



SUMMARY RECORD OF THE 25th MEETING

Chairman: Mr. LEROTHOLI (Lesotho) UN LIBRARY

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11 November 1980

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The meeting was called to order at 10.45 a.m.

REQUESTS FOR HEARINGS (A/C.4/35/4/Add.8-11)

1. The CHAIRMAN drew attention to four communications that contained requests for hearings (A/C.4/35/4/Add.8-11). If he heard no comments, he would take it that the Committee decided to grant the requests.
2. It was so decided.
3. The CHAIRMAN said that he had just received an additional request for a hearing from the World Peace Council in connexion with an item before the Committee. He suggested that the Committee decide to circulate the request and to grant the hearing at the current meeting.
4. It was so decided.

AGENDA ITEM 27: QUESTION OF NAMIBIA (continued)

Hearing of petitioners

5. The CHAIRMAN drew attention to the requests for hearings that it had just granted.
6. At the invitation of the Chairman, Ms. Ortiz (Afro-Asian Peoples' Solidarity Organization), Ms. Picken (Amnesty International), Ms. Jackson (National Conference of Black Lawyers), Mr. Epps (World Council of Churches) and Ms. Talbot (World Peace Council) took places at the petitioners' table.
7. Ms. ORTIZ (Afro-Asian Peoples' Solidarity Organization) said that the Afro-Asian peoples believed that imperialistic domination, foreign exploitation and the other evils that resulted from the subjugation of peoples were a denial of the fundamental rights of man and a violation of the United Nations Charter, and had other harmful effects on both Governments and governed that impeded the development of peace and international co-operation.
8. The Afro-Asian Peoples' Solidarity Organization (AAPSO) co-operated with the United Nations in four fields: decolonization, the struggle against racialism and apartheid, human rights and economic development. Her organization supported efforts for united action with the Organization of African Unity and the United Nations Special Committee of 24 on decolonization aimed at achieving the independence of all oppressed peoples, in particular the people of Namibia. South Africa's illegal occupation of Namibia, in blatant defiance of the wishes of the Namibian people and the broadest section of international opinion, constituted a serious threat to international peace and security.

(Ms. Ortiz, AAPSO)

9. In spite of efforts by South Africa and its Western supporters to create a false picture of the political reality in Namibia by maintaining that there were many political groups in the country, the South West Africa People's Organization (SWAPO) was the only authentic liberation movement in Namibia and all material, political and moral support should be given to it. Manoeuvres by South Africa aimed at the unilateral transformation of Namibia from a traditional colony to a "neo-colony" must be repudiated. All States Members of the United Nations were under a moral and legal obligation to assist in bringing about complete national independence in Namibia in the shortest possible time. All diplomatic action aimed at forcing South Africa to hand over power to the Namibian people must be taken only with the approval of SWAPO, the sole representative of the Namibian people.

10. Her organization supported SWAPO's insistence on negotiating with South Africa only on the mechanics for transferring political power to the Namibian people. South Africa must agree unconditionally to release all political prisoners and to withdraw its army and police force from Namibia. In that connexion, she reiterated the call made in the resolution on Namibia adopted by the World Conference against Apartheid, Racism and Colonialism in Southern Africa held in Lisbon in June 1977.

11. Ms. PICKEN (Amnesty International) said that, despite the concerns and efforts of the international community for the welfare and the future independence of the people of Namibia, the situation of human rights in Namibia remained critical and the South African authorities continued to be responsible for gross and extensive violations of human rights in the Territory. Namibians, particularly those known as or suspected of belonging to, supporting or even sympathizing with SWAPO were routinely subjected to detention without trial, imprisonment, torture, harassment and intimidation.

12. A Namibian farm worker, Markus Kateka, had been sentenced in October 1980 to death, allegedly for assisting SWAPO guerilla fighters to carry out an attack in which no one had even been injured. Others, including several prominent members of SWAPO's internal, and fully legal, structure, had been indefinitely restricted under administrative orders somewhat similar in form to the banning orders commonly applied to opponents of apartheid in South Africa. Namibians convicted of political offences remained imprisoned in South Africa on Robben Island far from their homeland. Like South Africa's own political prisoners, they were denied any possibility of early release through remission or parole. Some 118 young Namibians, forcibly abducted from Kassinga in Angola in May 1978, had been detained incommunicado and without charge or trial since that time. Still in detention today, their identities had not yet been disclosed and their status remained unclear. South African military forces had penetrated into Angola on other occasions, but it was not known the extent to which those raids had resulted in the capture and the secret imprisonment of Namibians.

13. Detention without trial was extensively used by the South African authorities in Namibia in order to suppress political opposition and intimidate the population. Several laws provided for incommunicado detention without trial and empowered the South African security police and military authorities to detain any

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(Ms. Picken, Amnesty International)

person at any place for an unlimited period. Section 6 of the Terrorism Act, the cornerstone of security legislation in South Africa, had been applicable to Namibia since its introduction in 1967 and had been frequently used to detain Namibian nationalists. Wide powers of detention without trial were also available to the security forces under proclamation AG.9 of 1977. In May 1979, an amendment to that law had removed certain limits on police detention powers and had extended its scope to include the area where most of the population lived. However, persons detained in that area might be imprisoned outside the area, although the proclamation was the legal basis for their detention.

14. The use of indefinite incommunicado detention was commonly associated with the torture and ill-treatment of detainees, practices which had been well documented. It was impossible to estimate precisely the number of persons detained under proclamation AG.9 and similar security legislation at any one time. The number was probably very substantial in northern Namibia, where many detention camps and interrogation centres were known to exist.

15. Furthermore, under proclamation AG.26 of 1978, the Administrator-General was empowered to order the indefinite incommunicado detention without trial of any persons whom he considered a threat to public order. Such detainees, like those under proclamation AG.9, were denied legal redress and were effectively outside the jurisdiction of the courts. The provision was a means of detaining opponents of the South African administration, in particular members and supporters of SWAPO.

16. Some of those detained had been served, upon release, with so-called "release warrants", which attached a number of conditions to their release, somewhat similar in form to the restrictions commonly attached to banning orders in South Africa. Unlike banning orders, however, the release warrants were of unlimited duration and imposed partial house arrest, prohibition against attending gatherings of more than five people and the obligation to report to the police at frequent intervals. Release warrants also stipulated where former detainees might reside, which, in some cases, had meant that they had been banished far from their homes. Under the terms of release warrants, teachers and others in Government service were prohibited from continuing their professions.

17. It was particularly important at the present time that the international community should bring pressure to bear on South Africa on behalf of Markus Kateka. In passing the death sentence, the judge had indicated that it was being imposed partly to induce other black farm-workers to report SWAPO guerilla fighters; he had also refused Mr. Kateka permission to appeal against conviction and sentence.

18. Ms. JACKSON (National Conference of Black Lawyers) said that her organization recognized that its protracted struggles within the United States on behalf of black, brown, red, yellow and poor people and against racism, colonialism and imperialism was inextricably tied to the struggles waged by liberation movements in southern Africa, the Middle East, Asia and Latin America.

(Ms. Jackson, National Conference
of Black Lawyers)

19. An assessment of developments in Namibia required an understanding of the forces that impeded the attainment of national and political liberation, social emancipation and economic self-determination for the people of Namibia. In a very real sense the apartheid system of South Africa had been duplicated in Namibia in its most repressive form. Although in 1977 it had been announced that pass laws were being abolished in Namibia, that had in practice not enabled Namibians to move more freely about their own country. Furthermore, Africans arrested for such offences as pass-law violations had little chance to defend themselves adequately in court. They could rarely afford their own lawyers, and few lawyers in Namibia were willing to take on such cases unless assigned by the court. The pass laws were used to undermine political activity and to harass SWAPO members.

20. The economic situation in Namibia also served to demonstrate the devastating impact of racism, colonialism and imperialism on the lives of the Namibian people. Three quarters of the African labour force in Namibia were regarded as migratory workers who were allowed to enter white areas only if they were in possession of a contract binding them to a specific white employer. Once in the white areas, workers were confined to segregated compounds, and were not allowed to bring their wives and children. Once under contract, workers were not allowed to leave the designated area and, after the contract had expired, they were required to return to their reserve. Under existing regulations, workers who left their white employers without a permit were denied the right to take another job or even to look for work.

21. Namibia was being exploited, primarily by American, British, German or French transnational corporations rather than South African ones; that was part of a cunning South African policy to encourage foreign investments in Namibia and thereby give other countries an interest in maintaining the status quo there. The abundance of natural resources and cheap labour in Namibia made it very attractive for transnational corporations.

22. As the forces of repression and exploitation had been finally expelled from Zimbabwe, thanks to the heroic efforts of the Zimbabwean people, those same forces had become stronger in Namibia and South Africa. There had been an increasing number of acts of brutality and genocidal atrocities, including mass arrests, detention, torture and the widespread killing of Namibian patriots, particularly members and supporters of SWAPO. Her organization took the unequivocal position that the policies of the South African régime ran counter to the Charter and to resolutions of the United Nations and other international bodies. The régime's efforts to build up its military potential, including attempts to obtain nuclear weapons, and its acts of unprovoked aggression against neighbouring independent countries threatened international peace and security.

23. Her organization called for a comprehensive boycott and the complete isolation of the racist régime and for more effective measures in support of the national liberation movements in southern Africa. Furthermore, her organization demanded an immediate end to the terror, massacre and repression in South Africa and

(Ms. Jackson, National Conference
of Black Lawyers)

Namibia, the immediate and unconditional release of all political prisoners in those countries and an end to South Africa's acts of aggression against the front-line States.

24. Mr. EPPS (World Council of Churches) said that his organization's programme to combat racism, begun in January 1970, had provided grants to groups and organizations of the racially oppressed and to those which supported victims of racial injustice all over the world, with special emphasis on the struggle for liberation in southern Africa. In September 1980 his organization's special fund for combating racism had issued the largest grant in its history to SWAPO as another expression of its solidarity with the Namibian peoples.

25. During the 1970s the World Council of Churches had intensified its efforts to inform churches and public opinion about the realities of apartheid through the publication and broad dissemination of materials for use in local communities and through specific actions, such as the withdrawal of its own investments in all corporations and banks which invested in or traded with Namibia, South Africa and other African countries where liberation struggles were taking place.

26. For many years his organization had worked for a negotiated settlement in Namibia that would free the people from apartheid and open to them the rich possibilities of life as an independent nation. It was a source of deep regret to the churches that time and again attempts to negotiate had failed, owing to the intransigence of the South African authorities and the unwillingness of the Western Powers to take the steps required to oblige South Africa to withdraw from the Territory.

27. It had been suggested that the World Council, in providing humanitarian assistance to liberation movements in Namibia and other parts of Africa, was fomenting violence. He reiterated that the commitment of his organization was to promote justice by non-violent means. It pursued every opportunity to aid the parties to conflicts to resolve their differences through negotiations. The World Council could not, however, stand aloof from situations in which dialogue had been rendered impossible by the unwillingness of one party to admit even the humanity of the other or to accept that the other had inalienable human rights. In such circumstances people were left no recourse but to defend themselves against the systematic violence imposed upon them. The Namibian case was a blatant example of the ways in which colonial domination and white racism were always found together. The continuation of racist domination could only lead to increased violence, which tended to spread to neighbouring countries, thus posing serious threats to international peace and security.

28. South Africa would have the world believe that its creation in June 1980 of a Council of Ministers with executive powers in Namibia had resolved the problem. However, that act had simply compounded the problem and served as yet another pretext for South Africa to increase its military presence in Namibia, step up its repression against the Namibian people, and invade with virtual impunity the

(Mr. Epps, Word Council of Churches)

territory of neighbouring sovereign States. A significant part of the repression had been aimed at the interruption of church activities in Namibia and the destruction of church property by South African security forces. Many pastors, church workers and business leaders had been detained and tortured.

29. The World Council of Churches had called in August 1980 for an intensification of international pressures on South Africa in solidarity with the suffering people of Namibia. It had urged the churches to support the Namibians in their determination to resist bantustanization by South Africa and to affirm the territorial integrity and unity of Namibia, boycott the tribal elections, and denounce the exploitation of Namibia's natural resources by transnational corporations. It had reiterated its appeal to Governments, including South Africa, to recognize SWAPO as the authentic representative of the Namibian people and had called upon the Security Council, especially its Western members, to implement without delay the provisions of Security Council resolution 435 (1978).

30. The goal of peace in Namibia was within reach but demanded that the actions of nations must match their words. All collaboration with South Africa must cease, beginning with nuclear and military collaboration and including the massive financial support for the apartheid régime coming primarily from the transnational corporations based in the West. To continue such support, either directly or indirectly, was indefensible and to refuse the application of sanctions was immoral.

31. Ms. TALBOT (World Peace Council) said that South Africa's illegal occupation of Namibia stood condemned by the vast majority of the nations of the world. Yet South Africa continued to flout the resolutions and Charter of the United Nations, and had strengthened its hold over the Territory. It had annexed Walvis Bay, imposed a so-called "internal settlement", conducted sham elections and implemented other fraudulent schemes to perpetuate its colonial oppression and racist exploitation. It had increased its plunder of Namibia's natural resources, working hand in hand with transnational corporations, and had stepped up its campaign of repression, imprisonment, torture and mass murder. It had used Namibia as a base for aggression against Angola and Zambia.

32. The apartheid régime's growing intransigence was due solely to the support it received from a few Western Powers. Those Powers violated United Nations resolutions and vetoed, voted against or abstained on virtually every resolution aimed at ending apartheid. They allowed transnational corporations to support South Africa, and acted in concert with South Africa to prolong its occupation of Namibia.

33. It was ludicrous to expect those same Powers to put pressure on the South African Government to grant independence to Namibia. The only way in which pressure might be brought to bear was through the imposition of comprehensive, mandatory sanctions, including an oil embargo, and through strict adherence to the existing embargo on arms and the transfer of nuclear technology. In order to help in the liberation of Namibia, the total isolation of the apartheid régime was necessary.

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(Ms. Talbot World Peace Council)

34. It was also essential to give unconditional support to SWAPO. Transnational corporations made enormous profits from the hunger, misery and exploitation of peoples and from helping South Africa to expand its military and nuclear capabilities. Those same corporations also derived profits from NATO's military build-up, which threatened to reverse détente and was pushing humanity towards nuclear annihilation. The threat to peace and security represented by South Africa had to be seen in the context of that new peril. The South African threat should be countered by implementing the relevant provisions of the United Nations Charter.

35. The peoples and Governments of the world had the power to impose effective sanctions. That sentiment had been echoed by the World Parliament of the People for Peace, recently held in Bulgaria. The numerous delegates to the World Parliament - representing a wide range of political beliefs - had been inspired by the participation of the leaders of the southern African liberation movements. The cause of liberation in southern Africa was the cause of the World Peace Council. The Council would mobilize public opinion in support of United Nations decisions out of solidarity with the heroic and invincible peoples of Namibia and South Africa.

36. Ms. Ortiz, Ms. Jackson, Ms. Picken, Mr. Epps and Ms. Talbot withdrew.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued) (A/C.4/35/L.14-16 and L.18)

37. The CHAIRMAN said that Fiji had joined the sponsors of draft resolutions A/C.4/35/L.14-16. He also drew attention to the Secretary-General's statement of the administrative and financial implications of the draft proposals relating to specific Territories (A/C.4/35/L.18).

Question of Tokelau (contineud) (A/C.4/35/L.11)

38. The CHAIRMAN drew attention to the draft consensus on the question of Tokelau, prepared on the basis of consultations. If he heard no objection, he would take it that the Committee wished to adopt the draft consensus.

39. It was so decided.

Question of St. Helena (continued) (A/C.4/35/L.12)

40. The CHAIRMAN drew attention to the draft consensus on the question of St. Helena, prepared on the basis of consultations. If he heard no objection, he would take it that the Committee wished to adopt the draft consensus.

41. It was so decided.

Question of Bermuda, the British Virgin Islands, the Cayman Islands and Montserrat
(continued) (A/C.4/35/L.13)

42. The CHAIRMAN drew attention to draft resolution A/C.4/35/L.13 on the question of Bermuda, the British Virgin Islands, the Cayman Islands and Montserrat. If he heard no objection, he would take it that the Committee wished to adopt the draft resolution without a vote.

43. The draft resolution was adopted unanimously.

Question of Guam (continued) (A/C.4/35/L.14)

44. The CHAIRMAN drew attention to draft resolution A/C.4/35/L.14 on the question of Guam. If he heard no objection, he would take it that the Committee wished to adopt the draft resolution without a vote.

45. The draft resolution was adopted unanimously.

46. Mr. LE ANH KIET (Viet Nam) said that his delegation had joined the consensus on draft resolution A/C.4/35/L.14, but had reservations on the fifth preambular paragraph and on paragraph 6. Paragraph 6 was not in accordance with General Assembly resolutions 1514 (XV) and 2621 (XXV).

47. His country opposed military bases in Non-Self-Governing Territories. They impeded the right of peoples to self-determination and independence and represented a threat to peace and security. The maintenance of such bases was inconsistent with the principles of the Charter.

48. Mr. GARCIA ALMEIDA (Cuba) said that his delegation had joined the consensus on draft resolution A/C.4/35/L.14. Nevertheless, there was ample evidence that the presence of military bases in dependent Territories was detrimental to the peoples of those Territories. Such bases violated the Declaration and were a source of colonialist pressure on those peoples.

49. Mr. SANGSOMSAK (Lao People's Democratic Republic) said that his delegation had joined the consensus on the draft resolution, since it reaffirmed the right of the people of Guam to self-determination. Nevertheless, his delegation had reservations on paragraph 6, since the presence of military bases in dependent Territories impeded the implementation of the Declaration.

50. Mr. CÉZAR (Czechoslovakia) said that his delegation had reservations on paragraph 6 of the draft resolution. The presence of military bases in dependent Territories impeded the implementation of the Declaration. General Assembly resolution 2621 (XXV) required Member States to carry out a sustained and vigorous campaign against all military activities in Territories under their administration. It was regrettable that the draft resolution had not reflected that requirement.

51. Mr. DENICHIN (Bulgaria) said that his delegation had joined the consensus on the draft resolution, since it reaffirmed the right of the people of Guam to self-determination in accordance with the Declaration. Nevertheless, his delegation had reservations on paragraph 6, which did not accord with the Fourth Committee's position on the presence of military bases in dependent Territories. Such bases impeded the implementation of the Declaration, and should be dismantled. His delegation also had reservations on the fifth preambular paragraph, which was ambiguous.
52. Mr. SCHLEICHER (German Democratic Republic) said that his delegation had joined the consensus on the draft resolution. Nevertheless, it had reservations on paragraph 6.
53. Mr. BEREZOVSKY (Union of Soviet Socialist Republics) said that his delegation had not objected to the adoption of the draft resolution without a vote, since it reaffirmed the right of the people of Guam to self-determination and independence in accordance with the Declaration. The wording of paragraph 6 was, however, not sufficiently clear, and did not reflect the position of the United Nations that the presence of military bases in dependent Territories violated the Charter. His delegation therefore had reservations on that paragraph. The resolution should have reflected the provisions of General Assembly resolution 2621 (XXV).
54. Mr. NIKULIN (Byelorussian Soviet Socialist Republic) said that his delegation had reservations on paragraph 6 of the draft resolution, since the presence of military bases in dependent Territories impeded the implementation of the Declaration and represented a threat to international peace and security.
55. Mr. KHANDOGY (Ukrainian Soviet Socialist Republic) said that his delegation had joined the consensus on the draft resolution since it reaffirmed the right of the people of Guam to self-determination. Yet he had reservations on paragraph 6, which did not reflect the United Nations position to the effect that the presence of military bases in dependent Territories impeded the implementation of the Declaration.
56. Mrs. NARANTUYA (Mongolia) said that her delegation had joined the consensus on the draft resolution, although it had reservations on paragraph 6.
57. Mr. HADAS (Hungary) said that his delegation had joined the consensus on the draft resolution, although it did not agree with the provisions of paragraph 6.
58. Mr. TURBAŃSKI (Poland) said that his delegation had joined the consensus on the draft resolution. Nevertheless, it had reservations on paragraph 6.
59. Mr. HULIS (Democratic Yemen) said that his delegation had joined the consensus on the draft resolution, since it reaffirmed the right of the people of Guam to self-determination. Nevertheless, he had reservations on paragraph 6.

Question of American Samoa (continued) (A/C.4/35/L.15)

60. The CHAIRMAN drew attention to draft resolution A/C.4/35/L.15 on the question of American Samoa. If he heard no objection, he would take it that the Committee wished to adopt the draft resolution without a vote.

61. The draft resolution was adopted unanimously.

Question of the United States Virgin Islands (continued) (A/C.4/35/L.16)

62. The CHAIRMAN drew attention to draft resolution A/C.4/35/L.16 on the question of the United States Virgin Islands. If he heard no objection, he would take it that the Committee wished to adopt the draft resolution without a vote.

63. The draft resolution was adopted unanimously.

AGENDA ITEM 86: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH ARE IMPEDING THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN NAMIBIA AND IN ALL OTHER TERRITORIES UNDER COLONIAL DOMINATION AND EFFORTS TO ELIMINATE COLONIALISM, APARTHEID AND RACIAL DISCRIMINATION IN SOUTHERN AFRICA (continued) (A/C.4/35/L.17)

64. The CHAIRMAN drew attention to draft resolution A/C.4/35/L.17, and said that Benin and Cuba had joined the list of sponsors.

The meeting rose at 12.05 p.m.