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# NEW LIGHT ON SOUTH WEST AFRICA

Some Extracts from and Comments on the  
Odendaal Report

*by*

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WITWATERSRAND UNIVERSITY PRESS  
JOHANNESBURG

*Reprinted from*

AFRICAN STUDIES

A quarterly journal devoted to the  
study of African cultures, government  
and languages

Volume 23, Numbers 3-4, 1964

Published by the Witwatersrand University Press

# NEW LIGHT ON SOUTH WEST AFRICA

## Some Extracts from and Comments on the Odendaal Report

GORDON LAWRIE

In view of the growing interest in South West Africa, Mr Gordon Lawrie, Director of the South African Institute of International Affairs in Johannesburg, has compiled this summary of the Report of the Odendaal Commission of Enquiry into the Affairs of the territory (R.P. No. 12 of 1964). He has added some comments of his own as well as a supplementary section dealing with the international position of the territory and with the Republican Government's decisions to date on the Report.

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### I

The *Report of the Commission of Enquiry into South West African Affairs 1962-63* is contained in a volume of 557 foolscap pages which costs R10.80. With 148 tables and 64 maps, plans and graphs it is a forbidding publication for the ordinary reader to contemplate. The purpose of these notes is to draw attention to some of the important findings and recommendations of the Report. Some comment is unavoidable but the context will make it clear where the views recorded are not those of the Commission.

The Commission was appointed to enquire into the welfare and progress of all the inhabitants of South West Africa and of the non-White inhabitants in particular and it was required to make recommendations on a five year plan for the "development of the various non-White groups inside and outside their territories and for the further development . . . of such Native territories"; so that it was not entirely free in what it could recommend. The Commission does not, however, merely rely on its terms of reference to justify the measures of separate development that it recommends but in a number of different passages (pages 55, 79, 315, 333, 427 and 515) and in different contexts it argues that the provision of homelands for the different ethnic groups is the best, if not the only, way to ensure harmonious development.

### II

#### LAND AND POPULATION

##### *Distribution of Land* (page 29)

The total area of South West Africa is 318,261 square miles; of this 158,653 square miles or 49.85 per cent are farms (para. 103) actually in use but not including Native reserves. The figure does, however, include the Rehoboth Gebiet (5,065 square miles) and if this is deducted it is clear that 48.26 per cent of the total area of South West Africa is held by White farmers either as freehold or leasehold. (A very small part of this is farmed by Coloureds.)

The remainder (51.74 per cent) is divided into Native reserves (25.05 per cent or 26.64 if the Rehoboth Gebiet is included) town areas, game reserves, "Sperr" diamond areas, government lands (10.37 per cent); and the Walvis Bay area which is legally part of the Republic.

Thus at the present time White farmers occupy roughly half South West Africa and Natives about one-quarter. The Commission recommends that the Native reserves—now to be called homelands—should be increased by some 50 per cent (page 111). This increase will come partly from White farms but in the main from government lands and game reserves. If carried out in full the proposals mean that Native homelands will be 39.6 per

cent and White farms 44.12 per cent of the total area of the Territory.

It is difficult to compare in general terms the quality of the land involved, but in South West Africa the type of soil is of great importance not only because much of the veld is poor but also because poor veld often goes with inadequate underground water. A rough attempt at comparison is possible by tracing a transparent map of the projected homelands and imposing this in turn on the maps of topography, soil types, registered boreholes, and rainfall (figures 3, 6, 62 and 5). This indicates that a large proportion of White farmlands is above 4,000 ft., composed of group 'C' soils which appear of comparatively good agricultural quality, and is provided with relatively good underground water; the rainfall map, however, indicates that the homelands receive at least their share of rainfall and probably more in the Northern Sector.

#### *The Provision of Homelands*

The Commission finds that the total population of 526,004 is divided into twelve ethnic groups. The White population forms a single group of 73,464 persons. The Commission describes the Kaokovelders and Hereros as being closely related in "origin, language and culture" yet treats them as separate groups and the Basters and Coloureds are also separated despite similarities of language, culture and their common "Caucasian" strain. It is clear therefore that practical geographical considerations have also played a part in determining the twelve groups which are Bushmen, Damara, Nama, Basters, Coloureds, White, Hereros, Kaokovelders, Ovambo, Okavango, East Caprivians and Tswana.

It is as well to note here that, according to Table XIX, *all* East Caprivians and Kaokovelders live in the homelands proposed for their groups; and that only a few Ovambos, Okavangos or Basters are outside their homelands (although 8,100 Ovambos live in urban areas in the Southern Sector where presumably they must be migrant workers). This is of importance for it means on the one hand that these five groups will

be little affected by the movements of population implicit in the Commission's recommendations but, on the other hand, these movements fall all the more heavily on the remaining groups.

Each of the ten Native groups is to have a homeland. The Whites will in general continue in occupation of their present areas and provision is to be made for a Coloured agricultural settlement on the Orange River. The Bushmen will actually receive two homelands namely Bushmanland and the Western Caprivi.

To compare each of these new homelands with each present homeland or reserve is not possible since the present Native reserves are not based on ethnic groups, some of which like the Tswanas and Bushmen have no area that can be said to be even *de facto* reserved for them. There is, however, on page 111 a table which compares the so-called present homelands with the proposed homelands and shows that in every case there is a gain—except in the Kaokoveld where a strip of the uninhabited Skeleton Coast becomes game reserve. The difficulty is that in the Southern Sector few Native areas are homogeneous in population and so any comparison between present territories and the proposed Namaland, Bushmanland, Hereroland and Damaraland has little meaning. An example will make the difficulty of comparison clear: the present Tses reserve will be incorporated into a proposed Nama homeland but it contains only 428 Namas out of a total 1,226 and the Hereros, of whom there are 600, are the largest group.

Nevertheless the Report endeavours to help the reader make such comparisons by providing a map of each proposed homeland showing in different shading the total area, the existing Native reserves incorporated in it and the areas that will be detached from it. Areas with a population of the particular ethnic group but which are geographically remote from the new homelands are shown as insets on the same scale (Figures 17 to 26). These maps are useful but the reader must realize that in some cases comparisons are being made of things that are different in nature. [It should be noted that the Otji-

horongo territory has been omitted from the map of Hereroland.]

If, however, we ignore all questions of where people are living at present, we can say, as the Report does, that the proposed homelands will be over 50 per cent larger than the present Native reserves.

### III

#### POPULATION MOVEMENTS IMPLICIT IN THE HOMELAND PROPOSALS

The Report does not explicitly state how many persons will need to move if its recommendations are fully implemented. Part 'D' which deals with homelands gives 1960 population figures for each ethnic group, but these figures refer *not to the actual population of the proposed homeland area but to the total membership of the group concerned irrespective of where individuals are at present living.* In some cases these figures are the same (Eastern Caprivi) or the difference is small (Okavangoland) but in others the difference is considerable; the present population of the proposed Hereroland is approximately 11,000 (page 185) but the 1960 Herero population of South West Africa is 35,354 (page 94).

It is, however, possible to calculate reasonably accurately the movement of population involved, using information provided by the Report.

The following table has been compiled by combining with the area figures in Table G

(page 111) population figures calculated from the figures given in Table XIX (page 41). The total of each group living in homelands has been reached by adding the Northern and Southern Sector homeland figures together and the total of each group living outside the homelands has been arrived at by adding the urban and rural figures together.

It must not, however, be concluded from these figures that the proposed homelands involve merely the movement of 115,597 persons into them. The position is much more complicated. On the one hand, the proposed homelands will take in a number of persons living outside the present homelands but within the new borders proposed in the Report. To this extent, the figure of 115,597 will be reduced. On the other hand, and much more important, the figure of 324,235 persons living in the present homelands *includes all those living in homelands not at present designated for their own ethnic group.* To this extent the figure of 115,597 will be increased.

An attempt is made below to calculate from material given in Table XX on page 41 of the Report what the number of people in each group is that will have to move from a present homeland to a different proposed homeland. Table XX refers to the Southern Sector of the territory only but since the present Northern homelands are remarkably homogeneous this should not effect the position to any extent. Only Sesfontein in the Northern Sector has a really mixed population of 309 Damaras, 200 Namas and 354

	Area of present Homelands (Hectares)	Area of proposed Homelands (Hectares)	Gain or Loss (Hectares)	Native Population of present Homelands	Native Population outside present Homelands	Total Native Population
Ovambos .. .. .	4,201,000	5,607,200	1,406,200+	230,735	8,628	239,363
Okavangos .. .. .	3,299,617	4,170,050	870,433+	27,702	169	27,871
Kaokovelders .. .. .	5,525,129	4,898,219	626,910-	9,234	—	9,234
Damaras .. .. .	626,375	4,799,021	4,172,646+	5,594	38,759	44,353
Hereros .. .. .	4,374,469	5,899,680	1,525,211+	15,556	19,798	35,354
East Caprivians .. .. .	1,153,387	1,153,387	—	15,840	—	15,840
Tswanas .. .. .	—	155,400	155,400+	836	9,156	9,992
Bushmen .. .. .	—	2,392,671	2,392,671+	3,416	8,346	11,762
Basters .. .. .	1,312,239	1,386,029	73,790+	8,893	2,364	11,257
Namas .. .. .	1,115,529	2,167,707	1,052,178+	6,429	28,377	34,806
<b>TOTAL .. .. .</b>	<b>21,607,745</b>	<b>32,629,364</b>	<b>11,021,619+</b>	<b>324,235</b>	<b>115,597</b>	<b>439,832</b>

Tswanas, while Ovamboland and Okavangoland have 879 and 1,400 Bushmen respectively.

*Number of inhabitants of present homelands living in areas which it is proposed will be in the homeland of another racial group.*

**TOTAL 14,396 MADE UP AS FOLLOWS**

*Ovambos and Okavangos* (classified together in Table XX): 205

This is the total given in Table XX and as the whole of their proposed homelands lie in the Northern Sector, all are affected.

*Kaokovelders*: Nil

Table XIX shows all 9,234 members of this group as already in their homeland. An insignificant number of persons resident in the area to be ceded to Damaraland might be affected.

*Damaras*: 3,097

This is the number left after deducting from the total of 3,624 Damaras living in all present home areas, the 527 who are living in Otjihorong and Fransfontein both of which will form part of the proposed Damaraland.

*Hereros*: 6,436

This is the number left after deducting from the total of 15,453 living in all present home areas, the 9,017 Hereros living in the Waterberg East, Eastern, Epukiro, and Otjituuo areas which will form part of the proposed Hereroland.

*East Caprivians*: Nil

All are resident in East Caprivi which will remain unaltered.

*Tswana*: 437

That is all those living in the present homelands.

*Bushmen*: 1,111

These are all those living in the present homelands.

*Basters and Coloureds*: 951

The Rehoboth Gebiet is not included in Table XX although elsewhere it is treated as a home area. For the remaining home areas the total for Basters and Coloureds,

who are treated as one, is 951 but it is not possible to estimate how many of each this includes. The Coloureds have no projected homeland of their own but will be expected to move from other groups' homelands.

*Namas*: 2,159

This is the number left after deducting from the total of 4,101 living in all present home areas, the 1,942 Namas living in the Beerseba, Tses and Soromas areas which will form part of the proposed Namaland.

If this total of 14,396 persons living in home areas which will not form part of their own proposed homelands is added to the total of 105,597 Natives living in urban and rural areas (in effect in White areas) we reach a grand total of 129,993 non-Whites who it is proposed should move into their own areas. This is 24.69 per cent of the total population or 28.67 per cent of the non-White population. As has already been pointed out the people who will be mainly affected are the Hereros, Damaras, Namas and Bushmen.

If we, as it were, set population movement against gain in land area we find that:

74 per cent of the Herero population will move and Hereroland will increase in area by about 45 per cent;

87 per cent of the Namas will move and Namaland will be more than doubled in area;

94 per cent of the Damaras and 95 per cent of the Bushmen will move but each will, for the first time, have a homeland of their own.

In addition to these there will be an unknown number of Whites who will move from farms incorporated in homelands and an unknown number of Coloureds who will move into the Coloured townships of Windhoek, Walvis Bay and Luderitz where they will have rights of ownership and into the irrigation settlement to be established on the Orange River. Coloureds are also to be assisted to find employment in the Western Province (page 109).

It must be emphasized that the population figures given here are those for 1960. The

Report (page 39) gives the growth rate of the population for 1951 to 1960 as 4.2 for Whites, 3.6 for Coloureds and 1.8 for Natives.

#### IV

##### THE ADMINISTRATION

###### *The Present Position*

The Report traces the development of the present arrangements for the governing of South West Africa. The present position is that full and final administrative and legislative authority over South West Africa vests in the Government of South Africa. The Legislative Assembly has power to make ordinances except in respect of Native Affairs, mines and minerals, railways and harbours, civil service, administration of justice, posts and telegraphs, defence, immigration, customs and excise, currency and banking in which instances it must obtain the prior approval of the State President. No ordinance is valid if repugnant to a South African Act applicable to South West Africa.

The administration of Native Affairs is vested in the Minister of Bantu Education. Prior to 1954 the Administrator had powers over Native Affairs as Supreme Chief of the Natives of South West Africa but since that year and the passing of Act 56/1954 the State President has been Supreme Chief and the Administrator has powers over Natives granted to him as a member of the Native Affairs Commission by the Minister of Bantu Administration.

The Report criticizes the way in which legislative and administrative authority was passed on to the Administration of the Territory and in practice passed out of the direct responsibility of the South African Government. In this it is echoing the criticism of the Permanent Mandates Commission of the League of Nations in the early thirties. But the Report is not correct when it says that this "was in accordance with a generally accepted approach . . . that the necessary means for the development of a mandated territory should be obtained or

recovered primarily from the Territory itself", for in the Permanent Mandates Commission it was often pointed out that Mandatory Powers were granted Mandates because, *inter alia*, they had resources which would enable them to assist the mandated territory.

The Report in discussing the demarcation and development of homelands says that "it would be more in the spirit of the mandate if the initiative for such a programme were to be vested in the Government of the Republic of South Africa rather than in a local government which, in its composition, is merely representative of the local White community which has interests that may in some respects be competitive with those of the non-White groups". This reflects exactly the criticism voiced in 1935 in the Permanent Mandates Commission. Professor Rappard then said that the South African Government was becoming less conscious of its responsibilities under the Mandate as a result of the system of self-rule under which "the White population had been put in the saddle by the Mandatory Power". The difference in the two criticisms is, of course, that the Permanent Mandates Commission was referring to the territory as a whole while the Odendaal Commission is referring to the non-White homelands.

###### *General Recommendations*

Be that as it may, the Report makes far-reaching recommendations which will, if fully implemented, establish ten homelands each with a form of self-government. In addition there will be what the Report calls the White area which is to consist of the White farms, urban areas and the game reserves and which would appear to include the Coloured townships and the proposed Coloured irrigation settlement on the Orange River.

After the homelands and the White areas have thus been accounted for there remain government land, which will include the present Aminius, Bondels, Warmbad, Neuhof, Otjimbingwe, and Ovitoto reserves which are not to become part of the proposed homelands, and the "Sperr" (diamond) areas

which will presumably be administered directly from Pretoria since the Report makes no other provision for them.

If we confine ourselves to the White area and the homelands the pattern of government is that, for both, the South African Government remains the final authority. For the White area there will be, as at present, an Administrator, Executive Committee and Legislative Assembly but their powers will be restricted not only to the White area but also to something less than those of a Provincial Council and legislation will be subject to approval of the State President; the administration will be under the supervision of the Ministry of the Interior. A long list of subjects at present administered by South West Africa and which will be taken over by the Republic can be found in para. 221 of the Report.

The homelands will be administered by the Ministry of Bantu Administration except for the Rehoboth Gebiet and Namaland which will come under the Department of Coloured Affairs.

The links between the homelands and the South African Government are to be of two kinds: official links through a Chief Commissioner and a number of commissioners (para. 226) and political—or what the Report calls “diplomatic”—links through one (or possibly two) Commissioners-General who will be “a link between the population and governing bodies of these homelands and the Government of the Republic of South Africa.”

#### *Proposed Authorities within the Homelands*

Space does not permit the setting out of the proposals for each homeland. These vary from Ovamboland and the Rehoboth Gebiet at the one end of the scale to Bushmanland on the other. Ovamboland will therefore be taken as the prototype.

It is proposed that Ovamboland should have a Legislative Council of *ex officio* chiefs and headmen and elected members which will take over the legislative functions for the time being vested in the Department of Bantu Administration. There will be an Executive Council also consisting of chiefs

and members elected by the Legislative Council. “Citizenship” of Ovamboland will be established by legislation and will include all Ovambos. The franchise will be granted to all Ovambos in South West Africa over 18 years of age. The Legislative Council will create inferior courts and a high court with civil and criminal jurisdiction but subject to appeal to the Supreme Court of South Africa.

The proposals for Okavangoland, Kaokoveld, Damaraland, Hereroland and East Caprivi all approximate to those for Ovamboland. There are naturally differences regarding the *ex officio* members of the Legislative and Executive and in other details. The Tswanas will merely have a “community authority, consisting of one headman and two councillors”, and the Bushmen will be “under the guidance and protection of a commissioner”; for neither is homeland citizenship proposed. The proposals for Namaland are very similar to those for Ovamboland except that it falls under the Department of Coloured Affairs; for the Rehoboth Gebiet no form of government is proposed but merely that “the provisions of the required constitution be determined by consultation between the Bantu community and the Government of the Republic of South Africa”.

In the section referring to homelands in general (page 107), there are two paragraphs which make rather strange reading.

The first is para. 413 which states “that all citizens of the homelands, with the exception of those who have been declared prohibited immigrants, shall have free access to their respective homelands at any time and without restriction”. The concept of a citizen who can be a prohibited immigrant is one that is not easy to grasp.

The second is para. 415 which states “that in the same way as the Territory of South West Africa forms an economic entity with the Republic of South Africa in which commercial traffic is carried on freely, every homeland shall form an economic entity with the rest of the Territory and the Republic of South Africa. The Commission envisages a gradual development towards political inde-



pendence, with the retention of the best mutual co-operation realising that mutual economic dependence will continue as at present". What seems strange is that in one instance economic interdependence leads to administration as an integral part of South Africa whereas in the other it leads to the division of South West Africa into at least eleven homelands.

In addition to the homelands, the Report recommends that non-White townships should be established in White urban areas where the numbers justify it and in such townships urban non-White councils should be established in part appointed by the authority of the appropriate homeland and in part elected by residents of the township. Separate townships are envisaged for Natives on the one hand and Coloureds, Bastards and Namas on the other.

## V

### HEALTH

The Report devotes a long section to health questions and it appears that at the present time although the numbers of professional and auxiliary staff and of hospitals and beds are low the population's health is good. Malnutrition is not serious (para. 527) and the incidence of disease is not high (para. 561).

The heterogeneous population, differences in climate and the contrasts between the modern and traditional sectors of the economy make generalizations of little value. For example Walvis Bay is surrounded by almost waterless desert but because of its fishing industry "drowning" ranked as one of the main causes of death in 1961!

There is a great deal of detailed information in this section of the Report and comparisons are made with other territories in Africa. South West Africa comes well out of this comparison as far as medical practitioners, nurses, midwives, hospital beds and expenditure per head of population are concerned. Clearly the difficulty is the sparseness of this population and it is not surprising in

these circumstances that one of the Commission's first recommendations for the improvement of health services concerns the building of roads and the establishment of ambulance services. Special air facilities for specialists and district surgeons are also recommended as is a radio medical service.

The writer of this article has found some of the information provided very puzzling—for example paragraph 609 refers to a Government hospital of 132 beds at Runtu in Okavangoland, Table LV gives 72 beds as the total of Government hospital beds for Okavangoland and Figure 31 shows no doctors of any type at Runtu. It does appear that this section of the Report would have been greatly improved by more careful editing and by a composite table comparing the present position with the proposed additions.

Nevertheless, it is clear that the Commission is proposing that health services should be greatly improved and extended to keep up with developments recommended elsewhere in the Report.

The recommendations are detailed and refer to each homeland in turn. For personnel they provide for the encouragement of the recruiting of what the report calls "fully registered doctors" (para. 889); the encouragement of Native students to take medical courses in South Africa; increased subsidizing of mission doctors; increased numbers of district surgeons; part-time specialist services; training of Native nurses, medical assistants and Native health inspectors.

As far as hospitals and clinics are concerned new institutions should be "Government" but the present Mission hospital should be improved and expanded with Government aid.

Clearly, the development of health services will have to be co-ordinated with the general homelands programmes since these will affect the distribution of population. The administration of the health services is to be by the South West African Administration in the non-White homelands as well as in the White areas. This despite the fact that in dealing with administration in general the

Commission recommends that Health should be administered by the South African Government. The Report explains that the South West African Administration will be acting in the homelands on behalf of the Departments of Bantu Administration and Coloured Affairs who will be acting on behalf of the South African Government. A long way round to reach the point at which they started.

## VI

### EDUCATION

The plan of education for Natives recommended by the Commission is certainly one tailored to fit the homeland recommendations of the Report. "Full account is to be taken of the requirements of the various homelands . . . and . . . educational services [should] be incorporated as an integral part of community development".

This means that mother tongue instruction is to be used and that nine different languages have to "be recognised and developed", but dialect forms are to be discouraged. Since the languages include some as little developed as Bushman, the period before instruction can adequately be given in all home languages will be a long one. Official languages are, however, to be taught as courses and will, it appears, be the medium of education in secondary schools.

Since in general the proposals made in the Report will be to bring education into line with the system in the Republic, there is little point in going into it further in this summary and a detailed examination of the Commission's proposals must be left to someone better qualified to carry it out. Until now the missionaries have done the major part of the work of educating the indigenous population of South West Africa. The Commission is aware that this cannot be changed immediately and so recommends that, as in the case of hospitals, the further expansion of educational services should be undertaken by the State, but that "subsidies to missionary societies should make provision for the maintenance and improvement

of existing services which for the present cannot be supplied by the State" (para. 1112).

## VII

### ECONOMICS

The economic future of South West Africa depends to a very large extent on water. This is true of farming, in which "rainfall plays the determining role" (para. 1120), and also of industrial development which can take place "if cheap electric power is available" (para. 1463). The supply of this cheap electric power is made possible by the Kunene River, on which the Commission recommends that a hydro-electric scheme should be established where the Kunene forms a common boundary with Angola at the Ruacana Falls and later farther downstream. "The Commission sees the generation of electricity on the Kunene . . . as the most important contribution the State could make towards the further economic development of South West Africa."

Water is also decisive in both what the Commission calls the subsistence and the market economies and since these correspond geographically to the Native homelands on the one hand and the White area on the other, the supply of water is probably essential for the success of the homelands.

#### *The Commission's General Views on the South West African Economy*

The Commission points out that like other developing countries, South West Africa has a dual economy in which there is a modern exchange sector catering in a large part for a specialized discerning export market and a traditional subsistence economy where money is little used, land tenure is communal, and the other features of traditional tribal life are to a lesser or greater extent retained intact. Nevertheless, the Commission finds that "the economy of the whole of South West Africa is therefore already commercialized to a much greater extent than that of other countries of Africa, excluding the Republic of South Africa." (This statement seems

rather doubtful, if countries like Egypt are included.) The Report goes on to point out that the "mines, factories and homes" in the south attract workers from the far north of Ovamboland and even from Angola.

Its extent is, however, illustrated by the fact, merely mentioned by the way, that African "workers from the far north of Ovamboland and even from Angola sometimes travel as much as 250 miles by car plus 650 miles by air in order to earn money on a temporary contract basis in the mines, factories and homes in the south."

But there must be many thousands who do not get a lift by air or even by lorry.

The Commission makes important recommendations for the extension and improvement of roads (paras. 1368, 1369, 1370) but no expansion of railways or S.A.R. Road Motor Services is contemplated (paras. 1373 (iv) and (d)). On the other hand, the provision of sixteen principal airfields is foreseen and twenty-six existing secondary airfields are to be improved. It is difficult to believe that this improvement in transport will not have the effect of altering the traditional sector of the economy still further and of integrating the homelands and White areas despite their establishment as separate political units.

The Commission contemplates the provision of dams and boreholes in all the homelands but the scheme that has received most publicity and which will undoubtedly have the most far-reaching effects industrially and agriculturally is the Kunene River and Ovamboland canal scheme.

This scheme is not new. It was designed by the Water Affairs Branch of the South West African Administration and by 1963 nearly half a million rand had already been spent on it (page 451).

The programme starts with a canal in northern Ovamboland which collects *flood waters*, some of which come from Angola, and carries them as far as the Roman Catholic mission at Okatana providing irrigation *en route*. This is known as *Phase 1*.

*Phase 2* is a similar scheme starting farther west and using as its main canal the natural course of the Etaka Oshana (i.e. a natural flood water channel). Its purpose and conception are much the same as Phase 1.

*Phase 3* is far more ambitious and will convert the canals constructed under phases 1 and 2 into perennial streams and will provide power for industries far to the south. It requires the co-operation of the Portuguese authorities not only because a dam is required at Erikson's Drift in Angola to regulate the flow of the Kunene River, but also because in the construction of the hydroelectric works on the Kunene where it is the frontier between Angola and South West Africa, it is proposed to use electric power from the existing Angolan power station at Matala and also to feed this into the South West African electric grid, first as a permanent supply and later as a supplement or standby.

Assuming Angolan concurrence, a power line will be erected from Matala to Tsumeb and connected to the Ruacana Falls lower down the Kunene where in due course a new power station will be erected. This will provide power to pump water from the Kunene into the Ovamboland canal system thus providing perennial water. Power will later be available all along the canal system and to mines and industries south of Ovamboland.

The total cost of the Kunene River and Ovamboland canal schemes is estimated at R53 million and the Commission proposes that long-term loans should be made by the Industrial Development Corporation in so far as the expenditure concerned cannot be undertaken by Escom<sup>1</sup> who, it is proposed, will operate the Ruacana Power Stations and the bulk distribution of electricity.

Other smaller water schemes involve the expenditure of R19 million so that the total expenditure on the Five Year Plan for water and electricity totals R72 million (page 453).

The total cost of the proposed Five Year Plan is given by the Commission as R115

<sup>1</sup> Escom or the Electricity Supply Commission was established under Act 42 of 1922 as a corporate non-profit making body to supply electricity within the Republic.

million and it is recommended that this should be provided as loan funds by the South African Government who will, in addition, have to find a net shortfall of R41 million of ordinary expenditure over revenue during these five years. Thus the South African Government will have to provide R156 million during the Five Year Plan.

A second Five Year Plan envisages expenditure totalling R60 million, of which the Republican Government will supply R30 million. In this same period expenditure will exceed revenue by R61 million so that the Republican Government will have to find R91 million during the second five years.

*Expenditure during the first Five Year Plan*  
R millions

1. Power Supply .. .. .	49.0
2. Water for Native Homelands .. .. .	12.2
3. Water for White Areas ..	10.8
4. Coloured Housing .. ..	4.0
5. Schools, Hostels, etc., in Native Homelands .. ..	3.5
6. Hospitals, etc., in Native Homelands .. .. .	1.5
7. Community Centres in Native Homelands .. ..	1.25
8. Roads in Native Homelands	8.4
9. Compensation for White Farms @ R5 per hectare ..	17.00
10. Purchase of non-White Land @ R3 per hectare .. ..	3.8
	<hr/>
	111.45
11. Airports .. .. .	3.00
	<hr/>
	114.45

or in round figures R115 million.

These are interesting figures. They show first that R17 million is to be paid in compensation to White farmers whose land is incorporated in the homelands. Assuming that this is a reasonable sum, it is difficult to see why White-owned land is valued at R5 per hectare and non-White reserves at R3. It is also difficult to see how the expenditure of R17 million on the purchase of

land for the homelands can be really called expenditure on the development of these homelands and it is even more difficult to see how the expenditure of R3 million on turning present homelands into Government land can be so described.

It appears from these figures, too, that R33 million is in fact being spent directly on *development of Native areas*; R49 million on power supplies; R21 million on land purchases and R12 million on water supplies for White areas. It seems to a layman that the power supplies will mainly benefit the mining and industrial areas in the south. Except for the small amount required for pumping water from the Kunene into the Ovamboland canals, all the power purchased at Matala or generated at Ruacana is to be conveyed on 220 kilovolt power lines to Tsumeb and farther south and, as the Report says, "the tapping of high voltage lines to meet very small demands is uneconomic". In plain language, Ovamboland will continue to use oil lamps and candles despite the power lines running right across it. However, it is only fair to add that cheap electric power is envisaged for the homelands at a later stage (para. 1477 (5)).

*The second Five Year Plan* provides for more water and power supplies to be paid for by long-term loans and further expenditure in the homelands. It develops from the first Five Year Plan by, for example, providing for a further dam and power plant on the Kunene at Ondorusa.

*A third Five Year Plan* will continue this development. It is not costed like the other two plans but for the writer of this summary at least it contains the most imaginative plan of all those put forward in the Report. This is for a dam on the Okavango River with a canal from the Okavango to the Kunene "for water supply, traffic by water and possible power generation near Ruacana". To sail by barge across Ovamboland is an experience to which we may now look forward!

The Report contains a great deal of detailed information regarding agriculture and particular industries and those seeking infor-

mation on these subjects must refer to the relevant sections.

The future financial relations between South West Africa and the Republic are left for consideration by a committee of experts. But it seems (para. 235) that the future pattern will be for all revenue to be paid to the Republican Government who will allot it to the various authorities responsible for the administration of South West Africa.

#### *Labour*

It is strange that labour questions are dealt with in a single paragraph (1518) near the end of the Report which reads:

“1518. Labour:

In order to meet the needs of workers, especially non-White employees, in modern communities, viewed against the background of social implications of population urbanisation promoted by industrial development, the orderly regulation of labour affairs is essential. The development contemplated in South West Africa will create greater and almost unlimited avenues of employment for the non-Whites within as well as outside their homelands. The Government departments of the Republic of South Africa concerned, namely the Departments of Labour, Bantu Administration and Development and Coloured Affairs, will have to remain well informed on labour conditions in South West Africa, especially in regard to supply and demand, conditions of service, labour turn-over, etc. in order to be able to give expert guidance to employers as well as employees. The Commission realises, first, that the State must supply these services free of charge and, secondly, that the relative Government departments must provide protection and also assistance, especially to non-Whites, in connection with employment. The Commission recommends accordingly.”

This appears to apply to industrial workers only. What the position of farm labourers is to be or where labour for farms is to come from is nowhere mentioned in the Report.

## VI

### CONCLUSION

This summary does not pretend to do more than to draw attention to aspects of the Commission's Report that have seemed of special significance. Sections of some importance may have been omitted and their significance will be evident only to experts. Indeed, it is doubtful if the Report is really capable of being adequately summarized since it deals with various specific questions that cannot be reduced to general terms.

Only in the concluding review does the Report itself generalize. Here it is optimistic and reaches the conclusion “that measured by the above seven criteria, namely, population, growth, health services, welfare, education, agriculture, economic development and communication, the Territory of South West Africa has since 1920, and particularly over the past 17 years, indisputably made great strides and that it can today be regarded as one of the most highly developed of the more than fifty countries in Africa.” The Report goes on to point out that much of this is due to aid received in various forms from South Africa.

Later in its political conclusions (para. 1554), the Commission declares itself convinced that some way other than the “injudicious granting of independence” must be found of granting the right of self-determination to the non-Whites of South West Africa. It concludes that this can only be by the granting to “each of the respective population groups its own inalienable homeland . . . [which will] offer the respective population groups unlimited possibilities of self development and fulfilment on their own native soil”.

Such optimism and fine words sound well but must be read in the context of a poor land with homelands which, when mapped in the Report, produce the emptiest maps one reader at any rate, has ever seen. The Report for all its merits seems at times to have forgotten the realities of the harsh and barren land that is South West Africa.

\* \* \* \*

## INTERNATIONAL SETTING OF THE REPORT

On 9 April, 1946, at the final meeting of the Assembly of the League of Nations, the South African delegate gave formal notice of his Government's intention at the forthcoming session of the United Nations "to formulate its case for according South West Africa a status under which it would be internationally recognised as an integral part of the Union". In December that year General Smuts submitted a proposal to the United Nations General Assembly that the incorporation of the Territory in the Union should be approved. The Assembly rejected this proposal and invited South Africa to place the Territory under United Nations trusteeship. This South Africa refused to do and so the lines of the dispute that have since existed were clearly drawn.

In view of what has been said above regarding the criticisms of the Permanent Mandates Commission of the League that the South African Government was passing on its responsibilities to the South West African Administration, it may seem strange that the United Nations has reacted so strongly against the proposals for integration. But the Permanent Mandates Commission was always careful to maintain a very clear distinction between administration as an integral portion of the Union (of which they approved) and incorporation or annexation which involved a change in the international status of the Territory (which they opposed). Nevertheless, it seems that some of the steps taken by the South African Government since the Second World War—notably the South West Africa Native Affairs Administration Act (No. 56 of 1954) — might well have received approval from the League, but they have been condemned by the United Nations as moves towards annexation. This, of course, reflects the very different membership of the two organizations as well as a change in world opinion on "colonial" matters.

From 1946 to 1949 the General Assembly annually urged South Africa to accept trusteeship status for South West Africa; and in December 1949 the International Court was

asked for an advisory opinion on the whole question.

Six months later the Court advised that, though South Africa could not modify the status of South West Africa unilaterally and remained bound by the Mandate (including Article 2 which obliged her to "promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory"), there was no obligation on her to accept trusteeship. On 13 December 1950 the General Assembly accepted the Court's opinion and set up a Committee of five to consider the whole situation. The Committee was able to do very little in the deadlock which ensued and in 1953 a new committee, known as the South West Africa Committee, was set up and empowered to collect information, make an annual report and receive petitions.

In 1954 and 1955 the Assembly requested two more advisory opinions from the Court in an attempt to establish just what its powers were in this situation; and in 1957 in a new effort to break the deadlock a Good Offices Commission was appointed. The following year the Commission reported that the only solution which seemed to have any chance of being accepted by South Africa was partition, with the southern part of the Territory being annexed to the Union and the northern part being administered under trusteeship. After strong African and Asian lobbying, this proposal was rejected by the General Assembly in October 1958 by 61 votes to 8, with 7 abstentions.

The following year a sub-committee of the South West Africa Committee was set up to discuss the whole question of what legal action could be taken and, partly as a result of this, the African states decided in June 1960 that Ethiopia and Liberia, as former members of the League, should bring a case against South Africa in the International Court. The case (accusing South Africa of having broken the Mandate, and particularly Article 2, by the practice of *apartheid*) was entered on 4 November and in December the General Assembly approved the action of Ethiopia and Liberia by 86 votes to 0 with 6 abstentions.

In the same month, on the initiative of the African states, the General Assembly passed a second resolution recommending that members of the South West Africa Committee should go to South Africa themselves and examine the situation. In early 1961 a further resolution was passed stating that they were to go to southern Africa "with or without the co-operation of the South African Government". When refused visas by the South African Government on the grounds that the whole question was *sub judice*, members of the Committee visited Accra, Cairo, Dar-es-Salaam and Salisbury where they interviewed refugees. As a result, the Committee reported that in their opinion the Mandate had been violated and that the whole question should be considered by the Security Council. At the end of 1961, a new committee for South West Africa was established by the General Assembly and early in 1962 the chairman and vice-chairman of this committee were invited to visit South West Africa by the South African Government. Though they later produced a trenchant report saying that the Security Council must now consider using sanctions against South Africa, the effect of this was somewhat marred by the fact that during their tour they had issued a communiqué stating exactly the opposite.

During 1962 and 1963 a number of other resolutions were passed on the question of South West Africa. They included nothing of substance, however, and it was clear that very little more could be achieved until the International Court produced its judgment. In December 1962 the Court rejected by 8 votes to 7 South Africa's contention that the case fell outside its jurisdiction and is proceeding to a consideration of the merits of the dispute. Moreover, as Mr R. B. Ballinger has pointed out, in the February 1964 number of the *South African Law Journal*, "one thing has been finally settled in international law by the Judgment on the Preliminary Objection: the Mandate as a whole is still legally in force and the Republic cannot unilaterally rule in the territory."

Over the years interest in the situation in South West Africa has steadily increased,

particularly since the formation of the African group at the United Nations in 1958. Though it is arguable that here again the United Nations has been able to achieve very little, it remains true that the South West Africa Committee, by producing a mass of information and by giving a platform to a large number of petitioners, has made it possible for some contact to be maintained between the Territory itself and the outside world. If the International Court in 1965 finds in favour of Ethiopia and Liberia, however, there is bound to be sustained pressure from the African states for some more positive United Nations action.

In the meantime, at the United Nations the *Special Committee of 24*, which deals with questions of colonialism, has debated the question of South West Africa and in particular the Report of the Odendaal Commission and called on South Africa to desist from implementing its recommendations. Britain, the United States of America and Australia abstained from voting but indicated that they did so because of references in the resolution to dangers to peace and security with which they could not agree. From the official summaries, which are the best source at present available, it appears that all were willing to support the paragraph in the resolution which affirms "the inalienable right of the people of South West Africa to self-determination, national unity, territorial integrity and independence." If this is so, it indicates that the main recommendations of the Odendaal Report may exacerbate rather than modify criticism of the South African Government at the United Nations and that merits of its economic proposals may be lost in the condemnation of its political recommendations.

\* \* \* \*

#### DECISIONS OF THE SOUTH AFRICAN GOVERNMENT ON THE RECOMMENDATIONS OF THE REPORT

There can be little doubt that the appointment of the Odendaal Commission was related to the developments outlined in the

foregoing section of this article and it is clear that its recommendations affect matters on which the Court will shortly adjudicate. It was therefore possible that a decision to implement these decisions might have led to an application from Liberia and Ethiopia for an injunction.

In the White Paper tabled by the Government in the House of Assembly on 29 April 1964, this difficulty is frankly acknowledged and "the Government will therefore refrain from action which may be regarded — even theoretically — as detrimental or prejudicial to the alleged rights of the applicant states, or which may unnecessarily aggravate or extend the dispute before the Court." For this reason, the constitution of homelands as self-governing areas, the reorganization of administrative functions and new financial relations between South West Africa and the Republic and any matters inseparably connected with these will "stand over for the time being".

The Government also points out that as a large number of the approximately 475 recommendations of the Commission are "of such a purely administrative nature that the authorities responsible for their implementation will have to take decisions thereon as the occasion arises"; and that others are "advanced by the Commission as being for further consideration". A caveat is also entered about the recommendations concerning the homelands "where the addition of considerable areas of land now in private ownership of White persons is involved".

Subject to these reservations, the Government "accepts the Report in broad principle" and has decided that certain recommended projects should be executed immediately and on a large scale.

These recommended projects are set out under different headings in the White Paper but it appears that the list is neither exhaustive nor exclusive since it is described as "examples of projects included in this immediate programme". The most important projects relate to the supply of water and electricity and include the Kunene and Ovamboland canal schemes, dam and water

supply schemes to a cost of R16,100,000, boreholes and small dams in Native reserves and the irrigation scheme for the Orange River Coloured settlement. Transport is also to be developed, particularly main and secondary roads and airfields. A total of R44 million will be spent on transport and this sum excludes road works undertaken by the South West African Administration as well as losses incurred in South West Africa by the South African Railways.

The other projects and programmes which are to be undertaken immediately are set out succinctly under the headings: mining, education, health, etc.; and the reader is referred to the White Paper for particulars. Here it seems sufficient to remark that the Kunene River scheme still requires agreement with the Portuguese authorities<sup>2</sup> and that the purchase of lands for the homelands is being proceeded with when White farmers wish to sell. This is a reasonable decision since the Report mentions many farms and portions of farms specifically for inclusion in the homelands and individual farmers should not suffer as a result of the uncertainty which this has caused. The purchase of land for the Orange River Coloured settlement scheme is also proceeding.

"It will be clear from the foregoing that the Government has decided to commence immediately with the implementation of most of the recommendations which are summarised by the Commission, together with their financial implications, under the First Five Year Plan. (Report p. 481, para. 1509.) The portion of the Five Year Plan which will be undertaken will therefore represent an amount of at least R110 million on the basis of the Commission's estimates." But the White Paper goes on to point out that this is by no means all the expenditure implicit in those parts of the Five Year Plan that will be implemented immediately. The total sum involved will be well in excess of R150 million.

Funds to meet this expenditure are to be drawn as far as possible from existing resources; and loans will be made by the Republic (there is an indication that these

<sup>2</sup> An agreement with Portugal has since been signed and technical negotiations are proceeding.



will be later written off). The raising of loans "elsewhere" (presumably this means from the public but within the Republic?) will from the outset be dealt with by the Government of the Republic. An amount of R20 million was included in the Republican budget for 1964-65 for development of South West Africa.

All this appears to indicate that financial need will not be allowed to delay the implementation of the greater part of the Commission's Five Year Plan; it is probable, too,

that technical resources will be made available.

In any ordinary territory the way ahead would appear to be clear. But South West Africa is not "ordinary" and, as so often in the past, it is the political future of the Territory that is uncertain because the two most important of the Odendaal Commission's recommendations — Native homelands and relations with the Republic — are essentially political matters which the outside world, rightly or wrongly, considers to be of international concern.

## AFRICAN STUDIES

AFRICAN STUDIES is published quarterly by the Witwatersrand University Press. The Editorial Committee is drawn from the Department of Bantu Languages and the Department of Social Anthropology and African Government in the University of the Witwatersrand, Johannesburg.

EDITORIAL COMMITTEE: Professor D. T. Cole (Linguistics), Professor Julius Lewin (African Government and Law) and Professor Philip Mayer (Social Anthropology), assisted by Miss P-D. Beuchat, Mr John Blacking and Mr J. M. A. Sikakana.

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CONTRIBUTORS receive forty-five offprints of their articles *gratis*. Additional offprints are obtainable at cost price, if ordered in advance of publication.

SUBSCRIPTION: R3.00 per year. Single copies: R1.00.

CORRESPONDENCE, articles for publication, books for review, orders and subscriptions should be addressed to: **The Publications Officer, Witwatersrand University Press, Jan Smuts Avenue, Johannesburg, South Africa.**

**Collection Number: A1132**

**Collection Name: Patrick LEWIS Papers, 1949-1987**

***PUBLISHER:***

*Publisher:* Historical Papers Research Archive, University of the Witwatersrand, Johannesburg, South Africa

*Location:* Johannesburg

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