

SOUTH WEST AFRICA (NAMIBIA)

INTERNATIONAL DECISIONS

It was mentioned in last year's *Survey*¹ that, early in 1972, the United Nations' Security Council instructed the Secretary-General, Dr. Kurt Waldheim, to "initiate as soon as possible contact with all parties concerned" with a view to establishing conditions to enable the people of Namibia, freely and with strict regard to the principles of human equality, to exercise their right to self-determination and independence.

Dr. Waldheim, and subsequently his personal representative in the matter, Dr. A. M. Escher, then made extensive tours of S.W.A., holding private meetings with a wide cross-section of the people, and visited South Africa for discussions with the Prime Minister and others. After considering their reports, on 6 December 1972 the Security Council authorized Dr. Waldheim to continue his valuable efforts to seek a solution.

At a Press conference at the U.N. headquarters in January,² Dr. Waldheim said that he considered it best to continue discussions through normal diplomatic channels. He had had two "extensive" discussions with the S.A. Ambassador to the U.N., Mr. Carl von Hirschberg, he said, asking S.A. for a more specific definition of its attitude to self-determination. Later, Dr. Waldheim had discussions in Geneva with the S.A. Foreign Minister, Dr. Hilgard Muller.

In a report to the Security Council in May,³ the Secretary-General stated that, while S.A. had defined its position on some of the basic questions which arose earlier, it had not provided "the complete and unequivocal clarification of S.A.'s policy in regard to self-determination and independence for Namibia" that was envisaged in the resolution passed by the Council in December. In his discussions he had stressed that the U.N. favoured independence for Namibia as a whole, and opposed S.A.'s policy of creating separate "homelands". He had made clear his position that the right to self-determination should be exercised simultaneously on a common and territory-wide basis.

At a meeting in Addis Ababa later that month, the Organization of African Unity called on the Security Council to end the consultations with S.A.⁴ Later, the U.N. Special Committee

¹ Pages 441-3, 450.

² *Star*, 9 January.

³ *Rand Daily Mail*, 2 May.

⁴ *Star*, 30 May.

on Colonialism supported this recommendation of the O.A.U.⁵

During November Chief Clemens Kapuuu, who heads the Herero Chief's Council and is a leading member of the National Convention of Freedom Parties, was granted a visa to visit the U.N. According to reports,⁶ the main purpose of his visit was to try to secure recognition by the U.N. of the National Convention as the body most representative of the peoples of Namibia. (The Convention is described later.) It was stated that the leaders of SWAPO and SWANU in the territory, Mr. David Merero and Mr. Gerson Veii, sent a cable to Dr. Waldheim supporting Chief Kapuuu's claims. Thus far, the U.N. has granted recognition only to SWAPO-in-exile — a far more radical body than is SWAPO within the territory. Preliminary reports⁷ indicate that the Chief's representations were not acceptable to a number of the African member-states.

U.N. COUNCIL FOR NAMIBIA

Membership of the U.N. Council for Namibia has been expanded from eleven to eighteen nations. The members in 1973 were Burundi, Chile, China, Colombia, Egypt, Guyana, India, Indonesia, Liberia, Mexico, Nigeria, Pakistan, Poland, Rumania, Turkey, the Union of Soviet Socialist Republics, Yugoslavia, and Zambia. Mr. Paul J. F. Lusaka of Zambia was elected president.

He stated¹ that about 80 countries officially recognized the travel documents that the Council issued to Namibians. The Council has begun issuing Namibian stamps.

POPULATION OF S.W.A.

According to S.A.'s Minister of Statistics,² the population of S.W.A. as enumerated in the 1970 census was:

<i>Whites</i>	90 658	<i>Southern Sector:</i>	
<i>Groups classified as Coloured:</i>		Damara	64 973
Coloured	28 275	Herero	49 203
Rehoboth Basters	16 474	Bushmen	21 909
Nama	32 853	Tswana	3 719
		Others	14 756
	<u>77 602</u>		<u>154 560</u>
<i>Of Northern Sector origin:</i>			
Ovambo	342 455		
Kaokolanders	6 467		
Kavango	49 577		
East Caprivians	25 009		
	<u>423 508</u>		
		<i>Combined total</i>	<u>746 328</u>

⁵ *Rand Daily Mail*, 2 July.

⁶ *Star*, 16 November.

⁷ *Ibid.*, 29 November.

¹ *Rand Daily Mail*, 12 June.

² Assembly, Hansard 8 col. 527.

DEVELOPMENT OF SELF-GOVERNMENT FOR NATIVE NATIONS IN SOUTH WEST AFRICA AMENDMENT ACT, NO. 20 OF 1973

Reasons for the introduction of the measure

This Act, amending the principal Act of 1968,³ was accompanied by an Explanatory Memorandum in which it was stated, "With this Bill the Government reaffirms *inter alia* its oft repeated assurance that it is the firm and irrevocable intention of the Government, as in the Republic, also to lead individual nations in South West Africa and the Eastern Caprivi to self-government and independence, and furthermore gives substance to the assurance in a practical manner by making provision by law for further political development".

The measure provides for the progressive introduction, by proclamation, of greater powers of self-government for Damara-land, Hereroland, Kaokoland, Kavango, Owambo, and Eastern Caprivi. When introducing it in the Assembly⁴ the Minister of Bantu Administration and Development said, "With this Bill the Government is reaffirming its undertaking to give the various population groups systematic practical experience on a regional basis in the field of self-government, so as to enable them eventually to exercise their right of self-determination in a proper manner . . . When a government or region is of the opinion that it is capable of exercising further powers of self-government, it will be able to request that the legislation concerned be made applicable to it, and the State President may then apply it."

The principal Act

The principal Act provided that, after consultation with a "Native Nation", the State President may establish a legislative council for its area. The powers of these councils will at first be circumscribed, but may gradually be increased. Matters with which the councils may eventually deal were set out in detail. A council may make enactments in regard to these matters, which require the State President's approval. The State President may legislate by proclamation in respect of matters that are not assigned to a legislative council.

Executive councils may be constituted from among the members of legislative councils, and they may establish departments to control the various matters with which the council deals. Employees of the Republic's service may be designated to assist the executive councils.

The Amendment Act

The Amendment Act of 1973 provided that, when the time

³ See 1968 *Survey*, page 307.

⁴ 16 February, Hansard 2 cols. 788-9.

is deemed ripe, self-governing Native areas may be proclaimed by the State President after consultation by the Minister of Bantu Administration and Development with the legislative council concerned. Each may have its own flag and national anthem. For each there will be a cabinet consisting of a chief minister and other ministers.

The legislative council of a self-governing area will have power to make laws (not inconsistent with the Act) with regard to matters with which it deals. These laws may amend or repeal Acts of Parliament in so far as the latter relate to members of the nation concerned (whether residing within the area or elsewhere in S.W.A.). Bills passed must be submitted through the Minister to the State President for his assent. He may refer a Bill back to the council for further consideration.

Matters with which legislative councils will *not* be permitted to deal include matters concerning military organizations, arms, ammunition, and explosives; foreign affairs; internal security and the control of members of the Police Force of the Republic who may be in the area concerned; postal and related matters; railways, harbours, national roads, and aviation; currency, banking, customs and excise; and entry to the area of persons who are not members of the nation concerned. Universities will not be controlled by legislative councils.

The matters with which legislative councils *may* be permitted to deal were set out on page 308 of the 1968 *Survey*. To these, the Amendment Act added legal aid; health and hospitalization; housing schemes; and control of entertainments, cultural institutions, places of recreation, tourism, and cemeteries.

Power to establish or disestablish magistrates' courts and native commissioners' courts may be vested in the member of the executive council concerned. Existing such courts may be transferred to homeland governments. Such courts may not deal with persons who are not members of the nation concerned except with the Minister's approval. The Attorney-General with jurisdiction in the area may direct that in any particular case, proceedings shall be instituted in or transferred to any other court.

Any provincial or local division of the Supreme Court with jurisdiction in the area concerned will be competent to pronounce upon the validity of an enactment of a legislative council.

The State President may establish a High Court for a self-governing area, with an attorney-general and judges, to replace a division of the Supreme Court. A judge of the Supreme Court of S.A. may be seconded to such a High Court. Appeals will be heard by the Appellate Division of the Supreme Court of S.A.

Each self-governing area will have a revenue fund into which will be paid taxes levied on members of the nation, licence fees, fines, rents, etc.; an annual grant from the Consolidated Revenue Fund equal to the net expenditure by the State and S.W.A.

Administration on matters transferred to the government of the self-governing area during the financial year preceding the date of transfer (*less* the salaries and allowances payable by the Government of the Republic to its officials serving in the area concerned); and such an additional sum of money as may be appropriated annually by Parliament.

After the Cabinet of the area has prepared its annual estimates of revenue and expenditure, these must be submitted to the Minister of Bantu Administration and Development who, in consultation with the Republic's Minister of Finance, will determine what additional sum of money, if any, Parliament should be asked to appropriate.

The legislative council will then appropriate money from the total revenue fund available to it, and may impose taxes, in both cases after considering recommendations by its Minister of Finance.

Unless the legislative council decides otherwise, all accounts will be audited by the Republic's Controller and Auditor-General.

With the prior approval of the Minister of Bantu Administration and Development, given in consultation with the Republic's Minister of Finance, and subject to such conditions, if any, as these Ministers may stipulate, the legislative councils may raise loans.

The State President may by proclamation transfer the ownership of land and other public property to the government of the area from the Government of the Republic, the Administration of S.W.A., or the S.A. Bantu Trust. Conditions may be stipulated.

Members of legislative councils will be indemnified against legal proceedings arising from resolutions, speeches, etc. made by them in the council or in one of its committees.

Duties, powers, and functions lawfully exercised by chiefs and headmen will be unchanged until varied or withdrawn by the competent authority.

Parliamentary debate on the Bill

When the Bill was introduced in the Assembly, Sir de Villiers Graaff said⁵ that the United Party would like an assurance, preferably from the Prime Minister, that he considered the legislation to be in no way contrary to the spirit of, or would in no way affect, his negotiations with the U.N. The U.P.'s policy in respect of S.W.A. included the development of self-government of the various groups, with the hope of an eventual federal arrangement. The suggestions in the Bill were not contrary to these ideas, as long as it was clearly understood that they were not a step in the direction of a unilateral attempt to change the territory's international status by providing for the ultimate independence of portions of it.

⁵ 16 February, Hansard 2 cols. 792-5.

The Prime Minister replied⁶ that he had discussed the general principle of the Bill with Dr. Escher, who had brought it to the notice of the Security Council. The U.N., Mr. Vorster said, saw the territory as a whole and did not take into account the diversity of its peoples. His view was that experience in self-government, which in the circumstances could best be achieved on a regional basis, was an essential element for eventual self-determination. Such experience would assist the various peoples in deciding what was in their interest and in which direction they wanted to move. The ultimate decision would be theirs entirely. All options were being kept open.

The U.P. supported the second reading of the Bill, but during the committee stage objected to certain of the clauses which gave wide powers to the State President. Mrs. Helen Suzman (P.P.) opposed the second reading, however, and subsequently voted against every clause. She considered it most unwise, she said,⁷ to introduce a measure such as this at a time when S.A. was engaged in negotiations with the U.N. She believed that it was in the spirit of the mandate that the territory should be administered as one area, for the benefit of all the inhabitants. She was of the opinion that, before going ahead with the Bill, the Prime Minister should again suggest that a plebiscite be held under joint United Nations—South African auspices.

(In subsequent speeches, for example in Windhoek on 12 October,⁸ Mr. Vorster made it clear that he has no intention of again offering a plebiscite.)

PRIME MINISTER'S ADVISORY COUNCIL FOR SOUTH WEST AFRICA

As mentioned on page 451 of last year's *Survey*, during his talks with Dr. Escher the Prime Minister said that he would be prepared to establish an advisory council drawn from representatives of the various regions, regional governments, or authorities in S.W.A., and he would assume overall responsibility for the territory as a whole — i.e. distinct from the ministries responsible for different sectors.

Mr. Vorster announced in March⁹ that he had appointed Mr. Billy Marais, an official of the S.W.A. Administration, to be the personal representative of his department in S.W.A. An office had been opened in Windhoek.

Early in 1973 organizations representing the White and Coloured groups, the African legislative councils, and Bantu authorities, were invited to nominate representatives to serve on

⁶ 19 March, cols. 944-50.

⁷ Cols. 952-5.

⁸ *Star*, 13 October.

⁹ *Star*, 23 March.

the Prime Minister's Advisory Council. Each would have two representatives except for the Tswana and Bushmen, who would have one each (it is not clear how these were selected). Political groups such as the National Convention of Freedom Parties, the S.W.A. People's Organization (SWAPO), and the S.W.A. National Union (SWANU), were not invited to make nominations, thus the more sophisticated and politically conscious urban black people were not well represented.

The two representatives of the Herero people were drawn from those living in the east, and not from the larger group in the west of the territory who recognize Chief Clemens Kapuuo as their leader. According to various reports¹⁰ he had, earlier, rejected the plan for an advisory council on the ground that S.A. had no legal right to establish it. It was stated¹¹ that, through somewhat roundabout channels, officials invited him to attend, but that he declined to do so in view of a public statement by Mr. Jannie de Wet, Commissioner-General of the Indigenous Peoples of S.W.A., that he was not officially recognized as an Herero Chief.¹² During the proceedings of the Council the chief of the Mbandero group in the east, Chief Munjuku Nguvauva, walked out, stating that he wanted independence for the territory as a whole.¹³

On the eve of the first meeting of the Advisory Council the Rehoboth Baster Volksparty withdrew its two representatives. This party, which in general is opposed to the S.A. Government's policies, won all seven seats in the Basterraad elections held in 1971. The authorities invited a member of the opposition party to attend the meeting instead, as an observer.¹⁴ Similarly an observer was invited to represent the Nama group, which did not send representatives. The people from Kaokoland are reported to have said that they were given too little time to make nominations. The Damara representatives were chosen from the small minority of this group who live in their homeland.

The Council's first meeting, held in Windhoek on 23 March, was attended by two Whites nominated by the Legislative Assembly, two Coloured men nominated by the Coloured Council, two Ovambo (including Chief Filemon Elifas), two Kavango, two East Caprivians, a Tswana, a Bushman, together with the Herero, Rehoboth Baster, Damara, and Nama representatives or observers referred to above.

Discussions were held behind closed doors. Afterwards¹⁵ the Prime Minister described them as having been very successful. Members had agreed that nobody could wish away or deny the

¹⁰ e.g. *Rand Daily Mail*, 17 February; *Star*, 1 June.

¹¹ e.g. *Star*, 22 March; *Sunday Times*, 25 March.

¹² In about 1960, the Chief's Council elected Mr. Kapuuo as the chief-designate, and it confirmed his appointment when the previous chief died in 1970.

¹³ *Star*, 19 July.

¹⁴ *Sunday Times*, 25 March.

¹⁵ *Star*, 23 March; *Assembly*, 24 April, Hansard 11 col. 682.

diversity of peoples in the territory. The homelands policy as such was not discussed: he had emphasized that the peoples of S.W.A. would decide their own future. The main purpose had been to deliberate on the wider interests of the territory, which jointly affected these peoples. Groups which had not sent representatives would be free to do so at future meetings if they so wished.

It was reported on 4 May¹⁶ that in an official document sent by the Minister of Foreign Affairs to Dr. Waldheim it was pointed out that the Advisory Council was still in the formative stage, but it was the Government's intention to make it a meaningful instrument for the consideration of matters of territory-wide concern and relating to the future of S.W.A. It was hoped that, to this end, the Council would include members truly representative of all the different groups. As it became more experienced and effective, it should progressively become an instrument for the development of co-operation and understanding among the inhabitants of the territory as a whole.

A second meeting, taking place over two days, was held at the Holiday Inn at Jan Smuts Airport during August. The Prime Minister, the Minister of Bantu Administration and Development, the Minister of Coloured Relations and Rehoboth Affairs, and senior government officials were present. The representatives of the peoples of the territory were, according to reports, much the same as those who attended the first meeting. The Prime Minister is reported¹⁷ to have said, at a Press conference afterwards, that during discussions the emphasis had fallen on the development of S.W.A., and the necessity for higher wages and improved race relations.

CHURCHMEN IN S.W.A.

As mentioned on page 41 of last year's *Survey*, during 1972 the Anglican Bishop of Damaraland,¹⁸ the Rt. Rev. Colin Winter, was expelled from S.W.A. in terms of the Undesirables Removal Proclamation of 1920 as amended. The synod of the diocese decided to retain him as Bishop-in-exile. The Rt. Rev. Richard Wood was consecrated as Suffragan Bishop to administer the affairs of the diocese in his absence.

Several more church workers have been required to leave Owambo, or refused entry, during 1973. The Government refused to extend the temporary residence permit of Pastor Gerald Dunze of the Evangelical Lutheran Church. He is a German national, who had been lecturing at a theological seminary. After a short absence, Mr. Justin Ellis of Stellenbosch was refused permission to return to an Anglican mission school. Mr. R. W. Leach of the

¹⁶ *Star*, 4 May.

¹⁷ *Rand Daily Mail*, 18 August.

¹⁸ In effect, of the whole territory.

Anglican Medical Missions overseas was refused permission to work at St. Mary's mission hospital at Oshikango. Pastor Wolfgang Kruger of the German Evangelical Lutheran Church, who was in charge of a parish in Otjiwarongo, was refused an extension of his temporary residence permit.

Bishop Leonard Auala headed a deputation from the Ovambo-Kavango Evangelical Lutheran Church and the Evangelical Lutheran Church (between them they have some 333 000 members), which during April met the Prime Minister, the Deputy Minister of Bantu Development, and the Commissioner-General of the Indigenous Peoples. They are reported¹⁹ to have complained about restrictions on the mobility of churchmen in the territory, making it very difficult for a clergyman of one race to work among people of another group; about the refusals of residence permits or visas to churchmen; and also about the breaking up of family life caused by the pass laws, and alleged brutality of certain policemen and soldiers.

Shortly afterwards, on the night of 10 May,²⁰ an explosion destroyed the offices and printing press of the Ovambo-Kavango Evangelical Lutheran Church at Oniipa, near to the administrative centre of Ondangwe. Buildings and equipment worth about R600 000 were lost. A police investigation was made, apparently without positive result.

DEVELOPMENTS IN AND CONCERNING OWAMBO

Detentions in 1972 under the emergency regulations

Regulations for the Administration of the District of Ovamboland, gazetted in terms of Proclamations R17 and R26 of February 1972, were summarized on page 439 of last year's *Survey*. They provided, *inter alia*, for detention without trial.

Questioned in the Assembly,¹ the Minister and Deputy Minister of Police said that 303 persons were detained during 1972, for periods ranging from 2 to 111 days. Of these, 114 were charged with various offences under the regulations and found guilty, 28 were charged and acquitted, and 161 were released without charges having been laid.

New Constitution for Owambo

In terms of Proclamation R104 of 27 April, Owambo was declared a self-governing area within the territory of S.W.A., with Ongwediva as the seat of government, and Ndonga recognized, together with English and Afrikaans, as an official language.

The proclamation provided for a legislative council of 56 members, made up as follows:

¹⁹ *Star*, 30 April; *EcuNews Bulletin*, 7 May.

²⁰ *Star*, 11 May.

¹ Hansard 10 col. 631; Hansard 1 Question cols. 1-2.

- (a) five members designated by each of the seven tribal authorities;
- (b) three members elected from each of the seven tribal areas.

Those entitled to vote would be adults (18 years and over) in possession of registration cards issued in terms of the Owambo Nation Registration Enactment.

The legislative council would elect a Chief Minister. He would then appoint six Cabinet ministers from among members of the council, ensuring that each of the seven tribal areas was represented in the Cabinet.

Proclamation 117 of 4 May specified that the designation of members must take place on or before 23 May. The general election for the remaining 21 members would take place on 1 and 2 August.

Disturbances among the Ovambos in Windhoek

The hostel in which contract workers from Owambo are accommodated at Katutura, the African township of Windhoek, was described briefly on page 433 of last year's *Survey*. It was again the scene of various disturbances during the closing weeks of 1972 and in 1973.

Police raided the hostel on 11 December 1972, arresting more than a hundred Ovambos. Some were released after screening, eight paid admission of guilt fines, and 63 were convicted on charges of being in the urban area illegally and/or not being in possession of work permits or identification papers. Their sentences ranged from R10 to R20 (or 10 to 20 days). Those found to be in the area illegally were repatriated.²

It was reported in March³ that a member of the Kavango Legislative Council went to the hostel during the period when the creation of the Prime Minister's Advisory Council was being widely discussed, intending to address the Kavango residents (said to constitute about ten per cent of the total, the rest being Ovambos). He was shouted down by a crowd, and threatened with violence. Stones were thrown at members of the police who went to his assistance; apparently, no one was injured. Some of the Ovambo then rushed off in a rage, burnt down the office building in the compound, destroying all the records, and attacked other buildings. Damage estimated at about R20 000 was caused. Police reinforcements arrived and more than 200 Africans were stated to have been arrested. Some were freed after investigation, but 87 were found guilty of being in the compound illegally (19 were repatriated). Five were convicted on charges of public violence and arson, and jailed for three years.

There was renewed agitation during the period preceding the

² *Rand Daily Mail*, 12 and 13 December; *Star* 13 December 1972.

³ Numerous Press reports from 7 March to 4 April.

election of members of the Owambo Legislative Council. Six men were charged in June with holding a meeting at the compound without permission and inciting about 1 000 men present to destroy their identification documents.⁴

As described in more detail later, members of the SWAPO Youth League were active in urging the Owambo to boycott the elections. The police and tribal authorities in Owambo took stern action against them, which had repercussions amongst contract workers in Katutura. It was reported⁵ that on 12 August leading members of the Youth League told a crowd estimated at 2 000 that S.W.A. would become independent only after blood had flowed. After the meeting tempers rose, and some of the crowd smashed the gate of the compound. The leaders escaped, but some were captured by the police later. During November, three of them were each sentenced to 8 years' imprisonment under the Sabotage Act. They had been charged with inciting or encouraging others to take up arms and assault or kill black opponents and members of the white community. At the time of writing one man was facing charges of inciting people to burn their identification documents. The police were still searching for other leaders who had addressed the meeting.

Four days after this occurrence, a small group of policemen raided a house in Katutura where Youth League members were holding a meeting. The police were attacked, two of them being slightly injured. Shots were fired, and one member of the League was shot dead. Police reinforcements arrested some of the men.⁶

That same night a mob in the compound began stoning the municipal offices and set fire to the sleeping quarters of the township police. These men managed to escape. Members of the S.A. Police drove the Ovambos back to their quarters, and made certain arrests.⁷

A few days later, during a weekend, it was reported⁸ that members of the Youth League tried to organize a mass strike for the following Monday as a protest against rule by S.A. Most of the hostel residents disregarded the proposal and did go to work, but it was stated that a crowd of between three and four hundred gathered for a meeting outside a shopping centre. They were dispersed by a strong force of policemen armed with automatic weapons.

Several hundred men were arrested during these incidents. Reports of their numbers, and what had actually transpired, were not clear because members of the Press were not allowed to enter the township. On 20 August the chief magistrate of Windhoek temporarily prohibited all meetings in the township. Trials of

⁴ *Rand Daily Mail*, 15 June, 12 September.

⁵ *Star*, 13 August; *Rand Daily Mail*, 17 and 22 November.

⁶ *Star*, 17 August; *Rand Daily Mail*, 18 August.

⁷ *Ibid.*

⁸ *Rand Daily Mail and Star*, 20 August.

batches of the arrested men began in August: no full report of the results is available.

Events in Owambo prior to the elections

In terms of the emergency regulations for Owambo gazetted in 1972, all meetings in Owambo (with certain exceptions) were prohibited unless they had been authorized in writing by the Native Commissioner. The exceptions were church services, entertainments, etc., and meetings called by officials, chiefs, or headmen.

It was rendered an offence to say or do anything which was likely to have the effect of undermining the authority of the State, the Owambo Government, officials of these bodies, or a chief or headman. It also became an offence, *inter alia*, to make an intimidating statement, and to fail to obey any lawful order given by a chief or headman, or to treat him with disrespect.

Opponents of the Owambo Government pointed out that, while these regulations were in force, it was impossible to hold free elections. They urged that the elections be boycotted.

Two groups took this course of action. One was SWAPO, led in Owambo by Mr. John Otto. The other was a recently formed political party, the Democratic Co-operative Party (DEMCOP), led by Mr. Johannes Nangutuuala. As mentioned on page 435 of last year's *Survey*, Mr. Nangutuuala had headed the *ad hoc* Workers' Committee formed in Owambo during the 1972 strike. Both groups believed in a unitary S.W.A., and hence opposed the Government's plan to establish self-governing areas within the territory. This official plan was supported by the Chief Councillor, Chief Filemon Elifas, and by the chiefs and headmen.

On 30 April Mr. Nangutuuala went to Ondangwa with a large group of his supporters, some of whom carried placards, and pleaded with Chief Elifas not to accept self-government.⁹

On 7 May,¹⁰ the Legislative Council resolved that political parties would be allowed in Owambo only with the permission of the government of the territory. DEMCOP was not approved.

During the days that followed, Mr. Nangutuuala, Mr. Andreas Nuukwawo (the party's secretary), and Mr. Otto, the SWAPO leader, were arrested and detained under the emergency regulations, together with about eight other prominent members of the two opposition groups. The three leaders mentioned, and Mr. Johannes Amupala of SWAPO, were held in custody until June 5, and charged with holding illegal meetings and (in respect of one or two of them) making statements likely to have the effect of undermining the authority of the Owambo Government or its officials. The magistrate refused to allow them bail, but this

⁹ *Star*, 1 May.

¹⁰ *Rand Daily Mail*, 8 May.

was granted following a successful application to the Supreme Court.¹¹

Members of SWAPO's Youth League continued to hold illegal meetings to campaign against the restrictions on political activity and freedom of speech, and against the policy of separate development. In consequence, at least thirty others were arrested and held in detention. Three of them were convicted in the magistrate's court during July on charges of participation in an illegal meeting, and were sentenced to imprisonment for periods ranging from eight to twelve months.¹²

Full reports of what was transpiring were impossible to obtain, because on 27 July the Commissioner-General announced that, with the exception of the S.A. Press Association, the Press would be barred from Owambo for the time being.

The elections

The Owambo Government declared itself to be the Owambo-land Independence Party (O.I.P.). As mentioned, any other parties were not recognized, and could not hold meetings without the Cabinet's approval, which was not granted. SWAPO's national president, Mr. David Merero, pointed out that this set-up completely negated any promise of legitimate political activity. (As he said, Dr. Waldheim had reported to the Security Council that the Prime Minister was prepared to allow such activity to take place.)¹³

The constitution provided for three members to be elected from each of the seven tribal areas. The O.I.P. nominated its full quota of candidates, but they were opposed in two tribal areas only.

The National Convention of Freedom Parties held a mass meeting in Katutura, which was attended by some 1 500 people, to persuade voters to boycott the elections.¹⁴ The Government-controlled Radio Owambo tried to counter this by urging people to go to the polls, and explaining how to vote.

It was estimated in various Press reports that there were 50 000 eligible voters from the two tribal areas where elections were held. Of these, about 1 300 voted, the percentage poll being 2.5.¹⁵ Three Independents gained seats, two in one of the areas and one in the other. The remaining three seats were won by the O.I.P. The Commissioner-General claimed that this very low percentage poll proved "that a modern election was completely foreign to the Ovambos".¹⁶ (Yet in neighbouring Kavango, the following month, the percentage poll was 66.2.)

¹¹ *Ibid.*, 1 August.

¹² *Star*, 26 July.

¹³ *Cape Times*, 3 August.

¹⁴ *Rand Daily Mail*, 28 July.

¹⁵ *Ibid.*, 17 August.

¹⁶ *Ibid.*

At the first meeting of the reconstituted Legislative Council, Chief Filemon Elifas was again elected Chief Minister.

Events in Owambo after the elections

Mr. Frans Nangutuuala, the younger brother of the DEMCOP leader, was during April convicted by an Owambo magistrate of making a threat against an African policeman, and was sentenced to six months' imprisonment. He appealed successfully to the Supreme Court in Windhoek, being defended by Advocate Bryan O'Linn. The judge found that the magistrate had not given satisfactory reasons for rejecting the defence evidence.¹⁷

Two members of SWAPO appeared in the magistrate's court at Ondangwa on 15 August on charges of holding illegal meetings during the election campaign. A crowd estimated at between 300 and 400 massed outside the courthouse. The police were summoned and dispersed the people, using batons and riot sticks. Tear gas was employed to disperse some men who re-grouped.¹⁸ Further arrests were made.

The Star reported on 22 September that there were thought to be 57 men and 13 women (SWAPO and DEMCOP members) held in jails in Ondangwe and Oshikango. The whereabouts of a further 39 detainees was not known: it was possible that some of them had been released.

It seems that not many of these people were charged and brought before a magistrate. Two trials were reported.¹⁹ One was of eight SWAPO members who were found guilty of participating in an illegal meeting. Each was sentenced to a fine of R100 or 6 months. In the other trial five were convicted on similar charges. Their sentences ranged from 6 months conditionally suspended to R300 (or 6 months) plus a 6 months suspended sentence. Some other trials may have taken place.

But the police adopted new tactics. Clive Cowley reported in *The Star* on 22 September that released detainees (known as "Namibia people") were being handed over to tribal courts for punishment. This punishment appeared to consist of flogging, or a fine, or deprivation of the right to trade or to seek work in the South.

Mr. Andreas Nuukwawo, a teacher at an Anglican school, was handed over to the Ondangwa tribal council, of which Chief Elifas is chairman. The Anglican Bishop Suffragan, the Rt. Rev. Richard Wood, made an urgent appeal to the Supreme Court in Windhoek for an interim interdict. Before this court had given its ruling, however, Mr. Nuukwawo was stated to have been accused of giving information to newspapers, being a member of SWAPO, and distributing pamphlets. He was given no opportunity of

¹⁷ *Star*, 14 August.

¹⁸ *Rand Daily Mail*, 16 August.

¹⁹ *Star*, 29 September and 24 November.

defending himself, and, while the Chief watched, was flogged on his bare buttocks in public, being given 16 lashes with the rib of a makalani palm branch. Next day, the court in Windhoek interdicted the tribal authority from punishing him pending an application for a review of his trial.

When applying for the interdict, Bishop Wood had submitted sworn affidavits from eight people, testifying to having been flogged in public. Among them were three women students, who could advance no reason for this punishment. The five men (one of whom received 17 strokes on his bare skin) had been accused of minor SWAPO activities.²⁰

Mr. Johannes Nangutuuala, the DEMCOP leader, was also publicly flogged in the Ondangwa tribal court, being given 21 strokes on his bare buttocks.²¹ Mr. Thomas Komati, a student, alleged that he was flogged 31 times by order of the Okwanyama tribal authority merely because he said he was and intended to continue to be a member of SWAPO. His clothing was not removed, but he lost consciousness after receiving 12 of the strokes. He was ill and in severe pain for a number of days afterwards, having to receive repeated hospital treatment. Two others were flogged on the same occasion, Mr. Komati said, one being given 30 lashes.²²

The Press reported²³ that by 12 November at least 20 people had been flogged. Five others, who were in ill health, were fined amounts varying from R40 to R60. The police were still holding an estimated 50 persons.

Various authorities were quoted²⁴ to indicate the safeguards which are adopted in South Africa when corporal punishment is ordered, but which were not applied by the two tribal authorities in S.W.A. In S.A., the person concerned must be examined by a doctor to ensure that he is fit to receive the punishment. The maximum number of strokes that may be imposed is ten; in practice, courts rarely order more than five or six. This form of punishment may be given only to unmarried men under the age of 30; and a light cane only may be used on juveniles. The whippings must be carried out in private, except that a doctor must be present to ensure that actual injury is not caused.

Asked to comment on the floggings²⁵ the Minister of Bantu Administration and Development is reported to have said that as they were an old custom of the tribe, he wished to have nothing to do with the matter.

On 19 November, Bishop Richard Wood, Bishop Leonard Auala, and Mr. Thomas Komati brought an urgent action before

²⁰ *Star*, 26 October.

²¹ *Rand Daily Mail*, 27 October.

²² *Ibid.*, 21 November.

²³ *Star*, 10 November; *Rand Daily Mail*, 12 November.

²⁴ e.g. in the *Rand Daily Mail*, 14 November; *Star*, 16 November; *Sunday Times*, 18 November.

²⁵ *Rand Daily Mail*, 14 November.

the Supreme Court, Windhoek, for an interdict against the two tribal authorities. In a provisional order, effective until 22 February 1974, Mr. Justice G. Hoexter restrained these tribal authorities from:

- (a) flogging any person on the grounds that he is, or is suspected of being, a member, supporter, or sympathiser of SWAPO or DEMCOP;
- (b) flogging anyone unless the magistrate in Owambo and the Registrar of the Supreme Court have first been informed, after which 14 days must elapse before sentence is executed;
- (c) sentencing anyone to a flogging of more than ten lashes;
- (d) flogging anyone on the exposed body in public;
- (e) flogging women.

The tribal authorities were given until 22 February 1974 to show cause why the order should not be made final and why they should not pay the costs of the court action.²⁶

CONSTITUTIONAL DEVELOPMENTS IN KAVANGO

In terms of Proclamation R115 of 4 May, Kavango was declared a self-governing area within the territory of South West Africa, eventually to have its own flag and anthem. The official languages are English, Afrikaans, and Kwangali. Rundu is the seat of government.

The constitution (discussed with the people in advance) is the only one in the Republic or S.W.A. that, so far, provides for equal numbers of designated and elected members in the Legislative Council. The designated members are the chiefs of the five tribes and two persons nominated by each of the five tribal authorities. Three members are elected from each of the five tribal areas, the voters being all adults (of the age of eighteen years or over) who are in possession of registration cards issued in terms of the Kavango Nation Registration Enactment of 1973.

Members of the Legislative Council from each tribal area elect, from among their own ranks, a member to be a Cabinet Minister. From amongst their ranks, these five ministers elect a Chief Minister. The Chairman and Deputy Chairman are elected by the Council as a whole.

Proclamation R127 of 30 May specified that the designation of members should take place on or before 19 June, and that a general election would be held on 29 and 30 August.

The chairman of the previous Legislative Council, Dr. Romanus Kampungu, described as "staunchly pro-apartheid",¹ was ousted from this body in April. He represented the Kwangali tribe, which purported to withdraw his membership on health grounds.

²⁶ *Rand Daily Mail and Star*, 20 November.

¹ *Star*, 23 April.

There was a 66,2 per cent poll in the elections. No political parties had emerged, and candidates were free to express their own points of view.²

When the reconstituted Council met, in November, Mr. Alfons Mayavero was elected Chief Minister. The previous Council decided that Kavango Day (22 October) should be substituted for Kruger Day (10 October) as a public holiday.

EASTERN CAPRIVI

As described on page 446 of last year's *Survey*, Eastern Caprivi has a first-stage legislative council. During 1973 it made enactments providing for the establishment of labour bureaux to place workseekers in employment, for the registration of members of the nation, and for Caprivi Day (23 March) to be a public holiday instead of Van Riebeeck Day (6 April).

DAMARA PEOPLE

It was mentioned on page 447 of the 1972 *Survey* that in 1970 only about 7700 of the Damara people (less than 12 per cent) were living in the homeland allocated to their group. Their number has since increased, but apparently not to any significant extent. Official plans have been reported³ for moving about 900 people to the homeland from a Roman Catholic mission station at Riemsvasmaak near the Augrabies Falls.

The Damara have no traditional chiefs. Headmen have been elected by those resident in the homeland, and a Council of Headmen formed, led by Senior Headman Justus Garoeb. During 1972 they were offered a first-stage legislative council, and S.A. officials arranged for building work to be started on an administrative headquarters at Xhorixas. But the headmen rejected the offer: it was reported that their priority was a revision of plans for the allocation of land. No further developments have been reported since.

The Damara living outside the homeland reject Mr. Garoeb's authority. They have established an Executive Committee led by Headman Oskar Khuruxab. During March he issued a statement⁴ calling upon S.A. to withdraw from the territory to make way for a territory-wide government.

NAMALAND

Also in March,⁵ Paramount Chief Hendrik Witbooi of the Nama people, supported by other chiefs, sent a telegram to the Secretary-General of the U.N., asking him "to urgently free us from South African colonialism."

² *Rand Daily Mail*, Township edition, 7 September.

³ *Rand Daily Mail*, 29 September; *Star*, 16 October.

⁴ *Rand Daily Mail*, 1 March.

⁵ *Ibid.*, 2 March.

REHOBOTH BASTERS

According to the Minister of Coloured Relations and Rehoboth Affairs,⁶ an amount of R141 000 was set aside in the 1973-4 financial year for the development of the town of Rehoboth. A water reticulation scheme was planned. It was hoped to provide an electricity supply, but Baster land-owners were unwilling to grant servitudes across their land.

The central government has imposed no general tax on the indigenous peoples of S.W.A., but some communities have themselves decided to levy local taxes. In terms of Government Notice 1162 of 29 June, a poll tax of R4 a year became payable from the beginning of 1973 by every male Burgher of the Rehoboth Gebiet who is of the age of 18 years or over, unless special exemption is granted. The proceeds are paid into the Rehoboth Community Fund.

NATIONAL CONVENTION OF FREEDOM PARTIES'

The National Convention, formed towards the end of 1971, is reported to represent nine political organizations that oppose the S.A. Government's policies. Among them are the following:

- (a) the locally-based SWAPO, which has strong Ovambo support, and is led by Mr. David Merero;
- (b) the National Unity Democratic Organization (NUDO), led by Chief Clemens Kapuuo, composed mainly of a majority of the Herero people in the western part of the territory;
- (c) the locally-based SWANU, led by Mr. Gerson Veii, which includes Herero members, and is said to be a slightly more radical body than the others;
- (d) the Rehoboth Volksparty, which won all the seats in the Advisory Board elections held in the Gebiet in 1971;
- (e) the Voice of the People, which is stated to have support from elements of the Damara and Nama groups;
- (f) the Namib African People's Democratic Organization.

The Convention appointed a committee to draw up proposals for a constitution, which produced a draft document in July. No general agreement has, apparently, yet been reached. There is broad consensus that the U.N. should take over the territory and prepare the people for independence in a unitary state. The creation of homeland governments on an ethnic basis is opposed. In March, the Convention sent a letter to Dr. Waldheim protesting about the creation of the Prime Minister's Advisory Council.

But there are reported to have been differences of opinion on some matters, for example whether dialogue between the U.N.

⁶ Assembly, 30 May, Hansard 16 cols. 7956-7.

⁷ Report compiled from numerous sources, including a paper delivered by Chief Clemens Kapuuo at the 1973 Council meeting of the Institute of Race Relations, entitled "The Internal Situation in South West Africa" (RR, 12/1973).

and S.A. should be continued, and whether White organizations that oppose apartheid should be entitled to membership.

S.W.A. NON-EUROPEAN UNITY MOVEMENT

The S.W.A. Non-European Unity Movement (SWANEUM) was formed late in 1972 as a rival to the Convention, one of the prime movers being Mr. A. J. F. Kloppers, leader of the Coloured People's Federal Party. Other members are reported⁸ to be the Rehoboth opposition group (the Bastervereniging), a minority group of western Hereros called the Association for the Preservation of the Tjamuaha/Maharero Royal House, and some of the Nama people.

SWANEUM's policy is reported to be to co-operate with the S.A. Government in order to pursue black aims. Members consider that the territory is not yet ready for independence as a unitary state, and that minority groups should be protected.

LAND TO BE ALLOCATED TO INDIGENOUS PEOPLES

One Section of the Bantu Laws Amendment Act, No. 7 of 1973, provided for certain further land to be vested in the S.A. Bantu Trust, to be reserved for Natives. According to the Deputy Minister of Bantu Development¹ the land envisaged is the western part of the Caprivi Strip.

The Ministers of Bantu Administration and Development and of Coloured Relations and Rehoboth Affairs were questioned in the Assembly about the purchase of land in S.W.A. in furtherance of the "homelands" policy.² They gave the following information:

- (a) a total of 3 227 754 hectares has been purchased from Whites for adding to the "Native" areas, together with 1 295 884 hectares to be allocated to the Nama and Rehoboth Baster areas;
- (b) 209 053 hectares have been excised from previous Nama areas;
- (c) the total cost to the State has been R40 270 245.

BUDGETS OF EXPENDITURE ON BEHALF OF OR BY INDIGENOUS GROUPS, 1973-4

The information that follows has been extracted from the official estimates of expenditure for 1973-4.

⁸ *Rand Daily Mail*, 12 March.

¹ Assembly, 12 February, Hansard 2 col. 397.

² Hansard 2 col. 91, Hansard 4 col. 254.

Groups classified as Coloured (Central Government expenditure)²
 General development, and education, health and welfare services:

	R
Coloured people	2 218 340
Namas	2 955 940
Rehoboth community	2 160 720
Buildings	961 750
	8 296 750

Groups classified as Native (Central Government Votes)³

	R
Refund to S.W.A. Administration of expenses incurred in connection with resettlement	935 000
Contribution to administration of Native Affairs	8 122 000
Salaries and allowances of 216 seconded White personnel	697 900
Health and welfare services in East Caprivi	532 800
Grant-in-aid to the S.A. Bantu Trust for services in East Caprivi ⁴	2 324 000
	12 611 700

Groups classified as Native (S.W.A. Account)⁵

	R
General administration	528 000
Health services	3 653 000
Grant-in-aid to the S.A. Bantu Trust	7 223 000
Grants to homeland governments ⁷	3 080 000
Share capital for Corporations	2 693 000
Services provided by the S.A. Bantu Trust ⁸ (housing, works, etc.)	9 112 000
Education	4 450 050
	30 739 050

Each of the three homeland governments passed its own Appropriation Enactment. These were published in the form of Government Notices.⁹ For the sake of brevity certain of the Owambo and of the Kavango departmental budgets have been combined in the table that follows.

<i>Departments</i>	<i>Owambo</i>	<i>Kavango</i>	<i>East Caprivi</i>
	R	R	R
Authority Affairs and Finance	63 000	54 500	47 137
Justice and Community Affairs	569 400	120 000	138 100
Agriculture and Works	2 590 600	1 668 800	1 344 824
Education and Culture	1 798 000	512 700	281 914
Economic Affairs	8 000	—	—
	5 029 000	2 356 000	1 811 975

² R.P. 2/1973 Voes 19 and 26.

⁴ R.P. 2/1973 Votes 6, 16, and 17.

⁵ A further R581 000 would be available from the resources of the S.A. Bantu Trust and the E. Caprivi Legislative Council.

⁷ R.P. 4/1973 and 6/1973, Votes 6, 7 and 19.

⁸ It was expected that the homeland governments would contribute an additional R1 683 000 from their own sources of revenue.

⁹ It was expected that the S.A. Bantu Trust would spend an additional R1 650 000 from its own sources.

⁹ Nos. 1222, 1220, and 1066 of 1973.

FARMING, COMMERCE, AND MANUFACTURING IN THE HOMELANDS

The Deputy Minister of Bantu Development said in the Assembly on 6 April¹⁰ that an agricultural school had recently been established in Owambo, starting with seven students.

It was stated on behalf of the Minister of Coloured Relations and Rehoboth Affairs¹¹ that, to the end of 1972, the Coloured Development Corporation had made eight loans to Coloured businessmen in S.W.A.

In its report for the year ended 31 March 1972, the Bantu Investment Corporation (B.I.C.) stated that it had made the following loans to African businessmen since 1959/60, when the scheme was started:

	<i>Number</i>	<i>Amount</i> <i>R</i>
Owambo	9	43 400
East Caprivi	10	22 530
Elsewhere in S.W.A. ...	11	57 350

The issue of *Bantu* for November reported that the loans made in Owambo in 1971-2 were for expanding existing businesses and for starting two bicycle shops, a hairdressing salon, a photographic studio, a fish and chips shop, a licensed restaurant, and a cinema.

According to this report and to information given in the Assembly by the Minister of Bantu Administration and Development on 26 April,¹² since its inception the B.I.C. has itself established the following concerns, mainly in Owambo:

- a sawmill and wood-processing plant;
- a furniture factory;
- a cold drink factory;
- a wholesale hardware firm;
- a savings bank;
- an abattoir and two butcheries;
- nine wholesale and five retail general dealers' stores;
- three bottle stores (one wholesale);
- five mechanical workshops and three garages;
- a light steel industry making building components.

At the end of 1972, these undertakings were providing employment for 587 Africans and 93 Whites. Four of the general

¹⁰ Hansard 9 col. 618.

¹¹ Assembly, 9 January, Hansard 1 Question col. 42.

¹² Hansard 11 cols. 723-4.