to require any district committee to furnish it with such information as it may require for the proper performance of its functions;
  - (f) to perform such other duties as the Administrator may assign to it in connexion with veld, soil and water conservation (section 3 (1)).
194. The Board may delimit any area of land to which the Ordinance applies as a soil conservation district, after giving due consideration to the topographical, hydrographical, climatological and agricultural features; the social and economic factors of different regions; and the nature of the conservation problems of the area. On the Board's recommendation, the Administrator may by proclamation establish, alter the boundaries of, or dis-establish any soil conservation district (section 10).

<sup>17/</sup> Section 17 of the Ordinance deals with the preparation by district committees of soil conservation plans for land within their respective soil conservation districts, the acceptance or objections of individual owners or occupiers of land to the relevant plan, the submission of the plans to the Soil Conservation Board, and their application by the Administrator.

<sup>18/</sup> Section 18 deals with the preparation of soil conservation plans by individual landowners for their own land outside a soil conservation district, and the application of such plans by the Administrator.

195. The Ordinance provides for the establishment of a soil conservation district committee in each soil conservation district (section 11) and defines the duties and functions of such committees (section 15).

196. On the recommendation of the Soil Conservation Board, the Administrator may apply a soil conservation plan to land within or outside a soil conservation district. Every owner or occupier of that land is to be notified of such application and provided with a copy of the plan, the provisions of which he is bound to carry out and comply with.

197. A soil conservation plan binds in succession every owner and occupier of the land to which it is applied. However, the Administrator may exempt any owner or occupier of land from any provision of the plan if he is satisfied that compliance will cause undue hardship to that owner or occupier (sections 17-19, 21-22).

Every soil conservation plan must state the objects and scope thereof and define the land to which it applies. It may include provisions relating to:

- (a) the soil conservation works which shall be constructed and maintained on the land by the Administration or the owner of the land respectively;
- (b) the order in which such soil conservation works shall be constructed;
- (c) the labour, equipment, or material which shall be provided by the Administration and the owner of the land respectively;
- (d) the soil conservation measures which shall be applied in respect of the land and the order in which they shall be applied;
- (e) the manner in which the land shall be prepared for sowing or planting including provisions relating to rotation of crops or strip cropping;
- (f) the temporary withdrawal from cultivation or grazing of any defined portion of the land for specified periods;
- (g) the restriction of the number or kinds of livestock which may for any specified period be grazed on any land or any defined portion thereof;
- (h) the occupation of the land by lessees, native labour tenants, squatters or servants;
- (i) the regulation or prohibition of veld burning;
- (j) the prevention, control and extinguishing of veld and forest fires;
- (k) specific land-use practices or any other practice or action the adoption of which is necessary for giving effect to any provision of a soil conservation plan.

- (l) the propagation, tending and maintenance of trees, forests and plantations for the protection or reclamation of land subject to erosion by wind, water or sand drift, or for the provision of shade and shelter for stock or crops, or for the production of wood or other forest produce for use in connexion with the conservation of the natural vegetation;
- (m) generally, the prevention of soil erosion, the conservation, protection and improvement of the veld, the soil, the surface of the land, the vegetation and the sources and resources of the water supplies on the land (section 20).

198. Under the terms of the Ordinance, the costs of any soil conservation works constructed or maintained by the Administration or in accordance with a soil conservation plan, may, at the discretion of the Administrator, be charged entirely to the Administration or entirely to the owner or owners of the land which is in the opinion of the Administrator beneficially affected by the works, or partly to the Administration and partly to the owner or owners. The costs charged to a landowner are to be recovered from him by the Administrator in such manner as the Administrator may deem fit. Should the owner or owners be dissatisfied with the amount charged, application may be made to a board consisting of the Magistrate of the district and two other persons, one appointed by the owner or owners and the other by the Administrator, and the parties are to be bound by the decision of the majority of such a board (section 25).

199. The Soil Conservation Ordinance, 1952, authorizes the Administrator, out of moneys appropriated for the purpose by the Legislative Assembly, to pay subsidies or make grants to an owner or occupier of land for constructing any soil conservation works or applying soil conservation measures in accordance with a soil conservation plan applicable to that land; to lend money to a landowner for such purposes, provided that the Administrator may delegate this function to the Farming Interests Board (see paras. 205 and 212); and to grant rebates on such loans (sec. 27).

200. The Ordinance also contains provisions authorizing the expropriation or suspension of owner's or occupier's rights in or over land for reclamation or conservation purposes (section 26 (1); for text, see paras. 168-170).

201. By Proclamation No. 52 of 1953, the Administrator established soil conservation districts under the Ordinance (SWAG 1799, pp. 1139-40).

202. In the accounts of expenditure for the year 1953-54, under the budget heading for agriculture, the following sums were listed showing appropriations and expenditure under the Soil Conservation Ordinance, 1952:

	<u>1953-54</u>	
	<u>Allocation</u>	<u>Expenditure</u>
Soil Conservation (Ord. 28 of 1952)		
1. Subsidies (sec. 27 (c))	£20,000	- 19/
2. Conservation works (sec. 25 (i))	£ 6,500	£ 6,645
3. Conservation works in Native Reserves (sec. 25 (i))	£ 3,400	£ 3,728 <sup>20/</sup>
4. Members' allowances	£ 100	£ 17
Totals	£30,000	£10,390

(SWA, Accounts, 1953-54, p. 53).

Promotion of Farming Interests Ordinance

203. In 1952, the Legislative Assembly passed the Promotion of Farming Interests Ordinance, No. 29 of 1952, providing for the establishment of a Farming Interests Fund to be used to promote and further the interests of farmers, groups of farmers and recognized farmers' organizations by means of grants and advances of money. The Ordinance was brought into force on 1 September 1952 and the Fund was established on the same date (GN 248/1952).

19/ The accounts noted that municipalities did not avail themselves of subsidies as was anticipated.

20/ The accounts indicated that the increase of expenditures over allotment was due to unforeseen increases in prices of materials.

204. In terms of the Ordinance, which was amended by Ordinances No. 10 and No. 21 of 1953 (SWAG 1771, p. 482; SWAG 1774, p. 589), and Ordinance No. 10 of 1954 (SWAG 1840, pp. 808-809), the assets of the Fund consist of the following:

- (a) all moneys in the Water and Veld Conservation Account of the Territorial Development and Reserve Fund, which account is abolished by the Ordinance;
- (b) grants or loans made directly by the Assembly;
- (c) interest and repayments on advances made under the Ordinance;
- (d) 75 per cent of the levies imposed on slaughtered livestock (under section 5 of the Meat Trade Control Ordinance, 1935) including 75 per cent of the levies standing to the credit of the relevant levy fund as of 1 September 1952;
- (e) 75 per cent of the export duty on karakul pelts, paid by buyers as from 1 April 1952 (date fixed by GN 289/1952), and paid by producers as from 1 April 1953 (section 3 of Ord. 29 of 1952, as amended by Ord. 10 of 1954).

205. The Ordinance provides that advances or grants from the Fund may be made by a Farming Interests Board, composed of the Chairman or a member of the Land and Agricultural Bank, a member of the Land Board, a senior engineer of the Administration, one member to represent the sheep farmers and one to represent the cattle farmers of the Territory (sections 4, 9, 11).

206. In terms of the Ordinance (sections 13, 15) advances may only be made to registered owners of land or to lessees of holdings under the Land Settlement Proclamation, 1927, and only upon the following security:

- (a) a mortgage of immovable property whereof the borrower is the registered owner; or
- (b) a hypothec of movable property of which the borrower is the owner and in respect whereof he has the right of use and disposal, or of moveable property which he has purchased with the proceeds of the advance; or
- (c) a cession of any right of which he is entitled to dispose; or
- (d) in the case of a lessee, a hypothec of a deed of lease under the Land Settlement Proclamation, 1927, whether the option to purchase the property leased has been exercised or not.

207. The Board may make advances for all or any of the following purposes:

- (a) the building of dams and contour walls;
- (b) the making of wells and boreholes;
- (c) the purchase of machinery, material and equipment to enable supplies of water to be obtained and maintained;
- (d) the carrying out of schemes whose object is the promotion of veld, soil and water conservation and soil reclamation;
- (e) fencing, including the fencing of camps;
- (f) the construction and maintenance of soil conservation works and the purchase of equipment therefor, the sum for such equipment in each individual case not to exceed £200;
- (g) the production of agricultural products or manufacture of commodities from agricultural products and the marketing of such products and commodities;
- (h) the assistance, in the interests of the farming community as a whole, of any particular branch of agriculture,<sup>21/</sup> (section 9 (1)).

208. The amount which the Board may advance to any one person under the Promotion of the Farming Interests Ordinance, 1952, must be not less than £200 or more than £1,500, provided that in special circumstances and with the Administrator's approval, the maximum may be increased to £2,000. The rate of interest payable by the original debtor is set at 3 1/2 per cent per annum (section 14).

209. Under a provision introduced by Ordinance No. 10 of 1954, the Board may grant rebates on these advances.

210. The 1954 amending Ordinance inserted a further provision authorizing the Board, in the interests of the farming community as a whole, to advance up to £5,000 to any person engaged in a particular branch of agriculture. Such an advance is not to be governed by the provisions of the Ordinance specifying to whom advances may be made or by the provisions relating to the amount, period and conditions of advances and to the security of advances, but is to be made on such terms and conditions and against such security as the Board may deem fit and subject to the prior approval of the Administrator.

---

<sup>21/</sup> Paragraph (h) was inserted by Ordinance No. 10 of 1954.

211. Grants of money may be made by the Farming Interests Board for all and any of the following purposes:

- (a) agricultural research, and for bursaries in connexion with agricultural study;
- (b) for the carrying out of schemes whose objects are the promotion of veld, soil and water conservation and soil reclamation;
- (c) investigations into the water resources and supplies of the Territory, either generally, or in respect of any particular area or place;
- (d) the education and instruction of the general public in regard to agricultural products by means of advertising, lectures, the issue of books and pamphlets and the publication of photographs, or in any other manner that the board may deem fit;
- (e) the production of agricultural products or manufacture of commodities from agricultural products and the marketing of such products and commodities;
- (f) the assistance in the interests of the farming community as a whole, of any particular branch of agriculture (section 11 (1)).<sup>22/</sup>

212. In addition, under a provision introduced by Ordinance No. 10 of 1954, the Board may, on the recommendation of the Soil Conservation Board (see paras. 192 and 199), pay subsidies or make grants to the owner or occupier of any land in connexion with any soil conservation works or measures which he constructs or applies to that land in accordance with a soil conservation plan applied to that land.

213. The Promotion of Farming Interests Ordinance, 1952, as amended, contains no provisions specifying the minimum or maximum amounts of the grants which may be made under the Ordinance nor does it specify to whom such grants may be made, except in so far as the Farming Interests Fund is to be used to promote and further the interests of "farmers, groups of farmers and recognized farmers' organizations".

---

<sup>22/</sup> Section 11 (1), listing the purposes for which grants may be made, was substituted for section 11 of the original Ordinance by Ordinance No. 10 of 1954. Apart from minor amendments, paragraph (f) represents the new provision thus introduced.

214. In December, 1953, responsibility for accounting for all transactions of the Farming Interests Fund and for submitting annual statements was assigned by the Administration to the Farming Interests Board; the Ordinance had not yet been amended by 31 March 1954 to provide for the audit of the accounts of the Fund. A large portion of the moneys in the Fund was, however, still held by the Administration. These moneys totalled £606,370 as of 31 March 1953 and £806,469 as of 31 March 1954 (SWA Accounts, 1952-53, 1953-54).

215. On the basis of information available from the report of the Land and Agricultural Bank of South West Africa, the Farming Interest Board had granted loans to the extent of £91,105 as of 31 March 1954. Bonds and hypothecs numbering 42, and amounting to £42,685 had been duly registered and partly paid out, while 38, amounting to £44,470, had been carried forward to the financial year 1954-55. In addition, six grants, totalling £48,100, had been made, of which two, for £2,800, had been carried forward for payment during 1954-55 (SWA, Land Bank, 1953-54, p. 4).

216. During 1952-53 and 1953-54, grants totalling £45,000 were made from the Farming Interests Fund to the Karakul Industry Development Fund, and allocated by the Karakul Industry Advisory Board for an advertising campaign in the United States of America and Europe (SWA, Accounts, 1953-54, pp. 37, 99).

217. Further information concerning the disbursements from the Farming Interests Fund are not available.

#### Other Expenditure for Conservation Purposes

218. In addition to the amounts identifiable as spent under the Soil Conservation and Farming Interests Ordinances, items listed under various headings of the territorial budget show expenditure which appears to have a bearing on water and veld conservation.



219. Expenditure on water conservation (under the budget heading "Works"), beginning in 1949-50, is as follows:

<u>Year</u>	<u>Expenditure</u>
1949-50	£ 23,383
1950-51	£ 28,427
1951-52	£ 45,313
1952-53	£137,855
1953-54	£222,417 (includes £ 146,030 spent on Walvis Bay Water Scheme)
Total	£457,395

220. Expenditure on measures for encouragement of tree-planting and experimental work in combatting soil erosion and the control of sand dunes (under the budget heading "Miscellaneous Services"), is given below for the years 1949-50 to 1953-54. Although allocations were made for 1947-48 and 1948-49, the accounts indicated for those years that the scheme was not yet started.

<u>Year</u>	<u>Expenditure</u>
1949-50	£ 62
1950-51	£2,240
1951-52	£1,555
1952-53	£2,288
1953-54	£ 220
Total	£6,365

221. Total expenditure for extinguishing veld or grass fires under the same budget heading amounted to £1,320 for the years 1948-49 to 1953-54 (SWA, Accounts, 1945-46 to 1953-54).

#### Statement of Progress of Soil Conservation Measures

222. The following statement is taken from the report of the Land and Agricultural Bank of South West Africa for the year ending 31 March 1954:

According to a general report by the Inspector of farms a great deal of activity, in regard to soil and veld reclamation, is taking place on

farms in the southern districts. He states that farmers are loosening the top-soil on large tracts of barren land and that it is amazing to note how these barren tracts are, in this way, being covered by vegetation. Many earth dams have and still are being built and water, which formerly ran to waste, is now being conserved. Jackal-proof and internal fencing is also being undertaken but owing to the size of the farms and the high costs of the necessary materials, progress is not as rapid as could be expected...

In the past year no noteworthy deterioration as regards soil erosion and over-stocking was observed in the central area. Throughout the whole Territory there is a marked activity in the proper planning of farms with the assistance of, and on the advice of, extension officers attached to the Soil Conservation section of the Agricultural Branch of the Administration (SWA, Land Banks 1953-54, p. 6).

-----

### III. AGRICULTURE

#### Factors Affecting Farming in South West Africa

223. Rainfall plays the determining role in farming in the Territory. Over 90 per cent of the precipitation occurs in the four summer months, December to April, with the remainder scattered over the rest of the year in amounts which do more harm than good to the grazing. Drought and flood are normalities; there is no regularity in their occurrence, and, as stated by the Long Term Agricultural Policy Commission, no cycle can be worked out on the available data that will have any value in the planning of farm management.

224. Sparseness of the vegetation and the high rate of evaporation in arid regions normally retard penetration of rainwater into the deeper soil layers and underground water supplies, and any interference with the vegetation or soil which causes acceleration of run-off or of evaporation tends to reduce penetration (SWA, Agriculture Report, pp. 7-8).

225. Migratory game often destroy crops raised as fodder for dairy cows and frequently leave farms with depleted grazing for stocks and do considerable damage when they graze on grass that should be rested. The jackal and wild dog destroy small stock (SWA, Agriculture Report, p. 20).

226. Veld-burning remains an unmitigated evil in a good grass year. Fire leaves its scar on the veld for many years and its effects may be accentuated where burning is followed by drought and where grazing is allowed on burnt veld before it is given an opportunity to recover (SWA, Agriculture Report, p. 38).

227. The existing railway system presents serious handicaps to farming (SWA, Agriculture Report, p. 34).

228. Stock Diseases. The Territory is singularly free from major destructive stock diseases. The last outbreak of foot and mouth disease occurred during 1949, on the borders of Ovamboland and Angola and along the Okavango River in the Okavango Native Territory. The outbreaks were limited in extent and were soon controlled, partly by live virus inoculation, and partly by copious rains at that time which precluded stock movements and consequent further spread.

229. Rabies occurs in the northern Native territories, and since 1948 cases have also occurred within the Police Zone.

230. Lungsickness occurs in Ovamboland. Sporadic outbreaks of antrax and blackwater occur throughout the Territory, but are readily controlled by prophylactic inoculation.

231. Lamsiekte is one of the more serious causes of stock losses, and the position is aggravated by the prevailing shortage of phosphatic supplements. The production of a vaccine by Onderstepoort has, however, reduced mortality considerably.

232. Horsesickness and bluetongue become a serious menace during wet seasons only, and are well controlled by preventive inoculation.

233. Among small stock the most serious losses are occasioned by verminosis and plant poisoning.

234. Other diseases encountered are brucellosis, dourine, anaplasmosis, piroplasmosis, scab, mange, snotsiekte, sweating sickness, stiff sickness, calf paratyphoid, actinomycosis, actinobacillosis and ophthalmia (SA, Yearbook, 1952-53, p. 1179).

#### Stock losses

235. Stock losses constitute an important factor in livestock farming in the Territory. These fluctuate in accordance with variation in the prevalence of disease or of climatic conditions or in depredations by carnivora or thieves or other minor agencies.

236. The loss from drought overshadows that from disease and other causes. During the serious drought period in 1946, stock losses amounted to more than half the gross value of the agricultural production. Loss from disease in cattle is, however, significant and is accounted for largely by mortality in the gallamsiekte areas. Loss from other causes is insignificant in respect of both large and small stock, if account be taken of the fact that karakul ewes are run until they die of old age at 9-10 years and many cows are run until they die at the age of 10-12 years (SWA, Agriculture Report, pp. 31, 32).

#### Carrying capacity of the land

237. The Long Term Agricultural Police Commission observed that it had obtained a great deal of evidence on this question. Its report stated:

The carrying capacities suggested by farmers naturally vary within the region according to veld type and degree of preservation or of interference; and there are individual farms which appear to have carried 1 beast to 7 ha. with safety for some time. It is generally held that the grazing requirements of a 7,000 to 10,000 ha. cattle farm divided into at least 4 camps with subsidiary camps for calves or for cows during the milking season and with the necessary drinking places is reduced by 1 to 3 ha. per beast after the veld has been brought under rotation grazing management.

In the sheep grazing region the conditions are more diversified than in the cattle grazing region, also it is much larger and is still extending. Apart from this, interference by stock and migratory game has extended over a longer period and has gone much further. Naturally, therefore, will the carrying capacity of the land vary accordingly. Thus on the desert margin side, for instance, 10 ha. to 1 sheep is regarded as the carrying capacity unit, whereas the Kalkrand, the Stampriet Auob and other best sheepveld areas carry 1 to 2-3 ha. Between these extremes lies a great deal of variation (SWA, Agriculture Report, pp. 32, 33).

But whereas, with respect to karakul farming in comparison with other branches of stock farming, circumstances permit a reasonable income with so much less drain on the land, these same circumstances have enticed the speculative and selfish farmer to enrich himself by overstocking his land to a degree which can scarcely be comprehended. This, and not the karakul, has created desert islands far beyond the reach of the actual desert (SWA, Agriculture Report, page 31).

The limit in carrying capacity of land under occupation has been reached on present methods of farming. Increase in numbers of animals can therefore not be expected for the time being and progress must be looked for in improvement of quality instead. Natural conditions limit the extension of mixed farming and crop production, and also restrict the scope for further allotment of land for pastoral farming.

Cultivation of food and fodder crops in the northern districts is of sufficient consequence to warrant systematic investigation of the

possibilities for extension and improvement. Cultivation of sub-tropical and deciduous fruit is in the stage of trial and error and growers need advice on horticulture generally (SWA, Agriculture Report, p. 68).

### Agricultural Production and Market

#### General

238. Live-stock or meat, karakul (persian lamb) pelts and dairy products are the three chief farm products which yield surpluses for export (SWA, Agriculture Report, p. 69).

239. In the south farming is confined principally to sheep and goats, while the central area and the districts of Karibib, Omaruru and Outjo are suitable for both small and large stock. Cattle ranching is carried on extensively in the districts of Gobabis, Okahandja, Otjiwarongo and Grootfontein. The sheep industry is confined almost entirely to karakul breeding. The cattle maintained are either of the beef or dual purpose type, as most farmers are dependent on the return from their dairy produce to meet running expenses, but rely on the raising of slaughter stock for their main source of income. This system calls for an animal with a moderate milk yield, yet capable of producing a useful slaughter animal (SA, Yearbook, 1952-53, p. 1178).

240. In the northern portion of the Territory where the rainfall approximates 20 inches, crops of maize, potatoes, beans, etc., can be produced in some years, although the distribution of rainfall tends to be erratic and cannot always be relied on.

241. Citrus fruits of universally good quality are produced anywhere in the Territory, but insects, chlorosis, root rot, poor strains and other minor difficulties await attention by the horticulturalist; there is no prospect of citrus culture on an export scale, but there is room for extending the growing of other sub-tropical fruits for the household. Early maturing deciduous soft fruits do reasonably well and the growing thereof for home and town use deserves further encouragement by systematic experimentation (SWA, Agriculture Report, p. 28).

242. With respect to the marketing of South West Africa agricultural produce, the report of the Commission of Enquiry into a Long-Term Marketing Scheme for Meat at Walvis Bay contained the following passage:

...It is not clear, to your Commission, to what extent the Union Government has direct control over agriculture in the Territory, other than by war measure. However, as a mandated territory it would appear that the welfare of the Territory is a prime consideration in the mandate held by the Union.

In the circumstances your Commission has gone out from the standpoint that South West Africa unless deterred by war measure proclaimed by Union Parliament, has the right to dispose of agricultural products to best advantage.

The Long Term Agricultural Policy Commission...reported in paragraph 481 that

"The South West African farmer can see no hope to realise the ideals and demands of conservation farming without the safeguards offered by the Union Marketing Act. He realises that, apart from persian lamb pelts, the Union is his natural and only sure market; he therefore prefers to be in the Union Control Schemes, whatever the future may hold for such schemes....."

This view is corroborated by the South West African Agricultural Union which states in a memorandum to the Commission that

"the S.W.A. Agricultural Union regards the Union of South Africa, geographically as well as economically, as the natural market for the meat production of the Territory."

Finally, in a memorandum to the Commission, the South West Africa Meat Trade Control Board states that

"the Board accepts the position that the principal market for the Territory's meat products is in the Union of South Africa."

(SWA, Meat Marketing Scheme, pp. 10-11).

### Farmers' Organizations

243. The farmers of the Territory are organized in local associations and a central union, now federated with the South African Agricultural Union. At the end of 1948 there were 47 farmer's associations with a total membership of just over 2,000, representing thus about 45 per cent of the farmers. This organization is of comparatively recent standing, it was stated by the Long Term Agricultural Policy Commission (1948), but is already recognized as the mouthpiece of organized agriculture and as such its executive can be of great assistance to the Administration in consultations on questions relating to the farming industry:

244. Service-rendering organization is gaining strength through the gradual increase in the number of farmers' co-operative societies (SWA, Agriculture Report, p.34).

#### Government Experimental Farms

245. The Administration maintains three experimental farms, Gellap Ost in the Keetmanshoop District in the south, Neudam near Windhoek in the central area, and Omatjenne situated in the Otjiwarongo District in the north.

246. Gellap Ost is purely a sheep raising station, specializing in the production of the developed shallow curl type of Karakul, and investigating grazing problems in the arid south.

247. Neudam is the principal experimental station; and Karakuls of various types, including grey, brown, and white are being developed there. The main emphasis is on the production of sheep with high quality pelts. Herds of shorthorn and Aberdeen Angus cattle are maintained, and when climatic conditions permit, some field crops are produced.

248. The Omatjenne farm, being more favourably situated, lends itself to crop production, and in addition to fodder crops, produces large quantities of vegetables for disposal to school hostels, hospitals, and other institutions. Karakuls are also kept, but the main activities in regard to live-stock are centred on the herds of Africander, Shorthorn, and Red Poll cattle.

249. Auction sales of purebred Karakuls are held twice a year at each of the farms, and purebred bulls are disposed of once a year in Neudam and at Omatjenne (SA, Yearbook, 1952-53, p.1178).

#### Karakul (Persian lamb)

250. The most important branch of farming, the karakul pelt, has not the protection advantage of price control; the product is sold in open competition at overseas world auctions, where it finds a current price level (SWA, Agriculture Report, page 34).

251. A Karakul Industry Advisory Board, established by Ordinance No.5 of 1939, is empowered to advise the Administrator, inter alia, on any changes of policy



to be adopted in the breeding of karakul sheep, control measures to be adopted from time to time to prevent the export of karakul sheep from the Territory, the marketing of karakul products and generally measures to be adopted for the regulation, control and development of the industry in the Territory (SWA Laws, 1939, pp. 378-380).

252. The Karakul Industry Development Ordinance, 1939 has been amended by Ordinances Nos. 22 of 1952, 21 of 1953 and 14 of 1954 (SWA Laws, 1952, pp. 280-282; SWAG 1774, p. 589; SWAG 1846, p. 862).

253. A Karakul Industry Development Fund, consisting of 25 per cent of the karakul pelt export duty was established by Ordinance 22 of 1952. In 1954 the composition of the Fund was expanded to include monetary grants made by the Legislative Assembly and the Farming Interests Fund and any other monetary grants or donations approved by the Administrator (Ord. No.14 of 1954; SWAG 1846, p.862).

254. The Karakul Breeder's Association of South West Africa was incorporated by a certificate issued in terms of Ordinance No.11 of 1932. At the end of the year 1948 the Association had a membership of 420, all of whom were not necessarily stud breeders. The Ordinance conferred upon the Association, following upon its incorporation, the right:

(a) to register pedigrees of karakul sheep bred in or imported into the Territory;

(b) to the exclusion of any person or body of persons in the Territory, to issue certificates of registration of pedigrees of karakul sheep, and to publish such pedigrees in the form of stud herd or flock books (SWA, Agriculture Report, p.35).

#### Marketing of Pelts

255. The local organization comprises 90 licensed pelt buyers, 20 exporters, 5 local tenders, 2 overseas broker's local branches and the one co-operative institution. Some of the exporters, some of the broker's branches and the co-operative concern have representatives in the Union. The pelt buyers act for the exporters on a salary or commission basis, but some of them also engage in speculative buying.

256. After arrival at the overseas principal or the overseas auction, the course of the pelt is clearly defined and passes through the most direct and customary trade channels (SWA, Agriculture Report, pp. 63-64).

257. The cost of the local service up to the stage where the raw pelt reaches the overseas dealer is estimated at £724,269 or 6s.2d. per pelt on the 1948 quantities and values. This is exclusive of export duty, cost of local handling, packaging, freight, etc. Inclusive of all these liabilities the raw pelt carries to its destination a loading of 8s. and this matter, according to the report of the Long Term Agriculture Commission, had become a cause of great concern to the pelt producing industry.

258. The Commission observed:

The pelt industry cannot support the weight of the local marketing organization at the present high price level of pelts. It would still less be able to carry any such organization if there should be a retrogression in the market. In the present conditions it could not meet the demand for flock improvement or the demand for conservation without financial assistance by the State. Whether the State should be called upon to grant such assistance before the pelt producer's house has been put in order on the marketing side, is a question which would have to be answered in the proximate future, as also the further question, namely, what the pelt producer would do if the State were not in the position to help him (SWA, Agriculture Report, p. 64, paras. 613-14).

259. On 13 May 1952, the Legislative Assembly requested the Administrator to give immediate and serious attention to the question of a propaganda-drive for the marketing of karakul pelts overseas (SWA, LA, 1952, p.56).

260. During 1952-53, an advertising campaign to promote the sales of South West African karakul pelts was launched in the United States of America. Funds totalling £30,000, of which £10,000 was contributed as a grant from the Farming Interests Fund, were transferred to the Consul-General of the Union of South Africa in New York for this purpose. The campaign was continued in 1953-54 and a further £40,000, of which \$25,000 was contributed by the Farming Interests Fund, was transferred to the Consul-General. Expenditure brought to account as of 31 March 1954 for this campaign amounted to £28,531.

261. An advertising campaign was also launched in Europe during 1953-54, from a £10,000 grant out of the Farming Interests Fund. As of 31 March 1954, £1,145 of this amount had been spent in the United Kingdom and Germany (SWA, Accounts, 1953-54, p. 37).

262. Following is a table of karakul pelt exports, and values, for the years 1944 to 1953.

KARAKUL (PERSIAN LAMB) EXPORTS FROM SOUTH WEST AFRICA

Year	Number of Pelts	Value £	Average per pelt
1944	2,529,327	3,477,825	27/6
1945	2,392,657	3,828,251	32/-
1946	2,223,524	4,117,808	37/-
1947	1,947,670	3,546,262	36/5
1948	2,040,145	4,176,963	40/11
1949	2,398,863	3,160,885	26/4
1950	2,607,327	5,061,360	38/10
1951	2,574,641	5,409,951	42/-
1952	2,504,925	5,641,198	45/-
1953	2,838,422	5,038,199	35/6

Source: Land Bank, 1948-49, 1951-52, 1953-54.

263. In view of the drop in prices of karakul pelts during 1953, farmers found it more profitable to raise lambs with low grade pelts as wethers (hamels), rather than sell their pelts at very low prices. The increase in sheep exports to the Union in 1953 for which farmers received most satisfactory prices, was attributed primarily to the drop in the price of karakul pelts (SWA Annual, 1954, pp. 103-104).

Restriction on export of stud sheep

264. The export of karakul sheep "capable of breeding" has been controlled since 1929 with the object of protecting the karakul sheep farming industry. This includes export to the Union of South Africa. Control, effected by means of permits, has developed into total prohibition of export, except that permits are issued when necessary for transfer of karakul sheep from drought affected parts to the Union on condition that a like number of karakul sheep are eventually returned to the Territory. While it had been recommended by the Karakul Advisory Board and the Karakul Breeders Association that export to the Union be permitted on condition the Union prevent re-export, and this had been accepted by the Union Minister of Agriculture and Forestry on behalf of the Government, the large majority of members attending the 1948 Congress of the South West Africa Farmer's Union opposed export to the Union. The 1949 Congress confirmed this decision.

265. In view of the amount of smuggling, however, the Long Term Agricultural Policy Commission concluded that the prohibition was ineffective and recommended its abolition. It observed that the prohibition had in effect denied the stud breeder a legitimate income from export to the Union and enriched the intermediaries instead, at the same time making it impossible for the ultimate receiver in the Union to obtain registration of pedigrees of stud animals bred from smuggled sheep (SWA, Agriculture Report, pp. 45-46).

266. Under the Karakul Sheep-farming Industry Protection Amendment Proclamation, 1930 (P.31/1930), as amended, the export of karakul sheep from the Territory continues to require a written permit from the Senior Veterinary Officer of the Territory, who "may insert in such permit such conditions as he may deem fit" (P.31/1930, as amended by P.22/1941, P.24/1951, and Ord. 25/1952). In 1951, however, the penalties prescribed since 1930 for exporting karakul sheep without a permit were raised from a maximum fine of £100 or, in default of payment, imprisonment with or without hard labour for a maximum of six months to:

a maximum fine of £500 or, in default of payment, imprisonment for a maximum of three years "or to such imprisonment without the option of a fine, as well as to forfeiture of the sheep forming the subject of the offence" (P.24/1951).

Cattle and Small Stock Farming

267. A Meat Trade Control Board was constituted under the Meat Trade Control Ordinance, 1935 (No. 8 of 1935), to advise the Administrator in all matters dealing with the meat trade, export of livestock from the Territory, and the location of new markets, and generally to recommend all necessary steps to be taken for the promotion of the welfare of the meat industry or meat trade in the Territory.

268. Under the Ordinance and regulations thereto, no cattle, sheep, goats or pigs may be exported from the Territory except under a permit issued by the Board. Quotas for such export are allotted by the Board, which has absolute discretion to make such allotments as it deems fit. Any bona fide farmer or bona fide speculator in livestock, duly licenced, may apply for a quota for such export, and the Board has discretion to decide, for the purpose of allotting a quota, whether an applicant is a bona fide farmer or a bona fide speculator (Meat Board Report, 1952, pp. 3-4).

269. The South West Africa Meat Trade Control Board maintains permanent contact with the Union Livestock and Meat Industries Control Board on which the Territory is represented. The latter Board, among other functions, fixes the quotas for livestock imports from South West Africa to the controlled markets in the Union, principally Maitland (Capetown), Johannesburg and Port Elizabeth. These quotas are made out with a view to restricting the import to South Africa in times of optimum offerings in the Union on the one hand, and to supplementing the Union market in times of need on the other (SWA, Meat Board, 1949-50, p.7).

270. There is no fixed quota for export of cattle to the Union. The quota in normal times is:

Maitland (Capetown)	2,500
Johannesburg	1,500
Port Elizabeth	<u>500</u>
Total	4,500

(SWA, LA, 1953, p. 15).

271. During 1952, the quota for Maitland was reduced to 1,600 at the beginning of April and remained at that level until August, when it was increased to 1,850, remaining at that level for the rest of the year.

272. The quota for Johannesburg was abolished entirely for the first five months, and fixed at 1,400 per week from the beginning of June until 1 September, when it was increased to 2,400, at which level it remained until the end of the year; by that time, however, South West Africa was unable to make full use of this quota.

273. The quota for Port Elizabeth was frequently reduced to 300 or 400 and these fluctuations occurred at very short intervals making it difficult to comply with the quota.

274. To compensate for the reduction in exports to the Union, cattle were slaughtered at Walvis Bay from 21 May to 27 August 1952. A quota of 1,000 per week was originally imposed locally, but had to be reduced to 900. A total of 13,248 cattle were slaughtered during the period.

275. The quota at the beginning of 1953 was fixed at 1,500 to Maitland and nothing for Johannesburg or Port Elizabeth. On representations by the South West Africa Meat Board, supported by the farmer's union, through the Administration, a quota for 500 for Johannesburg was granted at the end of January. This quota was withdrawn in March, however. The Meat Board pressed for an increase in the quota, but Union markets were still heavily overstocked, and the Administrator informed the Legislative Assembly in March 1953 that if there was no relief in the situation soon, consideration would have to be given to operating at Walvis Bay again during 1953 (SWA, LA, 1953, pp. 14-15). A total of 20,633 head of cattle were slaughtered at Walvis Bay during the balance of the year.

276. The table of livestock exports presented below was compiled (except where otherwise specified) from statistics included in reports of the South West Africa Land and Agricultural Bank, 1948-49 to 1953-54. With the exception of 4,074 head of cattle exported to the United Kingdom in 1945, and a few head exported to Angola, Bechuanaland and Northern Rhodesia during 1951, 1952 and 1953, all the livestock exported went to the Union.

LIVESTOCK EXPORTS FROM SOUTH WEST AFRICA

Cattle

Year	Head of Cattle	Exported to Union			Exported to Other Areas	Small Stock <sup>1/</sup>	Pigs <sup>1/</sup>
		Carcasses	Total	Value £			
1944	115,646	3,216 <sup>2/</sup>	118,862		-		
1945	87,354	13,600 <sup>2/</sup>	100,954		4,074		
1946	136,685	10,853 <sup>2/</sup>	147,538	1,196,103 <sup>3/</sup>	-		
1947	120,805	-	120,804		-		
1948	140,469	-	140,469	1,817,082	-	320	42
1949	154,901	-	154,901	2,056,671	-	11,593	4,245
1950	118,644	-	118,644	2,168,200	-	43,867	4,828
1951	108,250	-	108,250	2,165,000	22	90,407	1,600 <sup>4/</sup>
1952	129,786	13,248 <sup>5/</sup>	143,034	3,055,000	54	82,294	-
1953	153,541	20,633 <sup>5/</sup>	174,174	3,891,247	40	60,819	9

1/ Exported for slaughter purposes.

2/ Frozen (including shipping trade).

3/ Source: Agriculture Report, Table III.

4/ The export of pigs was prohibited from mid-August 1951 on account of Swinefever (Meat Board Report, 1951, p.16).

5/ Slaughtered at Walvis Bay (Meat Board Report, 1952, p.10; Land Bank Report, 1953-54).

277. Levies are payable on all stock exported to the Union or slaughtered for consumption within the Territory, but not on any stock, carcasses or meat products which may be exported by sea to markets outside the Union. The entire levy funds were until September 1952 available for subsidies or bounties on the export of stock and for the purpose of fostering the meat industry in the Territory, as well as for Board expenses; any surplus levy was payable into a Reserve Fund.

In 1952, however, 75 per cent of the levy funds (approximately £178,000) and of future levies had to be paid over to the Farming Interests Fund (see paras 203-204), despite the suggestion of the Meat Board that its funds should be used for the purposes laid down in the Meat Control Ordinance, 1935, and that any contribution to the Farming Interests Fund be in the form of a further special levy on stock exported to the Union. In August 1952, the Meat Board pointed out that it would be left with insufficient means if the necessity should arise to support farmers in regard to meat export, and that the "present year had shown distinctly that the Union is not always able - as promised - to absorb all South West African cattle at any time and that the question of subsidising stock farmers makes it necessary that the money collected by the Board for the purposes of supporting the farming community in times of need should be used in the sense of Ordinance No. 8 of 1935 (Meat Board Reports, 1950, p.9; 1951, p.9; 1952, pp.4-5, 12-13).

278. No figures are available for slaughtering for inland consumption and animals slaughtered by canning factories, according to the report of the Meat Board for 1952 (p.17).

279. According to the report of the Long Term Agricultural Policy Commission, residents of all races and ages inside the Police Zone in 1946 had 5.7 ozs. of meat per head per day, inclusive of offal but exclusive of pork, poultry and venison. This comprised slaughterings at the rate of 1 in 50 of the cattle and 1 in 14 of the goat and sheep populations. Local consumption of slaughter pigs during the year ended 31 August 1946 totalled 7870: 1870 on farms and reserves inside the Police Zone and 6,000 in towns. (SWA, Agriculture Report, p. 34).

280. The following table gives the numbers of European-owned animals returned at livestock censuses in 1946 and 1950 and the estimated numbers of Native-owned livestock for those years.



## LIVESTOCK POPULATION

Livestock	<u>1946</u>				<u>1950</u>			
	European- owned (Census return)	Native-owned (Estimated)		Total (Estimated)	European- owned (Census return)	Native-owned (Estimated)		Total (Estimated)
		On European Farms	In Reserves			On European Farms	In Reserves	
Cattle and Calves	1,160,359	19,037	411,554	1,590,950	1,293,304	25,553	290,142	1,608,999
Karakul Sheep and Lambs	2,488,837	<u>1/</u>	<u>1/</u>	2,488,837 <sup>1/</sup>	3,526,723	<u>1/</u>	<u>1/</u>	3,526,723 <sup>1/</sup>
Other woolled Sheep and Lambs	13,743	785	9,886	24,414 <sup>1/</sup>	8,674	1,032	24,171	33,877
Blackhead Persian Sheep and Lambs	11,792	<u>2/</u>	<u>2/</u>	11,792 <sup>2/</sup>	30,802	<u>2/</u>	<u>2/</u>	30,802 <sup>2/</sup>
Other Non-wooled Sheep	44,327	1,557	44,586	90,470 <sup>2/</sup>	50,736	2,367	50,971	104,074 <sup>2/</sup>
Angora Goats and Kids	10,653	380	6	11,039	3,751	1,948	-	5,699
Other Goats and Kids	442,229	106,133	307,753	856,115	851,830	170,758	353,125	1,375,713
Pigs	8,277	39	2,329	10,645	18,280	80	1,507	19,867
Horses	30,909	2,527	4,186	37,622	33,354	5,513	6,357	45,224
Mules	3,537	17	31	3,585	4,560	90	69	4,719
Donkeys	54,538	8,834	16,329	79,701	52,769	11,578	18,979	83,326

Source: SA, Yearbook, 1952-53, pp. 1179-80.

1/ Estimated Native-owned karakul sheep and lambs included under other woolled sheep.

2/ Estimated Native-owned persian sheep and lambs included under other non-wooled sheep.

Long Term Meat Marketing Scheme

281. In January 1950, the South West Africa Agricultural Union proposed a long term agricultural policy scheme for South West Africa meat, directed mainly at using Walvis Bay as the slaughtering and exporting centre of South West Africa. The scheme, envisaging the slaughter of about 3,000 animals per week would require the modernization of the existing Imperial Cold Storage Plant at Walvis Bay and, in addition, a meat factory and complete by-products plant.

282. The scheme was considered by both the South West Africa and the Union Control Boards as well as by a Commission of enquiry appointed by the South West Africa Administration in 1952.

283. The scheme was supported by the South West Africa Meat Trade Control Board. At the request of a Commission of Enquiry appointed in 1952 by the Administrator to investigate the proposed scheme, the Meat Board prepared a memorandum summarizing its views on the subject. The Board, after observing that South West Africa should continue to look upon the Union as the natural outlet for its meat products, provided mutually satisfactory arrangements could be made and maintained, outlined the disadvantages of the existing system of marketing and the advantages of the proposed scheme.

284. With respect to the existing system, the Board stated that South West Africa cattle reach their optimum marketing condition during a limited period of three or four months and it was not always possible to absorb all the Territory's cattle on the Union markets during that period, since the main market cattle areas of the Union also market during the same period. While the Walvis Bay scheme would necessitate slaughtering of stock over as long a period as possible, it was felt that there would be more elasticity in the arrangements for local slaughtering and that it would still be economical to slaughter stock which had lost condition late in the season. The average distance travelled by stock marketed in the Union on the hoof was approximately 1,500 miles, and the distance to Walvis Bay or another inland centre would be no more than about 300 miles, thus ensuring a considerable saving in railage. Referring to the loss in weight and grade during transportation to the Union, the Board stated that carefully controlled tests had shown that the loss of

weight varied from one per cent to 1-1/2 per cent and the loss in condition to the extent of approximately half a grade, representing a considerable loss to the Territory over a year's working. Apart from quota restrictions on Union markets during the peak season, difficulty had also been experienced owing to sudden truck shortages caused by the diversion of trucks for other traffic.

285. On the other hand, under the Walvis Bay scheme, all by-products would be processed locally and would provide an additional source of revenue. Bonemeal, carcass meal and bloodmeal produced locally would help to meet the shortages of these products; existing shortages presented a major problem, in the view of the Board, since supplies of bonemeal from the Union had virtually ceased. In addition, the South West Africa producer would benefit from the local disposal of hides, as the system of marketing hides in the Union deprived the South West Africa producer of considerable revenue. A local plant equipped for canning the poorer grades of meat and possibly making extract from the weakest grades would provide an outlet for thousands of animals which it was not economical to market on the hoof to the Union, and would have the incidental benefit of facilitating the culling of herds. Apart from these reasons, the Board pointed out that a plant, which it should be possible to modify and extend, was already available at Walvis Bay and that if shipping facilities could be arranged, Walvis Bay was conveniently situated for handling all of the Territory's slaughter stock and for distributing the meat to all the coastal cities and towns in the Union (Meat Board, 1950, pp. 4-6; 1952, pp. 7-9).

286. The Commission of Enquiry into the long-term meat marketing scheme recommended:

- (a) that a Statutory body, on the lines of the Cold Storage Commission of Southern Rhodesia be brought into being for the purpose of handling and slaughtering South West African Slaughterstock within the Territory and the marketing thereof;
- (b) that the capital required to erect and run a works capable of dealing at peak periods with 4,000 cattle per week be supplied by the South West African Administration;
- (c) that such a meat and cold storage works, together with a canning factor on the same site capable of dealing with 25,000 cattle per annum, be erected in the Territory.

In recapitulation we recommend --

- (a) that it should be established whether South West Africa is free to market her produce on any market of her own choosing, unless deterred by war measure;
- (b) that the present split tariff on meat consigned to the Union be converted to a through tariff;
- (c) that negotiations be entered into with the Union Livestock and Meat Industries Control Board in order to ascertain the conditions under which the Union would be prepared to purchase meat from South West Africa.

Your Commission by its terms of reference is limited to a consideration of "slaughtering and marketing livestock through Walvis Bay". Because of our mandate we have dealt in detail with this centre only and have not investigated alternative sites in detail. Nevertheless we believe that it is the principle of slaughtering within the Territory which underline our terms of reference. In consequence we would recommend that because of advantages attaching to inland slaughtering, an alternative site to Walvis Bay be investigated and that particular attention be paid to Okahandja.

Finally, we wish to recommend that the narrow gauge line from Usakos to the north be replaced by a broad gauge, even if it were necessary for the Territory, which controls its own finances, to contribute to this most desirable improvement in cattle transport within the Territory. In the event of a broad gauge to the north being impracticable, and should a works be erected at Okahandja, we wish to recommend that straddling the broad gauge with a narrow gauge from Usakos to Okahandja, receive serious consideration.

#### Dairy farming

287. In 1948, the Long Term Agricultural Policy Commission observed that dairy farming was essential to the agricultural industry of South West Africa, but the natural conditions compelled adoption of the ranch-dairy system with milking confined to a strictly limited flush season and this was incompatible with the production of beef of good quality, even under the most favourable local

conditions of management and grazing. The position was aggravated by the payment of an off-season premium which the Commission considered unsound. 288. Productivity in terms of milk yield was low and must be raised, the Commission stated. The long-term objective should be the rationalization of ranch-dairy farming by concentration in the physical regions best suited thereto, as regards climate, grazing, water supplies, transportation and access to factories and concentration on breeding of slaughter cattle in other parts (SWA, Agriculture Report, p. 69).

289. The Dairy Industry Control Ordinance, 1931, as amended, established the Dairy Industry Control Board of South West Africa. Members of the Board are appointed by the Administrator of the Territory. In 1953, the Board consisted of two members of the Department of Agriculture in the Territory, a producers' representative, a manufacturers' representative, and a farm dairy buttermakers' representative.

290. The Administrator of the Territory is entitled to appoint one person as a member of the Union Board. This member has the same rights as other members of that Board in relation to any matter which affects the Territory. The Union Board consists of eighteen members (SWA, Dairy Board, 1951-1952, p. 16).

#### Functions of the Dairy Industry Control Board of South West Africa

291. The functions of this Board are defined in sections 8 and 9 of the Dairy Industry Control Ordinance, 1931 (No. 16 of 1931). Certain additional functions were added by the Dairy Products Marketing Proclamation, 1939 (No. 32 of 1939).

292. The main functions of the Board are:-

- (a) to co-ordinate the primary production, manufacture and marketing of dairy products;
- (b) to stabilize the prices of dairy products in the Territory;
- (c) to advise the Administrator on all matters relating to the dairy industry and to recommend any matters calculated to promote the general welfare of the industry.

293. To enable the Board to exercise these functions, the Board has, among other administrative powers, the power:

- (a) to register all producers of dairy products and cream depots on such conditions as the Board may determine;
- (b) to impose, with the approval of the Administrator, levies on butter and cheese;
- (c) to control the exports of butter and cheese from the Territory;
- (d) to fix the prices of butter and cheese and butterfat and cheesemilk, etc.;
- (e) to call for returns of production and manufacture of butter and cheese;
- (f) to utilize levy funds to encourage the greater consumption of dairy products and generally to assist the development and betterment of the dairy industry (SWA, Dairy Board, 1950-1951, p. 22).

Registration of Producers of Dairy Products

294. The number of producers of dairy products and cream depots registered by the Board for the years 1951-1952 and 1952-1953 are as follows:

	<u>1951-1952</u>	<u>1952-1953</u>
Creamery Butter	6 <sup>a/</sup>	7 <sup>b/</sup>
Cream and Milk Depots	1	3 <sup>c/</sup>
Factory Cheese	2	4 <sup>d/</sup>
Dried Milk	2	6 <sup>e/</sup>
Casein	0	2 <sup>f/</sup>
Farm Dairy Butter	24 <sup>g/</sup>	28 <sup>h/</sup>
Farm Cheese	2	1

Source: (SWA, Dairy Board, 1951-1952, p. 6)  
 (SWA, Dairy Board, 1952-1953, p. 7).

- a/ One plant was temporarily closed (SWA, Dairy Board, 1951-1952, p. 6).
- b/ Of this total, two plants were registered provided the premises were made to comply with the requirements of creamery buildings and premises (SWA, Dairy Board, 1952-1953, p. 7).
- c/ Two of the three depots were apparently not yet completed (SWA, Dairy Board, 1952-1953, pp. 7 and 18).
- d/ The output of these two additional factories were not expected to be realized until the following season (SWA, Dairy Board, 1952-1953, p. 9).
- e/ This increase over the previous year apparently represents the installation in two additional creameries of equipment for drying buttermilk and the establishment of two additional factories for drying skim milk. The output of these extra facilities were expected to be realized during the following season (SWA, Dairy Board, 1952-1953, pp. 7 and 11).
- f/ These factories were not yet completed (SWA, Dairy Board, 1952-1953, p. 18).
- g/ There were 206 producers of farm dairy butter registered by the Board, of which twenty-four produced and sold butter during the year (SWA, Dairy Board, 1951-1952, p. 6).
- h/ 218 producers were registered by the Board, of which twenty-eight sold butter during the year (SWA, Dairy Board, 1952-1953, p. 7).

Investigation into the Cost of Production of Industrial Milk

295. In March 1953, the Dairy Board undertook a survey in the Outjo cheese milk area. This survey covered eight farms, and the application of the Board's conclusions to the industry as a whole was therefore limited. The Board considered, however, that the investigation had proved useful and that it had arrived at valuable conclusions. The report of the Board set out its findings as follows:

For the eight farms the average number of cows in milk per farm was 161 and the average yield per cow 119 gallons for the year. The gross income from milk per cow for the year was 7.3.6. to which must be added the appreciation of the herd.

Labour, bonemeal and salt were the biggest items of cost. Labour costs amounted to £2.16.0 per Native per month or 21/- per cow in milk per year. The cost of bonemeal and salt about equalled that for labour, and the total of these costs together with dips, vaccines, water supply, depreciation, and a mortality allowance, amounted to 6.1d. per gallon of milk produced.

The difference between these costs, plus the average transport cost of 1.5d. per gallon, a total of 7.6d., and the average realization of milk of 15.1d. per gallon for the year 1952, seems to be a relatively high return, especially when it is compared with the Union figure of 4.8d. per gallon for 1949/50 - the latest figures available at the time of the investigation. The net appreciation of the value of the dairy herd has still to be added to this figure. There was much diversity of opinion on the increase in the value of the dairy herd. The figure of £8 per calf was finally accepted. This amounted to 16d. per gallon, which together with the net income from milk amounted to a return on capital of 23.5d. per gallon.

The investigation thus revealed that in terms of pence per gallon of milk, the milk suppliers made a substantial profit which gave them a return of about 5 per cent on land and 40 per cent on the dairy herd. There is, however, some degree of uncertainty about these results. The value of the calf crop was probably inflated on account of the present high prices of beef and this together with the instability introduced



by the varying production per cow may easily show a higher profit per gallon of milk than represented in the farmers' actual income. This position is emphasized in the case of the small producers who find the price of milk uneconomical even though it can be shown that they make a comparatively high profit per gallon. Their farms are too small to run oxen and surplus heifers and the low milk production per cow gives them a small total income even at a high price for milk. For the small farmer it is economically essential to keep a fairly high producing type of cow, even at the expense of higher costs.

The conclusion arrived at from the investigation was that under the dairy ranching conditions prevailing in South West Africa, with a low production per cow and a low rate of stocking per farm, a relatively high profit per gallon is required to enable the farmer to make an adequate return on capital.

The investigation confirmed what is generally acknowledged, viz., that there is a tendency amongst cattle farmers in South West Africa to change over from dual purpose types of cattle to beef types, and to stop milking altogether; in other words, milk and cream production suffer from strong competition from beef. The present high prices for beef and the acute labour shortage on many farms are sufficient reasons for the farmer to declare that the "time wasted and the nuisance and trouble involved in milking" are not worth the £300 per annum per 100 cows which it is estimated can be gained from milking. A strong counterclaim, however, is the fact that milking supplies the farmer with a convenient monthly cash income, as compared with the long period he has to wait for his oxen to mature; interest over longer periods on the capital invested; the risk of losses; and the risk of not being able to market at the best time; and last, but not least, that milking tames the cattle and accustoms them to being handled, when otherwise they would become wild (SWA, Dairy Board, 1952-53, pp. 19-21).

#### The Casein Industry

296. The Dairy Board has undertaken to find a stable and profitable market for casein. During 1953, a research chemist analysed a number of samples of farm casein of various qualities; prepared a scale of points for grading farm casein;

carried out experiments in casein-making on farms; and prepared a pamphlet on improving the quality of casein produced on farms. The manufacture of butter by the Fritz and Alfa continuous buttermaking machines, the high acid content of dried buttermilk produced by certain creameries, and the reaction of certain preservations when added to milk were also investigated.

297. The pamphlets on the improved method of producing farm casein were to be circulated to farmers through the creameries and agents. The method, however, would require a good deal of additional care and attention on the part of the farm, and still the casein, though much improved, would not be up to the standard required for human consumption, and this standard would obviously fetch the highest prices. The Dairy Board reported that the research chemist and technical officers were agreed that casein of the standard of quality required for human consumption could only be produced under controlled factory conditions. Two such factories were soon to be established, one at Kalkfeld and the other at Otavi. The price paid for milk would be the same as for cheesemilk, and it was anticipated that the production of milk in these areas would be increased due to the enhanced prices and the reduction in labour and trouble.

298. The Dairy Board stated that these factories would be convertible and would be able to produce casein and by-products such as lactose, albumin, etc., or dried skim milk, depending upon prices and market requirements. It was further anticipated that, once the factories were established and a blueprint of the process, plus costs and realizations, were available, a number of such casein or dried skim milk factories would be established in the dairy ranching areas of the Territory, particularly by the existing creameries, which would then have the additional benefit of increased supplies of freshly separated high quality cream for buttermaking.

299. The Board considered that such factories would be of great benefit to the dairy industry, which had been confined to the production of cream and butter and constantly threatened by the competition of margarine.<sup>23/</sup> By producing more

---

<sup>23/</sup> On 22 June 1950, the Union passed the Dairy Industry Control Amendment Act, 1950, providing for the manufacture of margarine (SWA, Dairy Board, 1949-50, page 26). By Proclamation No. 3 of 1951, the importation of margarine into the Territory was prohibited except under license granted by the Administrator (SWA, Dairy Board, 1950-51, p. 20).

cheese, dried skim milk, high quality casein and other by-products, the industry would make the fullest use of all the constituents of milk. The farmer would gain by receiving a higher price for his milk than for cream plus farm casein, and at the same time be relieved of the necessity of separating the milk into cream and converting the skim milk into casein. Casein-making on farms was not desirable, the Board stated, nor was the farm anxious to produce it. The best solution to the problem of farm-produced casein was to divert the whole milk to a factory, or, in other words, to change the dairy industry from processing cream to processing milk. An important factor in making this change, the Board reported, might be the addition of preservatives to the milk on the farm; if the investigation into this matter proved successful, it would solve the problem of milk arriving sour at the factory and reduce transport costs by enabling farmers to send milk every second day during the winter and off-season period.

300. The Board anticipated that the factories would also co-operate in its project of improving and making more saleable the farm-produced casein. No easy solution to this question was visualized, the Board stated, one of the biggest obstacles in refining the casein being that the process must be economically practicable. Refining casein would be a costly and uneconomic process. It could only be investigated after the casein factories were established (SWA, Dairy Board, 1952-53, pp. 18-19).

#### Price Fixing of Dairy Products

301. In its 1950-51 report, the Dairy Board stated that the fixing of prices of butter and cheese in the Territory was transferred from the Union Price Controller to the Board (SWA, Dairy Board, 1950-51, p. 24). In its 1952-53 report, the Board noted that it does not fix prices for farm dairy butter, farm cheese, dried buttermilk or casein.

302. The wholesale and retail prices of creamery butter were increased by 1 1/2d. per pound on 1 November 1952 and again by 1 1/2d. on 1 June 1953. The price of cheesemilk was reduced by 1d. per gallon on 1 November 1952, and increased by 2 1/2d. per gallon on 1 June 1953. The price of cheese was increased by 2 1/2d. per pound on 1 November 1952 and again by 1/2d. on 1 June 1953 (SWA, Dairy Board, 1952-53, pp. 14-15).

### Levies on Dairy Products

303. The following levies were imposed by the Dairy Board during 1952-53:
- (a) A levy of 1/2d. per lb. on creamery butter; of this amount .04d. per lb. is payable to the Union Control Board on all creamery butter exported to the Union, and the balance is paid into the territorial Butter Price Stabilization Account, the funds of which are intended for the furtherance of the interests of the butter industry.
  - (b) A levy of 1d. per lb. on farm dairy butter, paid into the Butter Price Stabilization Account.
  - (c) A levy of 1 1/2d. per lb. on factory cheese, of which .05d. per lb. is payable to the Union Board, the balance being paid into the Cheese Price Stabilization Account.
  - (d) A levy on 1d. per lb. of farm cheese, of which 1/4d. per lb. is payable to the Union Board, and the balance into the Cheese Price Stabilization Account. (SWA, Dairy Board, 1952-53, pp. 15-16).

### Subsidies on Dairy Produce

304. In its 1952-53 report, the Dairy Board noted: "at present the Territory is also at a disadvantage, owing to increased production in the Union. The high production lowers the Union's manufacturing costs, which in turn means lower butter prices and less in subsidies" (SWA, Dairy Board, 1952-53, p. 22).
305. The Board obtained from the Union Treasury a subsidy of 1.882 pence per pound on all South West Africa butter sold in the Union.
306. The Board itself pays a variety of allowances, including allowances to creameries on transportation and depreciation on manufacturing costs.
307. The Board also paid a premium to manufacturers of 1d. per lb. on cheddar and sweet milk cheeses of a particular size (SWA, Dairy Board, 1952-53, pp. 23, 26).
308. In 1951-52, in accordance with the recommendations of the Long Term Agricultural Policy Commission, the Board discontinued the payment of winter premiums on butterfat and cheese milk (SWA, Dairy Board, 1951-52, p. 14).

### Rationing of Dairy Products

309. In its report for 1951-52, the Dairy Board stated that at no time had the sale of dairy products been rationed in the Territory (SWA, Dairy Board, 1951-52, p. 5). The report for the following year stated, however:

During the months of October and November, 1952 there was a temporary shortage of creamery butter. The shortage was due to the low production during this period and to supplying as much butter as was possible to the Union, where the rationing of butter was down to 60 per cent.

The average consumption of butter is about 30,000 lbs. per week, and due to panic buying by the public in October, the sales rose to 40,000 lbs. per week. The Board was therefore obliged to introduce an unofficial rationing of butter and to prohibit the export of butter to the Union. Fortunately good rains fell in Gobabis district and by the end of November production of butter exceeded the sales, and the temporary restrictions in the sale and export of butter were removed (SWA, Dairy Board, 1952-53, p. 12).

### Production and Exports of Dairy Products

310. The table reproduced below shows the production and value of dairy products in the Territory as well as exports and the value of exports. In terms of the Dairy Products Marketing Scheme, all butter and cheese not consumed in the Territory are marketed through the pools operated by the Union Dairy Industry Control Board (SWA, Dairy Board, 1952-53, p. 12). The difference between production and exports would therefore appear to represent consumption in the Territory.

### Crop Farming

311. In June 1951 the Administration appointed a Grain Board to work out a scheme for marketing mealies and wheat grown in South West Africa. Under the scheme, as finally approved by the Executive Committee, milling agents appointed by the Grain Board purchased wheat or mealies from producers at a minimum price fixed by the Board at the beginning of each season. If the millers then resold, at prices also fixed by the Board, they and the Board

	BUTTER (Creamery and Farm Dairy)			FARM DAIRY BUTTER		FACTORY CHEESE			FARM CHEESE			DRIED MILK		CASEIN		TOTAL VALUE OF DAIRY PRODUCTS
	Production lbs.	Value £	Exported to Union <sup>1/</sup>	Production lbs.	Value £	Production lbs.	Value £	Exported to Union <sup>2/</sup>	Production lbs.	Value £	Exported to Union <sup>3/</sup>	Production lbs.	Value £	Production <sup>5/6/</sup> lbs.	Value £	
1943/44	10,747,363					94,750										
1944/45	7,854,888					70,051										
1945/46	6,837,376					19,741										
1946/47	7,255,632		5,424,736	9,594		59,323			12,000			58,434				
1947/48	8,340,954		6,780,741 <sup>7/</sup>	9,539		165,775		17,120 <sup>2/</sup>	14,898		5,758	68,399				
1948/49	9,421,803	1,155,614	7,819,653	15,626	1,953	241,067	20,089	4,341 <sup>10/</sup>	14,762	1,230	7,064	39,800	1,161			1,178,094
1949/50	11,817,066	1,517,065	10,425,408	35,450	4,136	400,071	34,107	169,618	15,502	1,298	6,727	61,800	1,803	1,477,596	36,440	1,590,712
1950/51	11,798,139	1,600,401	10,996,801 <sup>8/</sup>	15,600	1,950	580,812	55,521	317,563	18,228	2,010	5,388	11,263	375	1,846,668 <sup>11/</sup>	61,070	1,719,378
1951/52	8,997,189	1,270,000	7,573,466	20,100	2,596	816,916	82,260	489,472	19,285	1,929	7,908	29,641	1,233	2,458,741 <sup>12/</sup>	48,427	1,503,851
1952/53	8,615,720	1,322,197	6,557,176	23,500	3,525	766,967	82,390	433,421	13,903	1,738	6,051	17,100	570	1,129,240 <sup>13/</sup>	36,999	1,443,594

- <sup>1/</sup> Only creamery butter was exported.
- <sup>2/</sup> Total farm dairy butter production was consumed in the Territory.
- <sup>3/</sup> The farm cheese exported to the Union was of the Limburger type.
- <sup>4/</sup> All the dried buttermilk production was exported to the Union.
- <sup>5/</sup> All the casein produced was exported. Most of it went to the Union (See footnotes 11, 12, and 13 below).
- <sup>6/</sup> Casein production figures are for the calendar year, viz. 1949/50 = 1949.
- <sup>7/</sup> An additional 104,500 lbs. was exported to Belgian Congo and 12,500 lbs. to French Equatorial Africa.
- <sup>8/</sup> An additional 119,100 lbs. was exported to Belgian Congo and 112,000 lbs. to Bermuda.
- <sup>9/</sup> An additional 10,554 lbs. was exported to neighboring Territories.
- <sup>10/</sup> An additional 2,005 lbs. was exported to neighboring Territories.
- <sup>11/</sup> 341,324 lbs. was exported to Germany, the balance of this production was exported to the Union.
- <sup>12/</sup> 439,164 lbs. was exported to Germany, 42,676 lbs. to the United Kingdom, the balance of the production was exported to the Union.
- <sup>13/</sup> 23,170 lbs. was exported to Germany; the balance of the production went to the Union.

were paid subsidies. With effect from the 1953-54 season, however, subsidies at a higher rate, were paid direct to the producers instead of to the millers, and were fixed on the following basis:

	<u>Producer</u>	<u>Grain Board</u>
Mealies - 203 lbs.	2s.6d.	2s.8d.
Wheat - 203 lbs.	24s.0d.	2s.0d.

312. For the 1953-54 crop of mealies, subsidies of £599 and £638.18s.8d. were paid to producers and the Grain Board, respectively. For wheat during the same crop year, producers received a total of £6,630 and the Grain Board a total of £552.10s. in subsidies (SWA Accounts, 1951-52, p. 19; 1953-54, p. 24).

313. Subsidies were also paid on imports of mealies from the Union. These subsidies were progressively reduced from 7s.4d. per bag on 1 January 1953 to 5s.6d. per bag on 31 December 1954 (SWA, LA, 1955, p. 16).

314. On 13 May 1954, the Legislative Assembly voted to consider measures to stabilize the mealie industry when such action became practicable. Owing to the fact that a considerable amount of capital had already been invested in implements and the preparation of lands, the resolution stated, it was essential that better and more definite control be exercised over this product (SWA, LA, 1954, p. 34).

315. On 15 May 1952, the Legislative Assembly requested the Administrator to consider the advisability of a subsidy for cut tobacco cultivated in the Territory to enable it to compete in price with similar products from the Union and elsewhere (SWA, LA, 1952, p. 62).

316. In August of that year the Administration decided to pay farmers a subsidy of 10d. per pound on all cut tobacco produced and sold for consumption in South West Africa. Although £10,000 was appropriated for this purpose for the financial year 1952-53 and again for 1953-54, the anticipated claims were not made. Subsidies actually paid out amounted only to £553.1s.8d. during 1952-53 and to £616.0s.10d. during 1953-54 (SWA, Accounts, 1952-53, pp. 21, 57; 1953-54, pp. 24, 59).

317. Statistics showing agricultural production for the years 1939, 1946 and 1950 are given in the table below, including, for the year 1939 only, the area of land cultivated. Later production figures for mealies indicate that approximately 80,000 bags (203 lbs. per bag) were produced during 1953 and approximately 250,000 bags during 1954; imports from the Union during 1953 and 1954 amounted to approximately 198,000 bags and 143,500 bags, respectively. The total of production and imports should represent local consumption (SWA, LA, 1955, p. 16).



## CROP PRODUCTION

	<u>1939</u>		<u>1946</u>				<u>1950</u>			
			By Natives		Total	By Natives		Total		
	By Europeans		On European Farms	In Reserves		By Europeans	On European Farms		In Reserves	
Area cultivated (hectares)	25,774									
Wheat (lb)	1,259,400	1,455,200	5,400	112,200	1,572,800	1,247,400	-	181,000	1,428,400	
Maize (lb)	11,318,000	3,413,600	14,000	40,200	3,467,800	25,437,800	254,000	11,505,200	37,197,000	
Kaffir-corn (lb)	92,800	21,800	2,000	100,000	123,800	198,600	13,600	20,101,200	20,313,400	
Potatoes (lb)	550,050	98,250	150	300	-	488,475	-	-	488,475	
Beans (lb)	-	96,600	-	-	-	66,000	800	-	66,800	
Tobacco (lb)	12,035	-	-	-	-	162,440	-	-	162,440	

Source: SA, Yearbook, 1948, p.1175; 1952-53, p. 1178.

CHAPTER T

FORESTS

QUESTION 113

State the main provisions of the forest law (if any). Does it provide for the protection of forests and for afforestation of cleared or wastelands?

1. The main provisions of the Preservation of Trees and Forests Ordinance, 1952 - (Ordinance No. 37 of 1952) - are set out in answer to this question in the information documentation presented to the Committee on South West Africa in 1952 (See A/AC.73/L.3/Add.1, question 113).
2. During 1954, by an amendment to section 16 of the above-mentioned Ordinance, further provision was made for the protection of land from fire (Ordinance No. 22 of 1954; SWAG, No. 1846, p. 884).
3. The Preservation of Trees and Forests Ordinance, 1952, with the exception of section 15 relating to the clearing of firebelts on common boundaries, was applied, together with any amendments made from time to time, to the Rehoboth Gebiet by Proclamation No. 38 of 1952 with effect as from 1 January 1953 (SWA Laws, 1952, p. 38).

CHAPTER U

MINES

QUESTION 114

Is any legislation in force with regard to mines? What are the main provisions? If there is no special legislation on this subject, does the State claim the ownership of the sub-soil?

1. Information relevant to this question, as contained in document

A/AC.73/L.3/Add.1 submitted to the first session of the Committee on South West Africa, concerns:

- a. the Mining Consolidation and Amendment Proclamation, 1940, as amended (paras. 1 - 15);
- b. the Diamond Industry Protection Proclamation, 1939 (paras. 16 - 18);
- c. the Atomic Energy Act, 1948, as amended (paras. 19 - 20);
- d. a reference to the report of the Commission of Enquiry into Mining Legislation (para. 21);
- e. discussion in the South African Parliament and in the Legislative Assembly of South West Africa on:
  - (a) the agreement with Diamond Corporation Limited on marketing of diamonds (para. 22);
  - (b) the Consolidated Diamond Mines of South West Africa Limited (paras. 23 - 24);
  - (c) the Tsumeb Mine (paras. 25 - 27);
  - (d) the taxable income of mining companies (para. 28); and
  - (e) the mining concession to the Bethlehem Steel Corporation Limited (para. 29).

2. The major development in mining legislation in 1954 was the promulgation of a new law, the Mines, Works and Minerals Ordinance, 1954 (Ordinance No. 26 of 1954), which aims primarily at correcting the defects of the Mining Consolidation and Amendment Proclamation, 1940 (Proclamation No. 4 of 1940) and at meeting the requests and complaints of farmers (SWAG, 1847, pp. 891 - 926). This Ordinance was mainly based on the recommendations of the Commission of Enquiry into Mining Legislation.<sup>1/</sup> Except those where the footnotes show otherwise, all of the recommendations of the Mining Commission became law in this Ordinance.

Commission of Enquiry into Mining Legislation

3. As briefly indicated in document A/AC.73/L.3/Add.1, Question 114, paragraph 21, the Commission of Enquiry into Mining Legislation issued its report in May, 1953. It was established in 1951 with the following terms of reference:

- I. Whether the existing provisions of the Mining Law regarding the relation between land owners on the one hand and prospecting, claim holders and mine owners on the other hand, should be amended, and, if so, in what respect.
- II. Whether the policy and existing legislation in respect of the prospecting and mining for minerals are effective, and, if not, what amendments should be made to the law.
- III. Whether the provisions of the Atomic Energy Act of the Union of South Africa in connexion with the prospecting and development

<sup>1/</sup> In this connexion, it should be mentioned that on 16 March 1954, the Administrator stated, inter alia, in his opening speech in the Legislative Assembly that a draft Ordinance arising out of the report of the Mining Commission would be submitted to the Assembly for consideration (SWA, LA, 1954, p. 2).

of possible uranium deposits in South West Africa, conform to the Constitution Act of South West Africa - the Commission being empowered to report and to make recommendations upon the matter.

IV. Whether the various functions and powers vested in the Inspector of Mines under the law work satisfactorily and, if not, what changes should be effected.

V. Whether the existing penal provisions for infringements of the mining law, whether by prospectors, claim holders, mine owners or employees, are effective and, if not, what amendments be made.

(SWA, Mining Report, 1953, pp. 1 - 2).

4. Under item I of the terms of reference, the Commission recommended that:

A. Before a prospector commences operations, he shall present his licence to the land owner or the occupier of the farm. The latter shall then endorse the licence. If the land owner or occupier cannot be found or does not endorse the licence the prospector shall advise him by registered letter of his intention of prospecting on the farm. The prospector shall also report to the nearest Police and supply proof to the Police that the said registered letter has been posted before he proceeds to prospect.

B. When the prospector registers his claim(s) at the Mines Department he shall submit a sketch in triplicate indicating the location of his claim(s), one copy of which shall be sent by the Department to the owner or occupier in question.

- C. Section 29 of the Mining Consolidation and Amendment Proclamation, 1940 (hereinafter called "the Proclamation") shall be amended to empower the land owner to demand without expense to himself that he be shown the beacons of the claim (s).
- D. No claim holder shall be allowed to work his claims before the Inspector has given him written permission to do so; such permission shall only be given if the Inspector is satisfied that such claim holder has made satisfactory arrangements with the owner in connexion with compensation or that any dispute that may have arisen, has been settled by arbitration.
- E. The deposit payable by the prospector for the restoration of the surface to a safe condition and for the compensation of the landowner for damage that may be caused by prospecting operations shall be increased to a minimum of E50.
- F. Before refunding such deposit the Inspector shall advise the landowner of the abandonment of the said claims and enquire whether he is satisfied that they have been left in a safe condition. In the absence of a reply within a specified period and provided the Inspector is satisfied that the claims have been made safe he shall be entitled to refund the deposit. Where the landowner is not satisfied and the Inspector disagrees the matter shall be submitted to arbitration. If Field Officers recommended in this report are appointed, this work can be entrusted to them.

- G. Section 38 of the Proclamation shall be amended to provide that if claims are not converted into mining areas within a period of two years after the date of pegging or if before two years minerals have been recovered and disposed of, the claims shall carry quadruple fees, except with written exemption from the Inspector of Mines.
- H. Mines owners, prospectors and employees shall be allowed to keep dogs on the farm where they operate only with written permission from the landowner or occupier of the farm.
- I. Royalties should not be reintroduced. <sup>2/</sup>
- J. Disputes between farm owners and prospectors, miners and claim holders shall be adjudicated by a Board consisting of the Resident Magistrate as chairman and one representative of each party to the dispute. <sup>3/</sup>
- K. At least two officers shall be appointed to assist the Inspector of Mines in the field work.
- L. If on application from the farmer and after careful investigation the Administrator is satisfied that in a particular area mining and farming operations cannot go on side by side the mining company shall be compelled to buy the farm in question or such portion of the farm as may be found necessary at a price fixed by arbitration with due regard to the sentimental value the farm may have for the farmer.

---

<sup>2/</sup> No provision is made in the 1954 Ordinance for reintroduction of royalties.

<sup>3/</sup> The composition of the board, as provided in the present mining law, is slightly different from that recommended by the Commission. Section 67(2) provides that such board of adjudication shall consist of the Magistrate of the district in which the dispute has arisen, who shall be chairman, together with two Administration officers who, in the opinion of the Administrator, are suitably qualified to serve on such board.

M. In addition to the compensation to owners already provided for in respect of roads, wood and water; damage to the property; diminution of surface value and total or partial interruption of the right of occupation, the landowners shall be paid increased owners' dues and compensation for intangible disabilities as follows:

a. Owners' Dues:

The existing dues shall be increased from 1/- to 3/- per claim per month, and in the case of mining areas from 1/- to 2/- per hectare per year.

b. Intangible Disabilities:

The prospector, claim holder or miner shall pay to the landowner in respect of every employee and his dependents and servants staying with him 2/- per month for each person. This amount shall be paid to the landowner or occupier before or on the 15th of the subsequent month. In default of payment the Inspector may prohibit further operations on the claim or mining area and pay to the owner or occupier any compensation outstanding under this heading from the deposit of £50. (See E above).

N. The status quo re Mineral Rights shall be maintained (two members of the Committee of Enquiry dissented from the recommendation) (SWA, Mining Report, 1953, pp. 7,8,11,12,14,16,18,19,21,23,24 and 32).

5. Under item II of the terms of reference, the Commission recommended that:

O. The definition of minerals shall not be amended at present, except for the inclusion of corundum.

P. The Inspector of Mines be given a discretion to exempt certain mines from certain regulations which serve no good purpose in their case.



- Q. All claims shall be 300 x 600 metres, carry the same fees, and the holder of such claims shall be allowed to prospect for precious and base minerals.
- R. The time allowed for the erection of corner beacons shall be seven days.
- S. The existing law shall not be amended so far as unworked claims are concerned.

T. a. Claim Fees

For the first two years claim fees shall be 5/- per claim per month 3/- of which, in the case of claims on private land, shall be paid to the landowner as owners' dues. After two years, or earlier if minerals are recovered and disposed of, claim fees shall be 20/- per month 3/- of which, in the case of claims on private land, shall be paid to the landowner as owners' dues.

b. Mining Area Fees

In respect of all mining areas the fees shall be 4/- per hectare per year, 2/- of which, in the case of mining areas on private land, shall be paid to the landowner as owners' dues.<sup>5/</sup> (SWA, Mining Report, 1953, pp. 35-37).

6. For the recommendations made under item III of the terms of reference, see Question 2, paragraph 20.<sup>6/</sup>

7. Under item IV of the terms of reference, the Commission recommended that:

- U. a. Board to adjudicate in disputes. As already stated the existing legislation lays too much responsibility on one man and because the

---

5/ Under the 1954 Ordinance prospecting claim fees at the rate of four shillings per month, in respect of each claim must be paid, while the fee on a mining area is three shillings per hectare or part of a hectare per year.

6/ These recommendations were not included in the 1954 Ordinance.

Inspector of Mines is not a farmer by profession there is the danger, however bona fide he may act, that he is subjected to unfair criticism when exercising his duties. Therefore a Board shall be appointed to adjudicate in disputes.

b. Staff of Mining Department.

The Commission believes that many of the complaints of the landowners would disappear if the Inspector had a staff of Field Officers to carry out routine inspections and give farmers assistance and advice. Under present circumstances the Inspector, who also occupies posts such as Inspector of Machinery and Inspector of Explosives, etc. cannot visit all parts of the Territory (SWA, Mining Report, 1953, pp. 41-42).

8. Under item V of the terms of reference, the Commission reported that no complaints were heard in connection with the existing penal provisions, and that what little evidence was given indicated that these provisions are effective. <sup>7/</sup>  
(SWA, Mining Report, 1953, p. 42).

---

<sup>7/</sup> Penalties prescribed under the 1954 Ordinance are generally heavier than those provided in the 1940 Proclamation. For the purpose of illustration, the following example is given:  
Penalties for any person convicted of an offence under the provisions of the mining law for which no special penalty has been provided:  
Under the 1940 Proclamation (section 93) - a fine not exceeding E50, or imprisonment with or without hard labour for a period not exceeding six months, or both.  
Under the 1954 Ordinance (section 8) - a fine not exceeding E200, or, in default of payment, imprisonment with or without hard labour for a period not exceeding twelve months.

The Mines, Works and Minerals Ordinance, 1954.

9. With a few exceptions as indicated in the footnotes above, all the foregoing recommendations of the Mining Commission were incorporated, with minor modifications and drafting changes, in the 1954 Ordinance (see sections 1, 2, 5(3), 17(3), 19(1)(c), 21(5), 24, 26(2)(f)(g) and (3), 29, 30(2), 31, 32(1), 36, 38, 45(1), 65, 66, 67, 69, 70(1), 71, 72(1) and 73). In this connection, it may be noted that section 1 of this new Ordinance continues to vest the right of mining for and disposal of minerals in the Territory in the Administration only.

QUESTION 115

What mineral resources (a) are known to exist, (b) have been leased, (c) are actually exploited by the State or privately ?

1. Information relevant to this question is included in document A/AC.73/L.3/Add.1 submitted to the Committee on South West Africa in 1954, dealing with:
  - a. mineral resources and mining development with respect to beryl, copper, lead, diamonds, fluorspar, gold, graphite, lead, lithium, phosphates, salt, semi-precious stones, tantalite, tin, tungsten, vanadium, zinc and other minerals (paras. 1 - 54);
  - b. mining companies including the Consolidated Diamond Mines of South West Africa, Limited, Tsumeb Corporation, Limited, the South West Africa Company, Limited, and other mining concerns (paras. 55 - 69);
  - c. mineral production from 1946 to 1953 (para. 70); and
  - d. exports and local sales of minerals from 1946 to 1953 (para. 70).
2. In the following paragraphs is given the supplementary information received after the issuance of document A/AC.73/L.3/Add.1. It indicates that mining continues to dominate the Territory's economy, diamonds, lead and zinc being the most important products (see para. 28 below). Among other minerals exploited to which special attention has been given by prospectors and miners are copper, fluorspar, manganese, refractories and tungsten (see paras. 4,5,20,24 and 25 below). An investigation of iron and manganese deposits was conducted by the Bethlehem Exploration and Mining Corporation, with the result that substantial iron reserves were established (see paras. 6-23 below). To promote the development of mineral

resources, the Administration has granted prospecting and mining rights to a number of companies (see paras. 26-27 below). Mining statistics for the years 1950 - 54 show great increase in mineral production and sales (see para. 28 below). The most profitable mining activity is still the diamond mines owned by the Consolidated Diamond Mines of South West Africa, Limited (see paras. 29-33 below). The bulk of base minerals is produced by mining companies, of which the South West Africa Company, Limited and the Tsumeb Corporation, Limited are the largest, though there are also mines operated by individuals (see paras. 29 and 34 below). During 1952 - 54, at least three companies announced increase of their capital to a total sum of £512,000 (see para. 25 below). There were at least five new companies registered in the Territory during 1953 - 54, with a total capital of £360,000 (see para. 36 below).

#### Mineral Resources and Mining Development.

3. The following, obtained from three sources - the South African Yearbook, 1952 - 53, (pages 1181 - 1183 and 1186 - 1187); Union of South Africa, Department of Mines, Quarterly Information Circular, Industrial Minerals, January to March, 1954, (pages 90 - 94); and SWA, Annual 1954, (pages 49 and 51) - is included here to supplement the information given under the same heading in document A/AC.73/L.3/Add. 1, Question 115, paragraphs 1 - 54.

#### Copper

4. The high price of copper has revived interest in several of these old mines, sufficient to attract an individual prospector or two. During 1951 several small occurrences were encountered west of Fransfontein in the Outjo district, and another in the Otjiwarongo Native reserve in the Omaruru district. In 1952 prospecting operations on farm Kopermyn in the Outjo

District and in an area to the north of Lorelei mountains on the Orange River were in progress.

#### Fluorspar

5. In 1952 work was in progress towards the development of an ore dressing technique for beneficiating the crude material to the necessary degree of purity for it to command an export market, and additional prospecting, with the aim of discovering whether or not any subsurface extensions of ore lay to the north of the known occurrences, was being pursued.

#### Iron

6. A consultant of the Bethlehem Steel Corporation of the United States of America realized late in 1951, after his arrival in South West Africa for investigation of iron and manganese resources, that features of the terrain in the Territory were favourable to development. He was also struck with the favourable prospects of transportation of any ores that might be found across the ocean. Lastly, his investigation led him to believe that geologically there were fairly good chances of finding something worthwhile. As a result of his investigations, an application was made to the Administration of South West Africa for a Deed of Grant <sup>1/</sup> to prospect in a number of specified areas. This Deed of Grant was signed in September 1952. The Corporation is granted under the Deed exclusive prospecting rights in the area specified. Its rights expire in January 1955.

<sup>1/</sup> For further information on the concession to the Corporation, see document A/AC.73/L.3/Add.1, Question 114, paragraph 29. It should be pointed out here that the concession was granted to the Bethlehem Exploration and Mining Corporation, which was registered in South West Africa during the period ended 31 March 1952, with a capital of £20,000 (SWAG No. 1669, p. 54).

7. The Deed of Grant differs in various areas but in general the Corporation is mainly concerned with seeking payable deposits of iron and manganese ores. There are six areas.<sup>2/</sup> The first is in the far north in the Kaokoveld,<sup>3/</sup> the second in the Otjiwarongo district, the third in the vicinity of Swakopmund and Walvis Bay, the fourth in part of the Rehoboth, Windhoek and Gobabis districts, the fifth around Bethanie and Seeheim and the sixth in the Keetmanshoop, Aroab, Karasburg area. Information on iron ore deposits found in these and other parts of the Territory is given below.

8. Cauas Okawo-Gragarus. This field is situated in the south-eastern part of Kaokoveld. The Choabendes formation contains horizons of magnetic hematite quartzites. These beds now occur as inliers in the widely distributed Otavi System and are nearly vertically disposed to form prominent monadnocks jutting through the Otavi. Analyses show the grades to vary between fifty-eight and fifty-nine per cent iron with about eighteen per cent silicon dioxide. Where the ore zone reverts to the nature of a ferruginous quartzite the iron drops to a low twenty-one per cent iron with sixty-two per cent silicon dioxide.

9. At 60,000 tons per vertical metre the deposit is an attractive prospect for easy opencast mining but unfortunately it is at present uneconomically situated with respect to either the coast or to the existing narrow gauge railway.

---

<sup>2/</sup> For details regarding the areas in which the corporation holds the exclusive prospective rights, see General Notices Nos. 5 and 23 of 1952 (SWAG, No. 1650, pp. 2413 - 2417; SWAG, No. 1659, p. 2566).

<sup>3/</sup> It may be noted here that one of the conditions under which the concession was granted to the corporation was that, should the concession holder desire to secure mining rights in his prospecting areas, he was entitled to beacon off areas, and after these areas had been surveyed mining rights over them would be granted under the conditions which, in accordance with the mining law, were applicable to mining areas. (Document A/AC.73/L.3/Add.1, Question 114, paragraph 29). In terms of this condition, the corporation has applied to obtain title under Deed of Conversion over three surveyed and beacons areas totalling 12,060.7275 hectares in extent situated in the Kaokoveld beyond the Police zone. (General Notice No. 12 of 1955, SWAG No. 1874, p. 54.)

10. Kaokoveld. Here the thick Otavi dolomites can be divided into a lower and an upper portion, the dividing zone of approximately 100-metre thickness being a succession of glacial muds, coarse sands and conglomerates interspersed with ferruginous shale and, occasionally, thin bands of pinkish dolomite. By virtue of its dark colour imparted by the presence of iron minerals, this zone contrasts clearly with the grey dolomites, and outcrops can be followed easily over great distances.

11. The system is folded slightly into a series of wide, shallow synclines and low anticlines with parallel axes trending north-south. In topographic relief, the ore zone is now exposed along erosional scarps marking the blanks of the wide synclines. The outcrops are therefore characterised by long, straight runs which may converge towards the nose of slightly plunging folds. The dips are generally just sub-horizontal but may in places be disturbed by minor folds within the major structures.

12. The total length of exposure in the central part of the field runs into hundreds of kilometres. One outlying patch north of Ohopoho and another south of Sesfontein have been recorded. As the iron ore content is variable there exists here a huge field for investigation to determine the exploitable parts of the zone.

13. For 1,000 metres downdip from the outcrops, this area contains a minimum of 1,000 million tons of approximately thirty per cent iron ore. Selecting ten per cent as payable ore (plus forty per cent iron) there remains 100 million tons for immediate recovery. At the outset of exploitation only the best grades will be used to pay for the very high cost of establishing



transport and living facilities in this undeveloped terrain which is bordered on the west by a very inhospitable coast.

14. Hydro-electric power and ample water supplies will be available from the Kunene River. Rail connection inland to the two-foot gauge line at Outjo would be completely undesirable for the efficient development of ore in the Kaokoveld. A new direct outlet to the sea will have to be established.

15. The ore as seen on the surface is mostly hematite, magnetite, limonite and in many places is weathered to a deep red ochre. Analyses of specimens collected at various times indicate an iron content varying between thirty-seven per cent and thirty-eight per cent with twenty per cent silicon dioxide.

16. The disadvantage of this field is that it is practically terra incognita and will require extensive study for the engineering approach. The attractive part is that there exist indications of unlimited supplies of iron ore for future development.

17. Gaseneirab. Gaseneirab, is situated halfway between Outjo and Fransfontein in the straight run of hills marking the tilted outcrops of the Otavi dolomite. The ore is visible as a light brown band in between grey dolomite and striking for many kilometres in conformity with the dolomites. It consists of a zone of carbonate rock containing a fair concentration of limonite. No average measurement of width can be given, but this is about ten metres where the road crosses the strike. Although the iron content may be low the ore is attractive as a self-fluxing, easily reducible material. No assays are available.

18. South-east of Windhoek. Two zones of iron ore, striking north-east and south-west, occur over many kilometres within the siliceous phase of the Damara

System. The greatest visible concentration of lenses lies on the farms Tsatsachas and Elisenhohe, about forty kilometres to the south-east of Windhoek, and about thirty kilometres from the railway to the west and also from the railway to the north. The ore consists of original sedimentary material metamorphosed mostly to specular hematite and some magnetite. The estimated tonnage on the farms mentioned when taken to 1,000 metres (ore dips steeply) is hundreds of millions of tons. Many of the lenses are shot with coarse vein quartz while much of the ore at the surface is brittle, flaky specularite. Assays of samples free of coarse quartz range from fifty-five per cent iron downwards.

19. Walvis Bay. About fifteen kilometres inland from the harbour, itabirites, similar to those of the Windhoek area, but generally of lower grade, protrude in patches lying along straight lines through the desert waste. The walls of the lenses, where recently visited, were weather-resistant quartz-garnet granulites. These occurrences are attractive because of their convenient situation for export and the scope they offer for interesting geophysical investigation. Analyses show an iron content varying between 67.7 and 37.7 per cent, plus 17.6 to 46.8 per cent silicon dioxide. An estimate of not less than twenty million tons, taken to a depth of thirty metres, has been made for all the exposed ore grouped together.

20. Otjosondu, 130 kilometres north-east of Okahandja. In an area of twenty-four by eight kilometres numerous lenses of iron and manganese ores occur within quartzites and garnet granulites, which again form part of a thick siliceous inter-calation within the Damara dolomites. All the rocks, including the original

10. Kaokoveld. Here the thick Otavi dolomites can be divided into a lower and an upper portion, the dividing zone of approximately 100-metre thickness being a succession of glacial muds, coarse sands and conglomerates interspersed with ferruginous shale and, occasionally, thin bands of pinkish dolomite. By virtue of its dark colour imparted by the presence of iron minerals, this zone contrasts clearly with the grey dolomites, and outcrops can be followed easily over great distances.

11. The system is folded slightly into a series of wide, shallow synclines and low anticlines with parallel axes trending north-south. In topographic relief, the ore zone is now exposed along erosional scarps marking the blanks of the wide synclines. The outcrops are therefore characterised by long, straight runs which may converge towards the nose of slightly plunging folds. The dips are generally just sub-horizontal but may in places be disturbed by minor folds within the major structures.

12. The total length of exposure in the central part of the field runs into hundreds of kilometres. One outlying patch north of Ohopoho and another south of Sesfontein have been recorded. As the iron ore content is variable there exists here a huge field for investigation to determine the exploitable parts of the zone.

13. For 1,000 metres downdip from the outcrops, this area contains a minimum of 1,000 million tons of approximately thirty per cent iron ore. Selecting ten per cent as payable ore (plus forty per cent iron) there remains 100 million tons for immediate recovery. At the outset of exploitation only the best grades will be used to pay for the very high cost of establishing

System. The greatest visible concentration of lenses lies on the farms Tsatsachas and Elisenhohe, about forty kilometres to the south-east of Windhoek, and about thirty kilometres from the railway to the west and also from the railway to the north. The ore consists of original sedimentary material metamorphosed mostly to specular hematite and some magnetite. The estimated tonnage on the farms mentioned when taken to 1,000 metres (ore dips steeply) is hundreds of millions of tons. Many of the lenses are shot with coarse vein quartz while much of the ore at the surface is brittle, flaky specularite. Assays of samples free of coarse quartz range from fifty-five per cent iron downwards.

19. Walvis Bay. About fifteen kilometres inland from the harbour, itabirites, similar to those of the Windhoek area, but generally of lower grade, protrude in patches lying along straight lines through the desert waste. The walls of the lenses, where recently visited, were weather-resistant quartz-garnet granulites. These occurrences are attractive because of their convenient situation for export and the scope they offer for interesting geophysical investigation. Analyses show an iron content varying between 67.7 and 37.7 per cent, plus 17.6 to 46.8 per cent silicon dioxide. An estimate of not less than twenty million tons, taken to a depth of thirty metres, has been made for all the exposed ore grouped together.

20. Otjosondu, 130 kilometres north-east of Okahandja. In an area of twenty-four by eight kilometres numerous lenses of iron and manganese ores occur within quartzites and garnet granulites, which again form part of a thick siliceous inter-calation within the Damara dolomites. All the rocks, including the original

sedimentary iron-manganese ores, are thermally metamorphosed by widespread granitisation in the area. The iron ores are free hematite (specular) and magnetite, while, in combination with manganese, they occur as magnetic jacobsonite and braunite. Exploitation at the moment aims at recovering only the portions of high manganese content. The iron and manganese combined will probably amount to one million tons per metre of depth.

21. Keetmanshoop District. The Fish River shales and sandstones of the upper Nama system are flat-lying rocks dissected by recent erosion. Within the beds occurs a band of consolidated "black sands", from 0.3 to 1.3 metres thick. The band shows up as the resistant ledge to small scarps around the flanks of dissecting valleys, over an area of many square kilometres. Until recently this occurrence did not attract attention as a possible source of iron ore and hence no estimate of its reserves exists.

22. Kalkfeld and Okorusu. These two occurrences are genetically connected with late-karoo alkali intrusions. Both are replacement bodies in crystalline limestone or dolomite in the Damara and the Otavi systems, which form the roof to the intrusions. The iron ore of Kalkfeld is a lime-rich limonite, which was mined between the years 1908 and 1939. The probable tonnage in the known part of the ore-body is between ten and twenty millions. A compiled average composition gives: ferrous oxide = 50-55 per cent, calcium-oxide = 9.5 per cent, manganese oxide = 5.5-7 per cent and silicon dioxide = 5.3 per cent.

23. At Okorusu, forty-eight kilometres north of Otjiwarongo, nineteen kilometres west of the 2 ft. gauge rail at Otjikongo, iron ore was formed at the contacts of extensive replacement sheets of fluorite against the limestones.

The ore, originally titaniferous magnetite, has been altered to hematite and limonite. The tonnage is considered "to be much bigger" than that of the Kalkfeld deposit. A general assay of the iron ore gives: ferrous oxide = 78 per cent (= 61 per cent iron) and silicon dioxide = 7.33 per cent. The high titanium offsets its otherwise excellent qualities as an iron ore.

#### Refractories.

24. In 1952 the production of Kyanite was started from claims on the farms Bethlehem 29 and Waldeck 28, to the south of Windhoek, and on the farm Rehoboth-Oos, near Rehoboth Rail. The quality of the material was erratic, but steps were taken to provide for more careful selection. Small quantities of sillimonite were produced in the Warmbad district.

#### Tungsten

25. The most extensive occurrence of wolframite is on the farm Pristelwitz No. 128, some 14 miles west of Omaruru, where the Krantsberg mines produced fairly large quantities prior to 1944, when a drop in price caused the mine to close down. Because of enhanced demand and high prices resulting from the stockpile requirements of the western democracies, the mine was brought back into production in 1951. In 1952 prospecting and small scale production took place on the farms Grabwasser, Nakies and Kuduberg in the Warmbad district.

Granting of Prospecting and Mining Rights.

26. The Administration has sought to promote mining development by granting prospecting and mining rights to mining companies. During the period 1953 to January 1955, at least four large companies received such grants - namely, South West Africa Lithium Mines (pty.), Ltd. (base mineral mining rights in Kahlsbrunn); South African Minerals Corporation, Ltd. (exclusive prospecting rights for all except radio-active minerals in two specified areas, one in the districts of Okahandja and Otjiwarongo for three years from 1 August 1954, and the other in the Otjiwarongo district for three years from 1 December 1954);<sup>4/</sup> South West Africa Mineral Holdings, Ltd. (exclusive prospecting rights for all except radio-active minerals in two specified areas, one in the Grootfontein district for three years from 1 November 1954, and the other in the Kaokoveld for three years from 15 January 1955); and the Diamond Mining and Utility Company (S.W.A.), Ltd. (exclusive prospecting rights for all except radio-active minerals within the boundaries of Diamond Area No. 2 as defined in the First Schedule of the Diamond Industry Protection Proclamation, 1939, for three years from 1 October 1954). (See SWAG, No. 1792, p. 1003; No. 1873, p. 12; No. 1874, p. 54; and No. 1879, p. 131).

27. Among concerns which applied during the period 1954 to January 1955 for the conversion of the mineral prospecting claims into mining areas were: the Bethlehem Exploration and Mining Corporation (see footnote 3 above); South African Minerals Corporation, Ltd. (seven areas totalling 1094.8526

---

<sup>4/</sup> The lists of producers of base minerals given below show that this is the only company engaged in mining manganese ores since 1952.

hectares in extent situated in Okahandja district) (see SWAG, No. 1816, p. 301); and South West Africa Company, Ltd. (two areas, one in Goautagab with an extent of 487.6659 hectares and the other in Brandberg West with an extent of 194.9811 hectares) (see SWAG, No. 1865, p. 1364). On the basis of information available, grants had not yet been given to these companies as of January 1955 (SWAG, Nos. 1801 - 1872).

#### Mining Statistics

28. Mining statistics are presented in the following tables:

Table 1. Mineral Production, 1950 - 54.

Table 2. Exports and Local Sales of Minerals, 1950 - 54.



TABLE I. MINERAL PRODUCTION, 1950-54

Mineral	1950	1951	1952	1953	1954
	short tons	short tons	short tons	short tons	(Jan.-June) short tons
Barytes					
Beryl	726	830	592	590	295
Bismuth	16	0.25		0.056	
Cadmium	672	717	556	597	396
Caesium	0.061	19			
Copper (ore and concentrates)	12,289	14,881	15,646	13,493	7,646
Corundum	11				
Diamonds (metric carats)	504,603	502,982	537,450		
Fluorspar	80	859	4,870	5,641	2,315
Gold (fine ounces)	34.94				
Graphite	1,521	2,895	1,305		
Lead	84,877	44,306*	58,249	65,287	37,872
Lithium	9,790	11,842	9,802	10,379	5,101
Manganese	1,095	7,231	29,219	40,655	9,679
Mica	65	125.005			
Phosphates	636*	865	1,846	1,768	908
Salt	18,539	49,148	44,253	45,438	18,228
Semi-precious stones (grm.)	350	27,030	1,807	12,900	4,950
Sillimanite/Kyanite		65	3,001	2,717	140
Tantalite/Columbite	7	2	2.2	8.8	6.85
Tin	182	133	170	290	594
Tungsten	19	41.1*	119.7*	152.08	57
Vanadium	580	1,406*	1,228	1,064	462
Zinc	25,604	16,453*	17,248	17,358	10,603

\* Revised figures

This table is based on: SWA Annual 1951, pp. 107-109; SA Yearbook 1952-53, pp. 1181-1188; Union of South Africa, Department of Mines, Quarterly Information Circular, Industrial Minerals, October to December 1952, p. 69; Ibid., October to December, 1953, p. 75; Ibid., April to June, 1954, p. 75.

TABLE 2. EXPORTS AND LOCAL SALES OF MINERALS, 1950-54

Mineral	1950		1951		1952		1953		1954 (Jan.-June)	
	Ton (2,000 lbs.)	Value £	Ton (2,000 lbs.)	Value £	Ton (2,000 lbs.)	Value £	Ton (2,000 lbs.)	Value £	Ton (2,000 lbs.)	Value £
<b>I. Base Minerals</b>										
Barytes										
Beryllium	403	28,918	442	44,940	659	89,672	591	100,375	272	41,525
Bismuth	13	6,197					0.213	140		
Cadmium			376	*	512	*	504		218	
Caesium	0.061	12	0.2	40	8	1,287	0.25	45		
Copper ore	205	3,499	9	613	283	27,706	99	12,963		
Copper concentrates			11,656	**	16,018	**	13,659		5,799	
Fluorspar			941	4,705	3,570	17,850	5,620	28,100	2,313	11,558
Graphite	725	4,512	2,943	17,960	1,609	9,654				
Lead	81,294	3,144,931	43,151	5,590,976	61,403	8,084,685	65,133	6,667,432	30,523	2,851,587
Lithium	8,134	37,700	8,725	57,324	10,012	72,719	11,989	86,221	3,857	28,784
Manganese			4,037	44,156	27,069	319,901	40,654	463,292	7,499	82,012
Phosphates	683	9,438	865	10,572	1,846	28,849	1,768	27,085	652	11,149
Salt	19,593	44,917	46,289	132,874	38,409	123,239	32,453	101,310	18,709	60,444
Semi-precious stones (gm.)	5.4	40					3,123	1,639	1,217	50
Sillimanite/ Kyanite			55	412	2,362	27,239	1,395	14,850		
Tantalite/ Columbite	3.6	2,806	3.2	3,781	4.1	4,777	7.133	16,833	7.001	11,473
Tin	186	59,432	84	52,206	142	74,864	205	71,952	299	84,069
Tungsten	16.8	6,404	21	36,304	143.8	185,519	197.75	191,230	29	10,453
Vanadium	1,088	128,301	1,201	***	2,387	***	1,166		467	
Zinc	35,123	1,132,638	12,843	1,368,674	17,085	1,666,779	14,861	560,468	14,372	191,214
<b>II. Precious Minerals</b>										
Diamonds (metric carats)	453,030	5,839,245	459,826	8,535,174	546,006.25	10,688,783	621,562	13,584,782	293,687	6,465,941
Gold (fine ounces)	35	400								
<b>TOTAL</b>		<b>10,449,390</b>		<b>15,900,711</b>		<b>21,423,523</b>		<b>21,928,717</b>		<b>9,850,259</b>

\* Included in zinc. \*\* Included in Lead. \*\*\* Included in Lead and Zinc.

This table is based on: SWA Annual 1951, pp. 107,109,125,131,133 and 135; SA Yearbook 1952-53, p.1189; SA Trade Statistics, December 1953, p.21 and June 1954, p.21; Union of South Africa, Department of Mines, Quarterly Information Circular, Industrial Minerals, October to December, 1953, p.77; Ibid., April to June 1954, p.77.

Mining Companies.

29. The mining industry of the Territory appears to be still controlled by three large companies. The principal producers of base minerals are the South West Africa Company, Limited and the Tsumeb Corporation, Limited. The Consolidated Diamond Mines of South West Africa, Limited, is the largest diamond-mining company (SA Yearbook, 1952-53, pp. 1182 and 1184; Industrial Minerals, op. cit., October to December 1953, pp. 86 and 89; Ibid., January to March 1954, pp. 86 and 89; Ibid., April to June 1954, pp. 86 and 89; SWA Annual, 1954, p. 46).

The information given below in paras. 30-33 is from SWA Annual, 1954, p. 46.

30. The Consolidated Diamond Mines of South West Africa, Limited. The total authorised capital of £5,240,000 of the Consolidated Diamond Mines, a company incorporated in the Union of South Africa, is divided into 4,500,000 7 1/2% cumulative preference shares of 10/- each, 4,480,000 of which are issued and fully paid; and 5,980,000 ordinary shares of 10/- each, 5,500,000 of which are issued and fully paid.

31. This company has special mining title, current until the year 2010, to extensive and highly payable diamondiferous deposits extending northwards from the mouth of the Orange River along the Atlantic Coast of the Territory of South West Africa. Large-scale mining and intensive prospecting operations are in progress. The company also owns the whole of the issued share capital of 1,179,518, £1 shares of the South West Finance Corporation, Limited, which corporation owns, inter alia, valuable royalty rights on diamonds produced in South West Africa, and also holds 4,265,000, £1 shares in the Diamond

Corporation, Limited (for further information on the Diamond Corporation, see Document A/AC.73/L.3/Add.1, Question 115, footnote 9).

32. The Consolidated Diamond Mines of South West Africa, Limited, is a member of the Diamond Producers' Association, a body formed, inter alia, for the regulation and control of the marketing of rough diamonds. The other members of the Association are the Government of the Union of South Africa, the Administrator of the Territory of South West Africa exercising his functions in regard to the marketing and sale of diamonds produced in the Territory by the company, De Beers Consolidated Mines, Limited, the Diamond Corporation, Limited, and Premier (Transvaal) Diamond Mining Company, Limited. The Diamond Producers' Association disposes of gem diamonds of its members to the Diamond Trading Company, Limited, and industrial diamonds to Industrial Distributors (1946) Limited, a company formed to market industrial diamonds, which, for purposes of sale, have been entirely separated from gem diamonds. The Diamond Corporation has contracts with the principal foreign producers in Africa for the purchase of their production, and these diamonds are likewise disposed of through the Diamond Producers' Association, the Diamond Trading Company, Limited, and Industrial Distributors (1946) Limited.

33. The Directors of the Consolidate Diamond Mines of South West Africa, Limited are: Sir Ernest Oppenheimer, Chairman; Dr. A.G.W. Compton; Major General I.P. De Villiers; E.H. Farrer; L. Oppenheimer; H.F. Oppenheimer; H.P. Rudd; and Sir Herbert Stanley. The membership of the London Committee includes: W. Dunkels; R.H. Oppenheimer; Sir Reginald Leeper; and A.C. Wilson.

34. Producers of Base Minerals. Attached to each quarterly report on industrial minerals published by the Department of Mines of the Union of South Africa since 1947 is a list of producers of base minerals in South West Africa. Apart from individual producers, the lists for 1950 - 54 give the following data on the number of mining companies:<sup>5/</sup>

<u>Year</u>	<u>Number of Companies</u>
1950	14
1951	15
1952	26
1953	22
1954 (Jan.-June)	19

35. Increase in Capitalization of Mining Companies. During 1952-54, at least three companies notified the Administration of substantial increases in their capital: Uis Tin Mining Company (SWA), Ltd. (capital increased from £300,000 to £500,000); Pegmalite Base Minerals (Pty.), Ltd. (capital increased from £3,000 to £7,000); and West African Minerals (Pty.), Ltd. (capital increased from £150 to £5,000) (see SWAG, No. 1738, p. 53, and No. 1873, p. 12).

36. Registration of Mining Companies. During 1953 - 54, there were at least

<sup>5/</sup> See Union of South Africa, Department of Mines, Statistical and other Data on Industrial Minerals, Quarters ended March, 1950 and 1949, pp. 67-78; Ibid., Quarters ended June, 1950 and 1949, pp. 68-78; Ibid., Quarters ended September, 1950 and 1949, pp. 79-89; Ibid., Quarters ended December 1950-1949, pp. 82-92; Ibid., Quarters ended March, 1951 and 1950, pp. 80-90; Union of South Africa, Department of Mines, Quarterly Information Circular, Industrial Minerals, April to June, 1951, pp. 63-88; Ibid., July to September, 1951, pp. 65-75; Ibid., October to December, 1951, pp. 67-77; Ibid., January to March, 1952, pp. 59-63 and 70-76; Ibid., April to June, 1952, p. 60 - 64 and 71-78; Ibid., July to September, 1952, pp. 75-79; Ibid., October to December, 1952, pp. 78-82; Ibid., January to March, 1953, pp. 79-83; Ibid., April to June, 1953, pp. 91-95; Ibid., July to September, 1953, pp. 81-85; Ibid., October to December 1953, pp. 85-89; Ibid., January to March, 1954, pp. 85-89; Ibid., April to June 1954, pp. 85-89.

five new companies with capital of £30,000 or over registered in the Territory; African Tin Mines (Pty.), Ltd. (with a capital of £30,000); Damara Base Minerals (Pty.), Ltd. (with a capital of £30,000); Lorelei Copper Mines, Ltd. (with a capital of £100,000), Angola Exploration Company (Pty.), Ltd. (with a capital of £100,000); and Gold Coast Diamond Corporation (SWA), Ltd. (with a capital of £100,000) (see SWAG, No. 1765, p. 384 and No. 1861, p. 1274).

CHAPTER V

POPULATION

QUESTION 116

What is the population of the territory in natives, coloured persons other than natives, Asiatics, Europeans and Americans? Are the figures supplied the result of a census or are they merely an estimate?

QUESTION 117

Please supply, if possible, quinquennial or decennial comparative statistics of the population.

1. The Information and Documentation in respect of the Territory of South West Africa submitted to the first session of the Committee on South West Africa contains, in document A/AC.73/L.3/Add. 1, questions 116 and 117, three tables summarizing information relevant to the foregoing questions under the following headings:

- a) estimates of midyear population by race and sex, 1936-1951;
- b) population by race and sex (According to the censuses taken on 5 May 1936, 7 May 1946 and 8 May 1951);
- c) population by race, inside and outside the police zone (According to the censuses taken on 5 May 1936, 7 May 1946 and 8 May 1951).

2. Information supplementary to these tables is given in the following table showing estimates of midyear population by race and sex for the years 1950-54:

<u>Year</u>	<u>Europeans</u>	<u>Non-Europeans</u>	:	<u>Males</u>	<u>Females</u>	<u>Total</u>
1950 <sup>1/</sup>	46,400	358,700	:	202,700	202,400	405,100
1951 <sup>1/</sup>	48,800	367,400	:	209,100	207,100	416,200
1952 <sup>1/</sup>	50,400	376,200	:	215,100	211,500	426,600
1953 <sup>1/</sup>	52,500	385,000	:	221,400	216,100	437,500
1954 <sup>1/</sup>	53,600	393,700	:			447,300

Source: The Statistical Office of the United Nations.

---

<sup>1/</sup> Revised preliminary.



QUESTION 118

Is there any considerable emigration from or immigration into, the territory? If so, what are the causes?

What are the countries of destination or origin of emigrants and immigrants respectively?

1. Information relevant to this question is given in document A/AC.73/L.3/Add.1, Question 118, paragraphs 1 and 2, presented to the Committee on South West Africa in 1954. Paragraph 1, statistics of migration, consists of two tables, one for statistics of migration into and from South West Africa, 1922-1950 (arrivals and departures, including both Europeans and non-Europeans) and the other for countries of origin of immigrants, 1948-1950 (arriving by sea only). Paragraph 2 includes a summary of the immigration laws of the Territory as an annex to this question composed of three sub-paragraphs dealing with: the Immigrants Regulation Act of 1913, as amended; statement on the Immigrants Regulation Amendment Bill, 1953 and assistance to and regulation of immigration.

2. Supplementary information is contained in the two following sections: the first dealing with statistics of migration for the period 1948-52; the second, in the form of an annex to this question, comprising a summary of Union Proclamations Nos. 266 and 267 of 1954.

Statistics of Migration

3. The following tabulation gives available information for the period 1948-52 about migration:

STATISTICS OF MIGRATION INTO AND FROM SOUTH WEST AFRICA, 1948-52

(Arrivals and departures of European migrants only)

A/AC.73/L.7  
English  
Page 432

Year	Arrivals							Departures						
	Visitors	Immigrants	S.W.A. residents returning	In transit	Total	Males	Females	Visitors	Emigrants	Residents departing temporarily.	In transit	Total	Males	Females.
1948	17	69	12	12	110	79	31	36	5	13	3	57	39	18
1949	73	56	25	7	161	122	39	10	3	8	-	21	12	9
1950	21	356	33	1	411	233	178	87	28	57	-	172	109	63
1951	57	405	110	-	572	292	280	99	11	221	-	331	<u>1</u>	<u>1</u>
1952	131	581	177	4	893	440	453	101	12	358	-	471	353	118

1/ Not available.

Source: SA Yearbook 1952-1953, p. 1161.

- Note:
1. The above figures represent arrivals into and departures from South West Africa by sea only, as persons travelling between the Union of South Africa and South West Africa are not enumerated.
  2. As mentioned earlier, data on the countries of origin of immigrants for the years 1948-1950 have been summarised in document A/AC.73/L.3/Add.1, Question 118, paragraph 1. Information for the years subsequent to 1950 is not available at the United Nations Secretariat; nor is that on the countries of destination of emigrants for the years covered in this table.

ANNEX TO QUESTION 118

SUMMARY OF UNION PROCLAMATIONS Nos. 266  
AND 267 of 1954

Union Proclamation No. 266 of 1954

1. The Governor-General of the Union of South Africa declared by Union Proclamation No. 266 of 1954 that the Immigrants Regulation Amendment Act, 1953 (Act No. 43 of 1953) came into operation on 1 January 1955 (SWAG No. 1872, p. 1). It may be recalled that this Act provides, inter alia, for the application of the Immigrants Regulation Act, 1913 (Act No. 22 of 1913) to the Territory of South West Africa (For further information on these two Acts, see document A/AC.73/L.3/Add.1, Annex to Question 118).

Union Proclamation No. 267 of 1954

2. According to Union Proclamation No. 267 of 1954 (SWAG, No. 1872, pp.2-3), the Administrator of South West Africa has the power to deport from the Territory any person born in the Union of South Africa if that person is considered by him to be an undesirable.

3. The Proclamation provides for the deportation of any Union person who has, whether before or after the commencement of this Proclamation, been convicted of any of the following offences (unless he has received a free pardon therefor), namely, high treason, sedition, public violence, counterfeiting coin or uttering counterfeit coin knowing that it is counterfeit, murder, culpable homicide, assault with intent to commit murder, assault with intent to do grievous bodily harm, rape, incest, sodomy, indecent assault, unlawful carnal intercourse or indecent or immoral acts with a girl under a specified age or with a female idiot, or imbecile, or

soliciting or enticing any such girl or female to the commission of such acts, criminal injuria, indecent exposure, arson, robbery, theft, receiving stolen property well knowing it to have been stolen, malicious injury to property, fraud, forgery, or the uttering of a forged document knowing that it is forged, housebreaking with intent to commit an offence, bribery, extortion or the obtaining of any property by means of any threat whatever, or any attempt or incitement to commit any such offence.

4. The Proclamation requires deportation of any Union person who has, whether before or after the commencement of this Proclamation, been sentenced for an offence under a law for the suppression of brothels or the punishment of immorality or miscegenation, or for the sale or supply of intoxicating liquor to Natives, or for dealing in or being in possession of any habit-forming drug.

5. The Proclamation also contains a proviso that, where a person has been convicted in the Territory of an offence, the Administrator may, by reason of the circumstances of such offence, deem such person to be an undesirable person.

6. Once the Administrator has issued his order to deport such a person, there is a chance for that person to appeal to the Immigration Board for the Territory within seven days. But the fee for such an appeal must be fixed by the Secretary of South West Africa and must be paid in the form of a deposit.

7. If a person has been given a deportation order, the Secretary is authorized to cause the said person, if he has not departed, to be removed from the Territory to the Union of South Africa and pending such removal, to be detained in custody.