

## 2146th meeting

Tuesday, 14 October 1975, at 10.50 a.m.

Chairman: Mrs. Famah JOKA-BANGURA (Sierra Leone).

A/C.4/SR.2146

### AGENDA ITEM 87

Question of Namibia (*continued*) (A/9998-S/11598, A/10023/Add.3, A/10024 (vol. I), A/10050-S/11638, A/10229, A/C.4/784 and Add.1)

#### GENERAL DEBATE

1. Mr. KAMANA (Zambia), speaking on behalf of the President of the United Nations Council for Namibia—who had been unable to attend, as he would have wished—introduced the first volume of the report of the Council (A/10024 (vol. I)).

2. The document described the work of the Council during the past year and contained recommendations that it had adopted. It also described the political situation in Namibia and, in that connexion, perhaps the most important and disturbing matter was the recent South African action of sponsoring a bogus constitutional conference, without the participation of the South West Africa People's Organization (SWAPO), the authentic representative of the people of Namibia, or the Namibia National Convention (NNC), an umbrella organization of various groups of Africans. The Council had immediately condemned that latest manoeuvre by South Africa, which had been preceded by a wave of harassment and detentions, and which had obviously been designed to divide the people of Namibia and thereby perpetuate South African domination of the Territory. In condemning the so-called constitutional conference, the Council had emphasized the need to preserve the territorial integrity of Namibia and the national unity of its people and had appealed to the international community to frustrate the manoeuvres of the South African racist régime and to exert pressure on it in order to compel it to withdraw from the Territory.

3. The South African occupation régime had recently gathered together a group of personalities from the "bantustans" and had sent them abroad in an attempt to add the weight of a favourable public opinion to the voice of those who, motivated by economic interests, were advocating the maintenance of the *status quo* in Namibia.

4. The people of Namibia would not be deceived. Despite the repressive measures taken by the illegal occupation régime, they had continued to manifest their desire for genuine independence in one nation. The dissension that had broken out, early in 1975, in the ranks of the National Convention had quickly been overcome with the withdrawal of two small tribal factions, after which the Convention had regrouped itself as the NNC, consisting of SWAPO and four other parties.

5. The United Nations Council for Namibia had exposed the continued violations of human rights and had con-

demned the shootings that had taken place in the village of Katutura. Furthermore, it had taken major steps to assist Namibians, particularly through the United Nations Fund for Namibia and the Institute for Namibia, which was now operational. Mention should also be made of the assistance provided by other United Nations bodies, in particular the Office of the United Nations High Commissioner for Refugees and UNDP, which had decided to establish an indicative planning figure for Namibia.

6. At the international level, the Council had moved actively to protect the rights and interests of Namibians. Thus, it now represented Namibia in the specialized agencies and other United Nations organizations and had endeavoured to be represented at all relevant international conferences or meetings, as described in volume I, paragraphs 273 to 292, of the report of the Council (*ibid.*). He particularly wished to emphasize the close co-operation between the Council and OAU.

7. The Council had continued its efforts to ensure that Member States complied with United Nations resolutions on Namibia and with the advisory opinion of the International Court of Justice of 21 June 1971.<sup>1</sup> To that end, the Council had continued its policy of holding consultations with Member States. In 1974, it had sent a mission to Latin America and, in 1975, a mission to Asia and Europe.

8. With respect to the dissemination of information, the Council had continued to wage a vigorous campaign: it had issued statements and press releases, arranged television interviews and press conferences, co-operated in the preparation of a commemorative postage stamp on Namibia, prepared a photographic display on Namibia and organized the commemoration of Namibia Day on 26 August. At the same time, the United Nations had continued to issue publications on Namibia and to draw attention to the problem of Namibia through special radio programmes. The details of those activities on dissemination of information were set forth in paragraphs 293 to 308 of the document under consideration.

9. The question of Namibia had entered a new phase, one of action, and, in that connexion, he drew the attention of the Committee to the 25 recommendations of the Council included in its report (*ibid.*, para. 357). The principal recommendation—recommendation (5)—was that the General Assembly should call upon the Security Council to take up again the question of Namibia and to act to give effect to its resolution 366 (1974). In that connexion, he said that

<sup>1</sup> *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.*

the United States, the United Kingdom and France could not escape responsibility for Security Council inaction in the matter. On two occasions, those countries had jointly vetoed meaningful Security Council resolutions, which had not only commanded the support of the majority of its members, but also that of the majority of other States Members of the United Nations. They had thus identified themselves as defenders of the oppression of the Namibian people. It was to be hoped that, through the Security Council action which the United Nations Council for Namibia was recommending, those Powers would join in the common effort to compel South Africa to withdraw from Namibia.

10. He wished to emphasize some of the other recommendations to the effect that the General Assembly should demand the withdrawal by South Africa of all its forces and its administration from Namibia—recommendation (2); that it should appeal to all Member States to apply the Decree on the Natural Resources of Namibia—recommendation (9); that it should condemn the exploitation of uranium in Namibia by organizations under the governmental control of Member States—recommendation (10); that it should request Member States to broadcast radio and television programmes informing their populations about the situation in Namibia—recommendation (11); that it should request the Secretary-General to increase the number of radio programmes which were beamed to Namibia—recommendation 14 (a); that it should appeal to all States and organizations within the United Nations system and other organizations to make financial contributions to the Institute for Namibia through the United Nations Fund for Namibia—recommendation (16); and that it should decide to allocate to the Fund the sum of \$200,000 from the regular budget of the United Nations for 1976—recommendation (24).

11. The Council had decided in principle to attend the International Conference on Namibia and Human Rights to be held at Dakar in January 1976; the Council hoped that that would prove to be a major international conference on Namibia, in the tradition of those held at Oxford in March 1966 and at Brussels in May 1972.

12. He announced that volume II of the report of the Council would be published shortly, and again stressed the conviction of the Council that the international community must enter a phase of concrete and practical action to put an end to the domination of South Africa over Namibia and allow Namibians to exercise their right to self-determination and independence.

13. Mr. LASSE (Trinidad and Tobago), speaking as the Rapporteur of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, introduced chapter X of the report of that Committee covering its work during 1975 concerning the question of Namibia (A/10023/Add.3).

14. In paragraph 11 of its resolution 3328 (XXIX), the General Assembly had requested the Special Committee

“to continue to seek suitable means for the immediate and full implementation of resolution 1514 (XV) and

2621 (XXV) in all Territories which have not yet attained independence and, in particular, to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirtieth session”.

In carrying out that task in relation to the question of Namibia, the Special Committee had taken into consideration the relevant resolutions of the General Assembly and the Security Council and had benefited from information provided by SWAPO, whose representative had participated as an observer in the meetings of the Special Committee held at Lisbon in June.

15. The Special Committee had noted with deep concern that the Pretoria régime had further escalated its reign of terror over the Namibians, through all types of repressive measures. It had condemned such actions as a flagrant violation of the fundamental rights of the Namibian people, called for their immediate cessation, demanded the release of political prisoners and called upon the South African régime to end its “bantustanization” of the Territory. Furthermore, the Special Committee had considered that, for the purpose of enabling the people of Namibia to determine their own future in accordance with their true aspirations, it was imperative that free elections be organized without delay under the supervision of the United Nations, and had denounced the staging of all sham elections and the instituting of so-called constitutional changes by the Vorster régime in Namibia.

16. Bearing in mind the current situation in southern Africa and the need to bring about the maximum isolation of the Pretoria régime until it had renounced its policy of colonialist and racist domination, the Special Committee had urged all States concerned to discontinue all relations with South Africa, purporting to act on behalf of, or concerning, Namibia. The Special Committee had also called upon South Africa’s major trading partners and those interests which collaborated with the régime in exploiting the Territory’s natural resources to the detriment of their rightful owners, to cease all such collaboration, in keeping with the Decree on the Natural Resources of Namibia enacted by the United Nations Council for Namibia on 27 September 1974.<sup>2</sup>

17. In view of South Africa’s continued illegal occupation of Namibia and its contemptuous disregard of United Nations decisions, and bearing in mind the direct responsibility of the United Nations for the Territory, the Special Committee had urged the Security Council to consider taking all appropriate measures under the Charter, including those provided for in Chapter VII, with a view to securing the compliance of the Government of South Africa with those decisions. In that context, the Special Committee had appealed to States to observe scrupulously the arms embargo against South Africa, and had recommended to the Security Council that it declare the embargo mandatory without any qualification whatsoever. Furthermore, it had urged those permanent members of the Security Council whose negative votes on various proposals relating to the question had helped South Africa to perpetuate its domi-

<sup>2</sup> See *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24 A*, para. 84.

nation over Namibia to reconsider their negative attitude with a view to the elimination of the explosive situation obtaining in the Territory, which posed a threat to international peace and security.

18. Finally, the Special Committee had reaffirmed its continued support of the people of Namibia and had called upon all States and the specialized agencies and institutions within the United Nations system, in close co-operation with the United Nations Council for Namibia, to provide increased moral and material assistance to the Namibian people through their national liberation movement.

19. On behalf of the Special Committee, he commended chapter X of its report (*ibid.*) to the serious attention of the Fourth Committee.

20. The CHAIRMAN thanked the representative of Trinidad and Tobago for his introduction of chapter X of the Special Committee's report, relating to Namibia, and announced that, if she heard no objection, the list of speakers for the general debate on agenda item 87 would be closed on Wednesday, 15 October, at 6 p.m.

*It was so decided.*

#### HEARING OF PETITIONERS (*continued*)

21. The CHAIRMAN reminded the Committee that at its 2135th meeting it had decided to grant the request for a hearing (A/C.4/784) received from the Reverend G. Michael Scott, representing the International League for the Rights of Man.

*At the invitation of the Chairman, the Reverend G. Michael Scott, representative of the International League for the Rights of Man, took a place at the Committee table.*

22. The Reverend G. Michael SCOTT (International League for the Rights of Man) said that the United Nations had not yet found the answer to the increasingly grave economic, social and political problems currently facing southern Africa. South Africa refused to co-operate with the United Nations to find a solution by juridical and constitutional means or by the appointment of missions of inquiry and goodwill.

23. The increasing desperation and resort to violence, both by the State in South Africa and by the liberation movements, was a sure sign of the increasing frustration and despair of the African people. The United Nations had sought to encourage and assist the liberation movements, on the advice of OAU, which, because it was barred by South Africa, had no direct access to the countries of southern Africa and must rely on those who had left the country for its assessment of the internal situation there.

24. He referred to the report of the Secretary-General to the Security Council of 30 April 1973,<sup>3</sup> which contained the Secretary-General's interpretation of South Africa's intentions with regard to Namibia, and pointed out that, a few months later, the Government of South Africa had

placed over 8 million Africans living in South Africa's urban areas under the control of the Ministry of Bantu Administration and Development; he went on to describe the disadvantages of the new system for the Africans. The plan would establish a system of separate development, based on "bantustans" which would appear to have local self-government while continuing to supply the farms and industries with migratory labour. The break-up of African society and family life with the forcible shifting of hundreds of thousands of people in South Africa and Namibia resulting from the draconian system of exploitation of the land and people in southern Africa had been summed up in *The Observer* of 28 September 1975, which had reported that, despite the South African Government's efforts to win international respectability, its policies showed no convincing signs of changing.

25. *Apartheid* had disastrous political and economic consequences for the African people, who were kept disunited in strictly segregated tribal and linguistic groups, where the existing geographical and cultural differences were fostered and other divisions reinforced by the laws imposed on the people from above.

26. A question that now arose was whether the United Nations, in the face of the repeated exercise of the veto by certain great Powers and evidence of collusion in the economic field between Governments and corporations, had been as effective as it could have been. South Africa had been very successful in its resistance to all United Nations efforts to change its policy. During the past two years, non-governmental organizations had sought to grapple with the undoubted fact that South Africa had been fortified in its resistance to the United Nations by the collusion of some of the great Powers, which had used their veto in the Security Council, as well as by those transnational enterprises which continued to exploit the mineral resources and the land and people of Namibia. It was not enough to say that that was a general characteristic of the world's economy: effective policies were needed with regard to transnational corporations and the States in which they operated. He commended the Study Project on External Investment in South Africa and Namibia, which could make an invaluable contribution to policy-making, whether by States or by non-governmental organizations, including those transnational enterprises caught up in the ever-growing conflict between South Africa's internal policies and its external relations with the rest of Africa.

27. The full legal implications for South Africa's trading partners of continuing to trade with South Africa despite Security Council resolution 283 (1970) had yet to be worked out by the Governments and metropolitan courts of Member States, and adjudicated upon by the International Court of Justice. That was surely a matter that the Committee must consider if effective policies were to be found for dealing with South Africa's illegal occupation of Namibia and its unilateral defiance of the United Nations. Member States could have long since amended their export and import licensing laws, in order to penalize corporations that acted in opposition to the United Nations. A code of conduct governing employment could also have been devised and made applicable to all transnational corporations trading in Namibia; that was a task which the ILO could have undertaken.

<sup>3</sup> Official Records of the Security Council, Twenty-eighth Year, Supplement for April, May and June 1973, document S/10921.

28. Confining himself to an over-all description of the Study Project on External Investment in South Africa and Namibia, to which he had already referred, he said that the project had been established under the joint sponsorship of the Africa Publications Trust, the Institute for the Study of International Organisation at the University of Sussex, the Graduate School of International Studies at the University of Denver, Colorado, the Scandinavian Institute of African Studies at the University of Uppsala, and the African Research Unit at the Free University of Berlin. Its purpose had been defined as the examination of the extent, nature and role of external investment in South Africa and Namibia by means of factual, objective research commissioned from scholars, journalists and others with specialist knowledge of the specific topics incorporated in the research design devised by the Board of Governors of the project, in collaboration with its panel of consultants. As intended by its sponsors, the work programme and administration of the project had been financed by grants from independent foundations and charitable trusts in several countries.

29. The section on the role of foreign firms in Namibia contained three papers, which together presented a detailed analysis, thus giving Governments, international organizations and foreign firms an opportunity to consider the total implications of the role of foreign capital in that disputed Territory. The author of one of the papers, Roger Murray, who had carried out research at the Foreign and Commonwealth Office in London, had revealed the little-known fact that, in 1967, during the first Wilson Government, a new double-taxation agreement between the United Kingdom and South Africa had been specifically extended to include Namibia through a separate Protocol, which had come into force in 1968.

30. The value of that concession was shown by the fact that a comparatively small mining firm, the British-owned South West Africa Company, had been saved £183,600 in corporation tax in 1971 out of a pre-tax profit of £766,927, through being allowed to deduct as tax relief the sum paid to the South African Government in Namibia.

31. Since the double-taxation concession specifically implied the recognition of South Africa's presence in Namibia, that finding raised the important question of the legality of the Protocol in the light of the subsequent advisory opinion of the International Court of Justice of 21 June 1971. So far, however, the matter had not been referred to the International Court.

32. Mr. Murray's research had revealed the presence of 88 foreign firms in Namibia, of which 35 were South African, 25 largely from the United Kingdom, 15 largely from the United States, 8 largely from the Federal Republic of Germany, 3 largely French and 2 largely Canadian. In an appendix, he described the basic features of the role of their operations in Namibia and established that out of a total known capital investment of R92.5 million in Namibia, the contribution of foreign firms—other than South African—amounted to 53 per cent of the total. Of that, over 60 per cent was invested in mining and manufacturing enterprises. Something like 90 per cent of the mineral output, which accounted for over 60 per cent of the country's total exports, was produced by two

companies, De Beers Consolidated Diamond Mines and the Tsumeb Corporation. The latter firm, comprising both United Kingdom and United States capital, had a total investment of R25 million, with the United States holding the largest stake.

33. The Committee had heard a statement by the representative of the United States concerning investments made by United States politicians, senators and others. In 1971, total United States investment had been about \$45 million. Mr. Murray's research indicated that, despite official steps to discourage United States companies from extending their investment in Namibia, United States investment, in common with investment by the United Kingdom, the Federal Republic of Germany, France and Canada, was still increasing. In 1972, the three major mining companies in Namibia had had gross profits of \$92 million, of which \$9.8 million had gone to United States nationals and \$1.3 million to United Kingdom nationals. Over half the total had gone to United States, United Kingdom and South African investors. The Klein Aub mine had been able to recoup its R4.5 million capital investment within two years.

34. The fact that the gross national product—that part of the wealth produced that accrued to local inhabitants—was less than two thirds of the gross domestic product—the total of goods and services produced in the Territory—showed that the economy of the Territory was operating in colonial style and that foreign firms were absorbing most of the spoils of fishing and mining. The fact that the majority of the inhabitants had low economic and social benefits—and black Namibians were much worse off than black South Africans—had led to increasing political confrontation between Namibians and the local administration.

35. Another contributor to the Study Project, Professor John Dugard, himself a South African and Professor of Law in the University of Witwatersrand, had concluded that some form of independent statehood for the Territory was inevitable in the foreseeable future and considered that the manner in which that goal was to be achieved would depend on whether or not the Government of South Africa would co-operate in establishing the new independent Government. Concerning labour practices, Professor Dugard had said that the law denied black workers most human rights and that there was little employers could do to alter the basic situation of the workers. He also thought that, in conformity with Security Council resolutions and the International Court's advisory opinion of 21 June 1971, South Africa's presence in the Territory was illegal and that States Members of the United Nations were obliged to discourage their nationals from investing in the Territory. Professor Dugard had pointed out that no State had acted in accordance with those broad directives, although the United States had adopted a policy of officially discouraging investment by its nationals in Namibia, according to the statement made the previous day to the Committee by the representative of the United States.

36. The Board of Governors of the Study Project on External Investment in South Africa and Namibia had commissioned research papers but it was for the States Members, the United Nations and other international organizations and for foreign firms with interests in Namibia to decide their policies for themselves. Several

organizations, trade unions and experts that had been engaged on the Project were willing to co-operate in an inquiry into the identity and *modus operandi* of forces currently at work in Africa. It was to be hoped that the results of the Project, which would be evaluated at the forthcoming International Conference on Namibia and Human Rights in Senegal, could also be evaluated in Europe and the United States as well as in the countries of Africa whose future was at stake.

37. The Project was trying to show a way forward for the United Nations in dealing with the problem of southern Africa, which had defied all the efforts of the United Nations and the World Council of Churches; the Project also offered important factual material on which a concerted political programme by Member States and non-governmental organizations could be based. It directed special attention to the two most important spheres in which the United Nations was particularly relevant to the struggle with South Africa: the economic sphere and the sphere of human rights. The current year should see the culmination of 30 years of historic effort towards the achievement of a covenant of human rights; nowhere was that more relevant than in Africa, considering the great wealth extracted from the African continent by the countries of Europe in contrast with the poverty and deprivation that afflicted millions of Africans.

38. Quoting United Nations statistics, he said that in the current year 20 million people would starve to death and that more than one third of the world population suffered from chronic malnutrition; he pointed out the serious situation in the Sahel and said that even in South Africa, which was the richest country in the continent, there were areas where the infant mortality rate had been estimated by the medical authorities at 500 per thousand.

39. He informed the Committee that the Sheet-Metal Workers' Union of Coventry, in the United Kingdom, had

condemned the Labour Government's support of the nationalized United Kingdom Steel Corporation, which invested millions of pounds in South Africa instead of improving its facilities in the United Kingdom. Also, the representative of the United States had told the Committee that his Government was confronted with similar problems and that 32 United States senators held shares in Charles Engleheart's metal industry in South Africa. What was needed was not more factual material but a concerted programme based on the principles of the Charter of the United Nations, which should be executed by one of the relevant organs of the United Nations. Otherwise the world would be faced with an increasingly menacing system based on arrogant racism and reinforced by nuclear weapons supplied by developed countries in Europe and one in the Middle East, because it was in the interest of those States to continue trading with South Africa.

40. It should not therefore be complained that too much effort had been expended on research, since the research should give rise to a concerted programme of action against the South African system of race rule. South Africa was on the brink of becoming a nuclear Power, while continuing to refuse to sign any treaty and currently absenting itself from the General Assembly and its activities.

41. He trusted that all the research material and information gathered by the United Nations and the non-governmental organizations, among them the above-mentioned Study Project, would serve as a basis for a positive political action programme complementary to the valiant work of the liberation movements. Acting together, the two approaches were more likely to succeed, whereas separately they had not prevented South Africa from going from strength to strength in its defiance of justice and world order.

*The meeting rose at 12.25 p.m.*

## 2147th meeting

Thursday, 16 October 1975, at 3.20 p.m.

*Chairman:* Mrs. Famah JOKA-BANGURA (Sierra Leone).

A/C.4/SR.2147

### AGENDA ITEM 87

**Question of Namibia (*continued*)** (A/9998-S/11598, A/10023/Add.3, A/10024 (vol. I), A/10050-S/11638, A/10229, A/C.4/784/Add.1)

#### GENERAL DEBATE (*continued*)

1. Mr. BAROODY (Saudi Arabia) said that the Mandates System had been instituted following the First World War, allegedly for the purpose of preparing the inhabitants of dependent Territories for eventual independence, yet it had been in reality a means of perpetuating the rule of colonial

Powers through puppet high commissioners. He reviewed the early history of colonialism, which had always been motivated by a desire for economic gain rather than by a wish to carry out a civilizing mission. In 1920, the League of Nations had entrusted the Mandate for South West Africa—which had since become Namibia—to South Africa with the proviso that it prepare the people of the Territory for self-determination. Other colonial and Mandated Territories had gained their independence, but over 50 years had elapsed and Namibia was still not free. During that time South Africa had developed the economic resources of the Territory in its own interests and pursued a policy of divide and rule among the tribal chiefs.