

national Conference organized by SWAPO at Brussels in May 1972, as at the Oslo Conference in April 1973 and in the report of the United Nations Council for Namibia (A/9024), relevant and practical proposals for action had been put forward. He therefore suggested that the Committee should study those proposals and recommendations with a view to implementing them.

46. The CHAIRMAN said that, if there were no objections, the list of speakers would be closed on Monday, 29 October, at 6 p.m.

*It was so decided.*

*The meeting rose at 4.30 p.m.*

## 2047th meeting

Monday, 29 October 1973, at 3.35 p.m.

Chairman: Mr. Leonardo DIAZ GONZALEZ (Venezuela).

A/C.4/SR.2047

### AGENDA ITEM 70

**Question of Namibia (continued) (A/9023/Add.2, A/9024, A/9061, A/9065, A/9066, A/9225 and Corr.1, A/C.4/761 and Add.1-3)**

#### HEARING OF PETITIONERS

1. The CHAIRMAN reminded the Committee that, at the 2031st, 2037th and 2043rd meetings respectively, the Committee had decided to grant requests for hearings from the Reverend Michael Scott, representative of the International League for the Rights of Man (A/C.4/761), Miss Barbara Rogers, representative of the Friends of Namibia Committee (A/C.4/761/Add.2) and Mr. Veue N. Mbaeva, representative of the South West Africa National United Front (SWANUF) (A/C.4/761/Add.3). With the Committee's consent, Mr. Mbaeva would be accompanied by Mr. Nburumba Kerina, a member of the same organization.

*At the invitation of the Chairman, the Reverend Michael Scott, representative of the International League for the Rights of Man, Miss Barbara Rogers, representative of the Friends of Namibia Committee, and Mr. Veue N. Mbaeva and Mr. Nburumba Kerina, representatives of the South West Africa National United Front, took places at the Committee table.*

2. The Reverend Michael SCOTT (International League for the Rights of Man) said that he first of all wished to transmit a message to the Committee from the grandson of Chief Mutasa, who was currently in England, there being a detention order against him in Southern Rhodesia. Mr. Mutasa could not enter his own land, because it was occupied by white settlers. That young man had managed a multiracial farm, established before the unilateral declaration of independence, which had become very successful, but in 1970, the Smith régime had detained him and in 1971 it had closed the farm and had confiscated all the proceeds from the sale of the farm property. After two years of imprisonment, the régime had freed Mr. Mutasa on condition that he would leave Southern Rhodesia. All that indicated that the Smith régime feared lest the United Nations and the entire world recognize the rights of the Africans.

3. It should be stressed that past history showed that the United Kingdom could not transfer the rights that had been entrusted to it without the consent of the Africans. In that connexion, it was sufficient to note that, shortly after the independence of Zambia, ownership of the mining rights in that country had still not been decided. Finally, it had been announced that the rights belonged to the Crown and could not be transferred to another Government. That had been a question which the British South Africa Company had not understood until a British Minister had explained that if the Company did not negotiate with the Crown before independence it would have to negotiate at a later date with the President of Zambia. The current British manoeuvres must therefore be interpreted in the light of those events.

4. On the question of Namibia, he made it clear that he was not speaking on behalf of the African people, as he had done on several occasions, because there were now Africans who were able to defend the cause of their people at the United Nations. He was speaking on behalf of the International League for the Rights of Man and asked the Committee to consider carefully all the implications before inviting representatives of the African people to the United Nations.

5. In that connexion, he said that, a few days before, a political leader of the Ovambos had been flogged in public because, according to the South African authorities, he had spoken to press correspondents and had distributed subversive pamphlets. He cited that case because the Committee should be aware that if a representative of the African people, who was subject to the laws of South Africa, was invited to speak at the United Nations, it could result in his imprisonment. Needless to say such incidents constituted the worst affront to human dignity that he had ever seen.

6. He himself was also a banned person in South Africa, and he urged members of the Committee to consider with the utmost care the implications of inviting representatives of the African people, since they could be accused of sedition or treason.

7. Nevertheless, he also believed that, in order for the Committee to obtain first-hand information, the opportunity of appearing before it must be given to any person

coming from Namibia. Furthermore, it was important to give more publicity to the activities of the United Nations and to the advisory opinion of the International Court of Justice of 21 June 1971<sup>1</sup> and, in particular, to explain developments since the visit of the representative of the Secretary-General to the Territory, which had taken place from 8 October to 3 November 1972.

8. Chief Kapuuo could leave the Territory for the United Kingdom or the United States to explain the problems of the Namibians only if the Governments of those two countries took steps to protect him on his return. It should be pointed out that those Governments were the two trading partners of South Africa for which that country had the most respect.

9. The United Kingdom was the only State which still maintained that South Africa's Mandate over Namibia was valid. But surely the United Kingdom could be persuaded that the principal aim of the international community was to terminate that Mandate and to grant the Territory its independence. Britain's record in Africa had suffered severely because of its identification with the policies of South Africa, and the meritorious work done by generations of explorers and missionaries had been negated by the policies that the United Kingdom Government had followed in the last 25 years. In his book *South Africa's Foreign Policy, 1945-1970*,<sup>2</sup> James Barber noted that in order to defend its position, the South African Government based its opinions on international law, which had a tendency to protect the *status quo* and to defend the sovereignty of States and the right of Governments to determine their internal policies without outside interference. Consequently, the practical action taken against South Africa had been very limited for a variety of reasons: South Africa's general international position, the importance of existing economic contacts, the limited ability of international organizations to persuade Governments to take combined action, the internal weakness revealed by the new black States, South Africa's relative strength on the African continent and geographical circumstances, which placed South Africa far from the main areas of East-West confrontation but yet made it of strategic importance to the West because of the routes which passed Cape Town.

10. As the dangers faced by South Africa in the early 1960s had disappeared, the South African Government had found itself in a substantially stronger position and had begun to use its economic and military strength to seize the opportunities offered by the gradual elimination of colonialism in Africa. Thus, a complex political-economic interrelationship had been created, in which continued economic growth was pursued as long as it did not challenge white supremacy. That interrelationship, however, had not been allowed to undermine the caste system in South African society: the social and political divisions among the races had been reinforced and when economic considerations had been seen as a challenge to those divisions, the Government had rejected the economic considerations.

<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.

<sup>2</sup> London, Oxford University Press, 1973.

James Barber concluded by saying that there had been those who argued that economic growth would undermine the Government's attempts to maintain a racially structured society, but the evidence accumulated between 1945 and 1970 indicated that the white Government had been able to use economic growth to reinforce its position both internally and externally.

11. The author of that book had reached the conclusion that there did not appear to be any moral values which could be applied to the situation obtaining in South Africa, and he wondered whether that meant that there were no ethical norms governing the relationship between Governments and people.

12. He himself had always felt that the international community could exert pressure on South Africa to bring about the necessary changes. On the other hand, the Africans would attempt to gain their freedom by military means, with all that that would imply for the peoples and races of Africa as a whole: a war with tragic consequences for the entire world could be unleashed. The churches, which had considerable influence in the Western world, must, therefore, consider the matter and take steps to put an end to the rule of the small white oligarchy in Namibia.

13. It appeared that Namibia did not constitute so much an international mandate as an international colony: a colony of South Africa and of many other Western Powers, which invested large amounts of capital in the Territory in order to exploit its mineral resources. Namibia had the second highest production *per capita* in all Africa, but one third of its gross national product was exported in the form of profits for South Africa and for British and American companies. It would be quite possible, once the status of the Territory had been determined, to establish a development corporation that would enable the people of the Territory to work the lands at their disposal, lands which, it should be emphasized, were very limited in comparison with those that had been reserved for the white minority. He hoped that that and other similar suggestions could be discussed in greater detail with members of the Secretariat and of the Committee to determine how the specialized agencies could provide assistance which would enable the people of Namibia, despite South Africa's presence, to improve their situation and which, at the same time, would represent international pressure on the Government of South Africa. It would be important to examine what could be done, for example, regarding the International Monetary Fund and all those who manipulated the world price of gold. It should be noted that at the present time the United Nations Council for Namibia did not even receive the technical information available to the General Agreement on Tariffs and Trade. He suggested that various measures be taken, such as inviting a specialized agency, for example the International Labour Organisation or the United Nations Educational, Scientific and Cultural Organization, to undertake an analysis of the structure of Namibia's economy with a view to determining what could be done with its human and material resources despite South Africa's political presence in the Territory. Facts and figures regarding Namibia's resources were available, not only in various institutions in the United Kingdom and the United States, but also in the United Nations itself. An expert in cybernetics could work on those facts and figures and give a

long-term forecast of the future possibilities of the area. Furthermore, perhaps the time had come to appoint a full-time United Nations Commission for Namibia, whose ultimate goal would be to achieve the Territory's independence.

14. Miss ROGERS (Friends of Namibia Committee) observed that the Committee she represented had been dealing with the question of Namibia for three years. As a result of her own interest in the question as an issue of international relations and international law, she had been closely following the discussions on Namibia in the United Nations and had recently initiated a research programme on Namibia. The material she had collected and would continue to collect would, of course, be at the disposal of the United Nations.

15. The question of Namibia was of major importance because it was a test of the integrity and competence of the United Nations. Without the involvement of the League of Nations, the United Nations and the International Court of Justice, Namibia would have been completely annexed to South Africa many years previously, as was the stated intention of Mr. Smuts. Few would have remembered the unique historical position of the Territory. While the question remained on the agenda of the United Nations, there would always be some possibility of applying the principles of the United Nations Charter to the Territory.

16. That was important because recently the Western nations—the United States, France and the United Kingdom, among others—had been advocating a “solution” to the question of Namibia by reaching an understanding with South Africa. The Government of the United States, for example, had stated that contacts between the Secretary-General and the South African Government might prove to be the beginning of a peaceful resolution of the problem and that it favoured their continuation. That kind of approach made sense only if it were understood what the United States meant by a resolution of the problem. It meant the elimination of friction between South Africa and the international community, partly by the general policy of “contact”, “communication” or “dialogue”, which in practice meant close diplomatic, economic and other relations with South Africa, and partly by the removal of the Namibian question from the agenda of the United Nations.

17. That solution, which would be acceptable to many of the parties concerned if it could be rationalized in terms of the South African definition of “self-determination”, preferably with the support of a few Bantustan “leaders” promoted by the South African régime as spokesmen for the people, would be a betrayal of the people of Namibia and of the principles of the Charter of the United Nations. Nevertheless, the fact that there was no simple solution did not mean that nothing could be done short of military intervention. As the representative of the South West African People's Organization (SWAPO) had said, what Namibia needed was not the routine approval of further resolutions but the implementation of existing resolutions. For that, top priority should be given to the formation of a high-level expert team in the United Nations Secretariat—a unit on Namibia—which would co-ordinate all United Nations activities relating to that Territory. The team,

which could be assembled along the lines of the United Nations Relief Operation in Bangladesh, should include both specialists in international law, international trade and finance, and development planning, and as many Namibians as possible. Above all, the unit would be a centre for information and research on Namibia and it should be able to call on all the information available in the other organs of the United Nations and the specialized agencies. The unit, under the direction of the United Nations Commissioner for Namibia, would need to be aggressive, to make its voice heard and to challenge those Member States and international organizations which violated their legal obligations. The position of the Commissioner would in many ways be tough and would require a high level of integrity, experience and moral courage. Otherwise, it would become yet another sinecure for a high-level bureaucrat. It would be better to have no Commissioner than a compromise one, because a candidate with the integrity and forcefulness required would not be universally acceptable, especially to Member States with vested interests in the current situation. Many delegations, while claiming to support any candidate nominated by SWAPO, were also insisting on the kind of consultations which would ensure that the candidate met their own interests. Those interests, whatever they might be, were not compatible with the interests of the people of Namibia. Those delegations which were sincere in their support for the people of Namibia would be prepared to accept the judgement of SWAPO.

18. There were many possible courses of action the United Nations could take in order to carry out its responsibility for Namibia, some of which were spelled out in resolutions on the subject. In Security Council resolution 283 (1970), States were called upon to ensure that State-owned or State-controlled enterprises ceased all dealings in Namibia; to withhold from their nationals all forms of financial support which would facilitate dealings with Namibia; and to discourage their nationals and companies of their nationality from investing or obtaining concessions in Namibia. In Security Council resolution 310 (1972), States were called upon to ensure that their nationals adhered to the principles of the Universal Declaration of Human Rights in their operations in Namibia. According to the advisory opinion of 21 June 1971 handed down by the International Court of Justice, those resolutions were mandatory under Article 25 of the Charter of the United Nations; yet they had received negligible attention compared to the resolutions authorizing “contact” with South Africa. Some General Assembly resolutions contained an even wider range of recommendations.

19. She had a number of suggestions to make on the subject. Above all, she emphasized the importance of placing at the disposal of the future legitimate Government of Namibia comprehensive and detailed information on the Territory so that it would be able to confront the foreign economic interests that wished to exploit the resources of Namibia after independence and to formulate development policies.

20. The unit on Namibia, with assistance from the United Nations library, could establish comprehensive archives relating to the Territory, including copies of all treaties and other documents currently in the archives of the two Germanys, the United Kingdom and other countries. Also,

a special effort might be made to obtain copies of geological and other surveys from academic and commercial sources. Studies, particularly on known geological resources in Namibia, could be commissioned from non-governmental organizations, academic centres and individuals. The Friends of Namibia Committee would be able to carry out certain kinds of studies, using material it had already compiled, for which it would have access to documents in London. In many cases, the specialized agencies of the United Nations would be able to provide documentation; for example, the Food and Agriculture Organization of the United Nations (FAO) could supply material on fishery resources in Namibian waters.

21. Again, a register, similar to that kept for property and other assets in Israeli-occupied territory, could be compiled on Namibian assets expropriated by the South African occupation régime.

22. Dissemination of information was important in order to mobilize public opinion. She stressed the need for more effective dissemination of information. The *Bulletin on Namibia*, produced by the Secretariat, should be circulated more widely; it could be sent to any delegation which requested it and to the non-governmental organizations interested in southern Africa which regularly produced their own newspapers and magazines.

23. Research capacity within the United Nations could be utilized more effectively. The Security Council and the *Ad Hoc* Sub-Committee established in pursuance of Security Council resolution 276 (1970) did not seem to have automatic access to the resources available to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The report of the United Nations Council for Namibia, produced once a year, was an inadequate vehicle for the enormous amount of information on the Territory being collected all the time in the United Nations system.

24. The existing resources of the Secretariat's Office of Public Information should also be used more systematically. The United Nations information centres, which systematically monitored press reports in the countries where they operated, did not seem to pass on the information automatically to any central point. The same was true in the case of Southern Rhodesia, for part of the information on violation of sanctions was not passed on to the Committee established in pursuance of Security Council resolution 253 (1968), otherwise known as the Sanctions Committee. That was a failure of organization which should be remedied. Moreover, it would be useful for the Office of Public Information and the unit on Namibia to prepare brief items of news and some background comments on matters of immediate interest and to circulate them to sympathetic press agencies around the world, especially in non-aligned countries. It would also be useful to have regular reports on the implementation of United Nations resolutions on Namibia by Member States and by international organizations. None of those suggestions would require additional resources or personnel; they would merely need a more effective use of already existing material. Some of the current publications could easily be dropped if necessary. Her comments applied not only to

Namibia; the same could be said about the material available on the Portuguese colonies and Southern Rhodesia.

25. Non-governmental and intergovernmental organizations and other institutions could be requested to comply voluntarily with the United Nations resolutions on Namibia and, in particular, to refrain from any direct or indirect dealings with the illegal occupation régime in Namibia. Among them, mention should be made of the International Wool Secretariat, which directly benefited wool and caracul producers in Namibia.

26. Perhaps the most effective way of exerting pressure on South Africa would be through the international agencies. Without going into details on that vastly complicated aspect of the question, she felt that much more attention should be paid to the policies of the International Bank for Reconstruction and Development and the International Monetary Fund with regard to Namibia. An example of what should not have been tolerated was the International Commission for the Southeast Atlantic Fisheries of FAO, in which South Africa received quotas based on catches in Namibian territorial waters.

27. So long as South Africa persisted in its illegal occupation of Namibia, in the international field the United Nations should concentrate on safeguarding the interests of the Namibian people until they achieved independence. If the Security Council was to carry out its responsibilities, it would have to be given a clear mandate in that regard in a resolution, in spite of the objections to that idea in the past.

28. There was a need for constant monitoring of South Africa's international relations, policies and activities to ensure that it did not receive any benefit from its claim to represent Namibia, for example, by membership of the United Nations Environment Programme, participation in the forthcoming United Nations Conference on the Law of the Sea, or in the trade negotiations which were due to start very soon. An immediate step would be to review the policies of the United Nations and its agencies with regard to the publication of South African statistics which included a Namibian component.

29. The Secretary-General or the United Nations Commissioner for Namibia could initiate contacts with Member States with respect to activities which might be in violation of their obligations. For example, France, the Federal Republic of Germany and the United Kingdom could be requested to withdraw their consular representation from Namibia; States could be asked to discourage travel to Namibia and investment there, especially in the Cunene River Basin project, and to terminate their own direct or indirect governmental investment in Namibia. At the very least, they could be requested to make representations to the South African Government concerning the illegal detention of Namibian political prisoners.

30. With regard to the need for special studies on Namibia, she recalled that, in its most recent statement to the Secretary-General,<sup>3</sup> South Africa claimed that "Walvis Bay

<sup>3</sup> *Official Records of the Security Council, Twenty-eighth Year, Supplement for April, May and June 1973, document S/10921, para. 14.*

is of course South African territory”. It had also promulgated legislation purporting to transfer the administration of the Eastern Caprivi Strip to South Africa. Those claims should not be allowed to go unchallenged, since they were false, and the relevant documents should be collected and examined in order to make that and other issues clear. In that respect, the review and digest of the laws and practices established in Namibia by the Government of South Africa, prepared by a consultant of the United Nations Council for Namibia, was a valuable basis for study and should be brought up to date periodically.

31. She wished to stress the serious nature of some recent developments in Namibia, namely, the additions to the massive South African military presence there. There was already an important air base in the Caprivi Strip, a few miles from the Zambian border, and an army base at Walvis Bay with an air base inland. Widespread military and paramilitary police activities were taking place throughout Namibia and extensive manoeuvres had been held from 19 February to 10 March of the current year, involving some 7,000 men, armoured equipment, aircraft, guided missiles and other equipment. Part of the exercise had consisted of a simulated nuclear explosion. That was particularly sinister because the South African occupation of Namibia had apparently resulted in the installation of French-supplied Mirage Dassault F-1 bombers of the latest model, with British Rolls Royce engines, and Cactus or Crotale surface-to-air missiles, in the Caprivi Strip. They could easily be used to deliver either atomic warheads or deadly chemical weapons to many of the capitals of independent Africa. The first delivery systems had already been delivered and it was likely that some were already operational.

32. The South Africans had claimed since January 1972 that they were capable of producing nuclear weapons. It was ironical that the failure of the United Nations to compel South Africa to withdraw from Namibia had enabled it to install lethal attack weapons on the frontiers of independent Africa, constituting a potential threat to peace. In case there was any doubt about South Africa's possession of a nuclear “deterrent”, or its willingness to use it, she quoted from the South African 1973 White Paper on defence, which used a language reminiscent of nuclear strategy: “We are . . . fully aware of the fact that passive defence alone is inadequate and we are therefore obliged to maintain a significant retaliatory and interdictory capability”. Admiral Biermann, Commandant General of the South African Defence Forces, had said publicly that “the whole of the Southern hemisphere needed the protection of an umbrella of nuclear deterrent against aggression”. The White Paper elucidated: “Each nation stands alone . . . although ultimately it cannot stand alone, it must, in the first instance, stand firm. No country can depend on help from elsewhere unless, in the first instance, it is prepared to give its utmost for its own preservation . . .”.

33. It was vital that the United Nations should monitor the militarization of Namibia, as a major priority. While the South African Government maintained a strict censorship on all forms of information regarding defence, some information was available; in addition, a number of Governments would be in a position, through their military attachés and by other means, to supply the United Nations

with relevant information, if they wished to do so. If the Security Council Sanctions Committee could be supplied with unpublished information on violations, some means could be found of collecting information on Namibia, on a classified basis if necessary. That information would also be invaluable in monitoring the implementation by Member States of the resolutions against South Africa.

34. In the light of such a potentially dangerous situation, it might be wondered why certain States were so anxious to reach an understanding with South Africa over Namibia, on South Africa's terms. The evidence suggested that their motivation was to gain access to the natural resources of Namibia; for example, during the “dialogue”, several United States companies had endeavoured to take over oil exploration concessions abandoned in 1971 by the original concession holders, clearly for political reasons, and large numbers of new mineral prospecting ventures had been started. Two Japanese companies had concluded major agreements to purchase fluorspar, which had led to the opening in August 1973 of the Fluswa fluorspar mine in Namibia.

35. A French Government-controlled company was prospecting for uranium in Namibia and had acquired an interest in the South African Government-controlled uranium mine at Rossing; the French Government had joined the United Kingdom Government in relying on Namibian uranium, controlled directly, by law, by the South African Government, in order to supply part of its atomic programme: it was well known that the French *force de frappe* was based on South African uranium. If the countries bordering the Pacific were serious about their objections to the French nuclear tests in that region, they should give earnest consideration to the source of the uranium used, in consultation with the United Nations and the International Atomic Energy Agency. They should also look very carefully at the proposed uranium enrichment plant, which could totally invalidate the Treaty on the Non-Proliferation of Nuclear Weapons (General Assembly resolution 2373 (XXII), annex). Obviously, the plant would use Namibian uranium. There was a strong possibility that interests in the Federal Republic of Germany might collaborate in that enterprise. The process, which was suitable to South African conditions, was a chemical one based on ion exchange, using sodium, which had been developed and subsequently abandoned by the United States. It seemed likely that the Federal Republic of Germany, or at least scientists of German origin, had participated in developing the process in South Africa. There had also been persistent reports of collaboration by the Federal Republic in the development of nuclear weapons and poison gases in South Africa. That State had undertaken by treaty not to manufacture in its own territory atomic, biological and chemical weapons.

36. It was clear to her, on the basis of that and other evidence, that the policy of “contacts” with the South African régime over Namibia had been deliberately launched to allow greater economic and military involvement by certain States with the occupation régime. She could explain once again the reasons for concluding that the South African Government had shown blatant bad faith in such contacts, but she thought that it was clear enough to all except those who did not wish to see it. The real

point therefore was the bad faith shown by South Africa's allies in their fallacious arguments in favour of "contacts". By way of proof, there had been the establishment, only two weeks previously, of a new French consulate in Namibia, for no apparent reason other than to encourage French economic involvement and to demonstrate support for the South African occupation.

37. The States most anxious to cultivate their interests in Namibia were apparently willing to ignore the importance of the Namibian question for the whole concept of law in international relations. It was ironical that France, the Federal Republic of Germany, the United Kingdom and the United States had based their claim to moral leadership in international relations on their experience and integrity in upholding what they regarded as the rule of law. The Western Powers had been largely responsible for the inclusion of the Statute of the International Court of Justice in the Charter of the United Nations. When, in 1962, the Court had been asked to give an advisory opinion on "certain expenses of the United Nations"<sup>4</sup> the United Kingdom representative had said in the Fifth Committee that, the opinion having been obtained, most delegates would wish to accept it in order to uphold the authority of the Court, which was the principal judicial organ of the United Nations. Not to do so would be a blow to the authority and standing of the Court and the Assembly in a matter vital to the future of the United Nations. He had gone on to say that it would be absurd for the Assembly merely to note the opinion of the Court when it had expressly asked for authoritative guidance.<sup>5</sup>

38. In the case of the advisory opinion of 21 June 1971 on Namibia, it appeared that the United Kingdom Government maintained a double standard with regard to the authority of the Court. When an opinion of the Court was to its advantage, the Court's authority was overriding. For example, at one stage in the dispute with Iceland, the United Kingdom had wished to submit it to the International Court. It might well wish to use the Court again or to refer to some other body of international law such as treaties and international conventions on which international trading and financial activities were ultimately based.

39. If it did nothing else, the debate on Namibia could be the appropriate forum for requesting a complete explanation from the United Kingdom representative of the reversal of its stand of 1962 with regard to the authority of the International Court of Justice. There were no major United Kingdom interests in Namibia, with the exception of the notorious project whereby the United Kingdom Government had contracted to buy a large proportion of its uranium over the next decade, starting in 1975 or 1976. In point of fact, that contract could be withdrawn before it entered into force, as the United Kingdom Labour Party had pledged. In those circumstances, there were no United Kingdom interests which would prevent the acceptance of the advisory opinion on Namibia, which had filled the

<sup>4</sup> *Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter), Advisory Opinion of 20 July 1962: I.C.J. Reports 1962, p. 151.*

<sup>5</sup> See *Official Records of the General Assembly, Seventeenth Session, Fifth Committee, 962nd meeting, paras. 6 and 9.*

lacuna in international law that the United Kingdom Government had been using so long as a pretext. As a United Kingdom citizen, she protested most strongly at the decision by her Government to treat the law with contempt.

40. The United States treated the law with similar contempt, since it had not carried out its pledge to discourage investment in Namibia and had refused to disallow the tax credit for United States companies in Namibia which were paying taxes illegally to South Africa. The same was true of the Federal Republic of Germany, which, in violation of its legal obligations, maintained a consulate in Namibia and maintained close contact with, and gave subsidies to, the neo-Nazi German minority living there. The most blatant hypocrisy, however, was that of the Government, which had authorized its representative to make repeated pledges to the effect that it would rescind its refusal to accept the advisory opinion if South Africa failed to negotiate in good faith a new international régime for Namibia. She was referring to the delegation of France, with which she had had some debate in the Committee the previous year, at the 2018th meeting. On that occasion she had quoted in full the French pledges at the meeting of the Security Council in Addis Ababa, which she would not repeat again. She would merely refer to a concept that had been repeated many times in the Security Council when France had been advocating "contacts" with the South African Government, namely that, if South Africa did not fulfil its strict obligation to negotiate with the United Nations a new international régime for South West Africa, France might consider the consequences with regard to the illegality of an administration which was maintained in such circumstances.

41. It might be wondered why such attempts to mislead the United Nations were made. If the Organization was as ineffective as many liked to portray it, there would be no need for such frenzied manoeuvring and constantly broken pledges. Perhaps one answer was that, at least in the case of Namibia, the United Nations potentially represented a credible and powerful force. Certainly the South African régime, the Powers allied with that régime and those which took their orders from those Powers, had shown enough respect for the United Nations to work desperately to sidetrack and delay its decisions. That was in fact a tribute to its potential effectiveness, if it were ever able to carry out a consistent policy based on its own resolutions.

42. General Dillon, former head of the so-called "border units" of the South African Police, which had detachments in the Caprivi Strip and in Southern Rhodesia, had recently stated: "South Africa and Southern Rhodesia should fear the outside political bodies more than terrorism." In 1970, in the introduction to his report on the work of the Organization,<sup>6</sup> the Secretary-General had described the consequences of a failure by the United Nations to mobilize its potential power by saying that, in view of the assumption by the United Nations of direct responsibility for the people and Territory of Namibia, the continuance of the existing situation constituted a challenge to the authority of the world Organization, and specifically to

<sup>6</sup> *Ibid., Twenty-fifth Session, Supplement No. 1A (document A/8001/Add.1).*

that of the Security Council, which could seriously undermine respect for the Charter, so vital for the future of the United Nations.

43. Mr. MBAEVA (South West Africa National United Front) explained that for many years representatives of SWANUF had refrained from appearing before United Nations organs, because it had been fully satisfied with the efforts made by the Organization to implement resolutions such as General Assembly resolution 2145 (XXI), which had terminated the Mandate exercised by South Africa for Namibia, Security Council resolution 284 (1970) requesting an advisory opinion of the International Court of Justice, and Security Council resolution 309 (1972), which had entrusted the Secretary-General with the task of initiating contacts with all parties concerned with a view to establishing the necessary conditions to enable the people of Namibia to exercise their right to self-determination and independence. The time had now come to acquaint the members of the Committee with the changes that had recently taken place in the Territory.

44. To begin with, he welcomed the Federal Republic of Germany and the German Democratic Republic as new Members of the United Nations. It was a historical fact that Namibia was what it was because it had been colonized by Germany. The Germans who had come to Namibia had been received as refugees by the indigenous population but as their power had increased the Germans had turned against their hosts. It sufficed to state that at the present time 50,000 of the 90,000 Europeans who lived in Namibia were Germans and that they constituted the wealthiest ethnic group in the country.

45. While the people of Namibia could not ignore that tragic episode in their history, the past must be forgotten in favour of creating a society in which every man had his due place, irrespective of his colour. In that connexion, Chancellor Willy Brandt's statement at the 2128th plenary meeting that the Federal Republic of Germany would support all United Nations resolutions aimed at liquidating the anachronistic remnants of colonialism was encouraging. He called upon the Federal Republic of Germany, in conformity with that pledge, to prevail on the Germans living in Namibia to support the inalienable right of the people of that Territory to self-determination and independence.

46. The South West Africa National United Front had carefully studied the new policy announced by the United Party, the European opposition party, the objective of which was to establish a federal system of government when the United Party was returned to power. According to that plan, there would be three black legislative assemblies, one white assembly and a central federal assembly to replace the multiracial Advisory Council. It went without saying that such a policy constituted an affront to the Namibian people. The United party was an opposition group, as was the national liberation movement. There was therefore no reason for the leaders of that party to think that it would be they who would one day come to power. What the United Party was proposing was that the Namibian people should cease their fight for self-determination and wait until it came to power. At the present time, however, the only change that that Party envisaged was to

rename the Bantustans non-white "legislative assemblies", the multiracial Advisory Council the "central federal assembly", etc. All of them would be organs created for the "natives" without the participation of those "natives". Consequently SWANUF had no reason to allow itself to be used as pawns by that European group.

47. His organization had always favoured the establishment of a United Nations presence in Namibia to prepare the Namibians for self-determination and independence. For that reason, it considered that the contacts between the United Nations and the South African authorities should continue. As a result of the contacts undertaken by the Secretary-General in 1972, the South African Government had declared that it would respect the wishes of the whole population of Namibia with regard to the future constitutional organization of the Territory; that any exercise to ascertain the wishes of the Namibians regarding their future would not be compromised by any existing political and administrative arrangements; that it recognized and accepted the need for all Namibian political parties and individuals to participate in the process leading to self-determination; that all political parties of Namibia would have free and full participation in the process leading to self-determination and independence and that the Government of South Africa had no intention of delaying the act of self-determination and would determine, in co-operation with the Secretary-General and in consultation with the inhabitants, such measures as would ensure the achievement of the goal of self-determination and independence; that it did not envisage the eventuality of individual population groups becoming independent as separate entities; and that it anticipated that it might not take longer than 10 years for the Namibian people to reach a stage where they would be ready to exercise their right to self-determination.

48. As a preliminary step for the implementation of that declaration, Mr. Vorster, the Prime Minister, had established an Advisory Council for South West Africa as part of the machinery for steering the Territory to independence. The majority of the Namibian people, through their representatives, whether elected or traditional leaders, had accepted to serve on the Advisory Council where political business could be transacted between the Namibian leaders and the South African Government.

49. The South West African National United Front did not support any suggestion that might lead to the termination of the contacts between the Secretary-General and the Government of South Africa. It did, however, support any complementary efforts designed to liberate Namibia and not to replace the South African administration by another colonial administration. On 8 July 1973 the President of the United Nations Council for Namibia had stated in a speech that the objective of the Council was to prepare SWAPO to take over as the Government of Namibia. It would be useful if the Council would devote itself to working on programmes designed to achieve the liberation of Namibia rather than wasting time and energy on other programmes that could be better accomplished by the Namibians themselves. The Council could perhaps curtail some of its summer visits to Africa and Europe and use the money spent on such visits to establish an educational institution for Namibian refugees in one of the African independent States. If the Council could not produce any

constructive programme for Namibia, it had forfeited its right to exist.

50. The Prime Minister of South Africa, Mr. Vorster, had recently reiterated that his Government had responsibility towards Namibia, that South Africa did not claim the right to decide the future of Namibia and that, as Prime Minister, he did not agree that the United Nations should claim that right. He had concluded by saying that South Africa would continue its contacts with the United Nations within the framework of the documents to which both parties had agreed.

51. It was obviously impossible to decide what constitutional arrangements were suitable for Namibia so long as numerous Namibians were living as refugees in neighbouring countries, such as Botswana and Zambia. It was impossible to talk about the kind of government that would be suitable for Namibia as long as the Hereros were uprooted and displaced from their traditional land, which the Europeans would have to restore to them one day.

52. It should be recognized, however, that various European political leaders in the Territory had called for a change of heart with a view to establishing contacts between the blacks and the whites in Namibia. He accepted that call as a gesture of goodwill on the part of the European leadership in Namibia and as one of the first important signs of the success of the contacts initiated by the Secretary-General of the United Nations. The Organization should understand the changes that were taking place and associate itself with the personalities instrumental in bringing about those changes, for otherwise it would alienate itself from the very people of Namibia whom it wished to help. SWANUF was determined to foster those changes, even if that meant losing the support of the United Nations.

53. He appealed to the members of the Committee to request the Security Council to invite the Secretary-General to continue his contacts with all parties concerned, with a view to creating an atmosphere in which a United Nations representative might be enabled to enter Namibia in order to observe the sincerity of the South African Government's offer, and to request the Secretary-General to do all he could to facilitate the return of the Namibian leaders in exile so that they might help their people in the future constitutional organization without risking detention as a result of their previous political activities.

54. Mr. KERINA (South West Africa National United Front) said that the Secretary-General's historic visit to Namibia in March 1972 had signalled the opening of a new epoch in the political development of the Territory. The people of Namibia would never forget the great contribution made by the Security Council, which had created the new climate affecting the destiny of the Namibians, or the efforts made by the South African Government to co-operate with the Secretary-General and the Security Council on the question of Namibia.

55. Inscribed in the United Nations Charter was the right of peoples to self-determination and independence, which had become a fundamental principle of the United Nations and a guiding light and a dynamic force in international affairs. The United Nations, with the co-operation of

various Member States, had sought to transcend the moral framework of that principle and confer upon it a positive content; it had succeeded in converting it into a precise juridical rule of law, whose modalities of application were now clearly defined. The first United Nations resolution on Namibia, General Assembly resolution 65 (I), had been adopted in December 1946. In it, the General Assembly had rejected the idea of the incorporation of Namibia into the territory of South Africa and had invited the South African Government to enter into an agreement regarding the future of Namibia. Subsequent resolutions of the United Nations and the decisions of the International Court of Justice had emphasized the need to reach a peaceful settlement of the problem. In his statement to the General Assembly on 29 September 1972, at the 2046th plenary meeting, the Minister for Foreign Affairs of South Africa had said that, although the gap to be bridged was wide and deep and it could not be expected that a solution to the problem would be found overnight, his Government sincerely hoped that goodwill, mutual trust and understanding would prevail on all sides and that in that atmosphere progress would be possible. He had reaffirmed that the South African Government was firmly committed to the principle of self-determination and independence, with all that that implied, and that it would continue to co-operate fully with the Secretary-General of the United Nations in the search for a solution. The Prime Minister of South Africa had declared that his Government envisaged no separation of the Territory into different entities and that it had no designs whatsoever with respect to any part of Namibia (2041st plenary meeting). That simply meant that the Government of South Africa had accepted the inviolability of the territorial integrity of the country and the sociological unity of the people of Namibia, which were basic elements in the application of the principle of self-determination. Appeals regarding the preservation of those elements had been made in numerous United Nations resolutions regarding Namibia.

56. It was therefore important that the United Nations should take note of the fact that the Namibians had now moved into instrumental and pragmatic politics, which would enable them to utilize the mobilizing capacity of the Namibian people within the Territory for constructive involvement and changes. Ultimately, it would be the Namibians themselves who would determine their own governmental institutions and would choose the political and social régime that they deemed most suitable to their national interests.

57. There had been serious questions at the United Nations regarding the value of continuing the dialogue with the South African Government. In view of the lack of progress over the past 27 years on the question of Namibia, the doubts were justified. However, SWANUF and the people inside the Territory were in favour of such contacts because of their intense faith in the Secretary-General and the Security Council, and in their own ability to reconstruct their country.

58. Recent developments in the Territory were bound to demonstrate to all concerned that something of importance had taken place in Namibia and that the contacts between the Secretary-General and the South African Government were of considerable value.



59. The recently established Advisory Council for South West Africa, as at present constituted, did not reflect the diversity of views of the Namibians in general. It was to be hoped that that discrepancy would be corrected so as to allow the free flow of ideas among the people of Namibia. There was no doubt that the Advisory Council could offer a limited common forum for the development of a national operational unity that would make it possible for all the people of Namibia to agree on minimum goals and strategies and to act together for the achievement of their objective of independence. It was high time to utilize any agency that afforded the people of Namibia the opportunity to meet to discuss openly and analyse critically the issues inside Namibia. Nevertheless, at times the strategies of the Namibians would differ radically from those employed by their brothers and sisters elsewhere in Africa.

60. As a result of new developments, both national and international, the Namibians were striving to sink their differences so as to reach a consensus, bearing in mind their responsibility for contributing constructively to the efforts being made at the United Nations. That new approach had been inspired by the manner in which the Africans elsewhere had conducted their struggle. When Namibia had first become the victim of German colonization, the atmosphere in the Territory had changed to that of a battlefield. The presence of South Africa had not changed matters. It was to be hoped that the Secretary-General would become the honest broker between the races of Namibia and between the South African Government and the United Nations, and would be able to absorb all the differences with a view to producing an ultimate agenda for the independence of Namibia.

61. He drew the attention of the Committee to the Lusaka Manifesto of 1969,<sup>7</sup> in paragraph 8 of which the signatories had declared that all the people who had made their homes in the countries of southern Africa were Africans, regardless of the colour of their skins, and had opposed a majority Government which adopted a philosophy of deliberate and permanent discrimination between its citizens on grounds of racial origin. Again, in paragraph 9, the signatories of the Manifesto had rejected outside interference in the internal affairs of the region, and in paragraph 12 they had set forth the principle of dialogue and negotiation instead of violence and destruction, and urged the liberation movements to use peaceful methods of struggle even at the cost of some compromise on the timing of change.

62. He was glad to be able to speak to the United Nations at a time when the German Democratic Republic and the Federal Republic of Germany had been admitted as full Members of the Organization. The tragedy of Namibia was bound up with the ravaging of the Territory by Germany. It was to be hoped that the two Germanys would contribute to the debates in the Fourth Committee and try to achieve a peaceful solution to the problem of Namibian independence.

63. He invited other Namibians to express themselves objectively and freely on the issues he had stated in order

to harmonize their respective positions. In doing so and in co-ordinating action in the various sectors, they would help the General Assembly to define and correctly direct the Secretary-General's terms of reference.

64. The Reverend Michael SCOTT (International League for the Rights of Man) said that some members of his organization had felt that it would be very useful for the Committee to have first-hand information on the situation in Namibia. It had therefore been arranged for two people to go to Namibia and prepare a report on the views they had heard, the events they had witnessed, etc. The report in question was now being written up, and it would be transmitted to the Committee as soon as it was completed.

65. Mr. IBRAHIM (Sudan) thanked the Reverend Michael Scott and Miss Rogers for their indefatigable efforts to help the oppressed peoples of southern Africa.

66. It was surely evident that no understanding or pity could be expected from those who were oppressing the Namibian people. In that connexion, Miss Rogers' investigations made it quite clear that, even though the oppressors might have changed their tactics, their goals remained the same. However, the absence of the representative of South Africa was perhaps more eloquent than all the words spoken during the debate. It was obvious that South Africa did not want a dialogue and was only playing for time to perpetuate its odious policy. Having ignored the United Nations resolutions and disregarded the advisory opinion of the International Court of Justice of 21 June 1971 and the appeals of the international community, South Africa was now trying to deprive the people of Namibia of the one weapon it had left, namely unity.

67. It was not for him to tell the people of Namibia what they should do, but he would remind them that their one weapon was unity. The United Nations, and the Secretary-General in particular, could be helpful, but the solution must be found by the Namibians themselves. As a member of the Organization of African Unity, the Sudan had promised to give full moral and material support to the people of Namibia, but if they were to be worthy of their freedom, they must remain united.

68. Mr. ARAIM (Iraq) thanked the Reverend Michael Scott and Miss Rogers for the valuable information they had supplied to the Committee.

69. Mr. MULWA (Kenya), after thanking the Reverend Michael Scott and Miss Rogers for their valuable statements, associated himself with the statement by the Sudanese representative. He did not believe that the solution for Namibia could come from outside; rather it would depend on what the people of Namibia were prepared to do. That being so, the main weapon of the people was unity. Without unity, South Africa would take advantage of the situation to "balkanize" the Territory into small governments, which would enable it to perpetuate its illegal occupation. Although at first sight the attitude of South Africa might seem beneficial, it was merely a method of gaining time for its sinister ends. His delegation would make a general statement on the subject in the general debate.

<sup>7</sup> Manifesto on Southern Africa; for the text, see *Official Records of the General Assembly, Twenty-fourth Session, Annexes*, agenda item 106, document A/7754.

70. Mr. TEYMOUR (Egypt) considered it deplorable that voices had been raised in the Committee to discuss the possibility of a dialogue with South Africa. It was evident that South Africa had no intention of recognizing the validity of the advisory opinion of the International Court of Justice on the question of Namibia. It was evident that South Africa was doing nothing to bring peace to the Territory. If establishing contacts with the South African régime would help Namibia, the Secretary-General could have achieved positive results, but all he had achieved was to enable a United Nations representative to spend some time in the Territory, an event which had raised hopes in certain quarters. All the South African Government had done was to complicate the Secretary-General's task by placing serious obstacles in his way and that of his representatives.

71. The white racist régime was certainly fully united to divide Namibia and to take advantage of its uranium, its vanadium and its diamonds.

72. He thanked the Reverend Michael Scott and Miss Rogers for their highly informative statement, and reserved the right to revert to the question of Namibia in the course of the general debate.

73. The CHAIRMAN recalled that there had been a request for the statement by Miss Rogers to be reproduced *in extenso* in the records of the meeting, and said that if there was no objection, and with due regard to the financial

implications, he would take it that the Committee was in favour of that proposal.

*It was so decided.*

*The Reverend Michael Scott, Miss Rogers, Mr. Mbaeva and Mr. Kerina withdrew.*

74. Mr. BECKLES (Barbados), speaking on a point of order, said that the Reverend Michael Scott had offered to provide the Committee with supplementary information from neutral sources, and asked what the procedure was for placing that material at the disposal of delegations.

75. The CHAIRMAN said that any proposal on the matter must be made formally by a delegation.

76. Mr. IBRAHIM (Sudan) proposed that the material offered by the Reverend Michael Scott be reproduced and distributed to the Committee

77. The CHAIRMAN said that if there was no objection, he would ask the Reverend Michael Scott to transmit the supplementary material he had offered. The Secretariat would undertake to distribute it to the members of the Committee.

*It was so decided.*

*The meeting rose at 6.40 p.m.*

## 2048th meeting

Tuesday, 30 October 1973, at 10.50 a.m.

*Chairman:* Mr. Leonardo DIAZ GONZALEZ (Venezuela).

A/C.4/SR.2048

### AGENDA ITEM 70

**Question of Namibia (continued) (A/9023/Add.2, A/9024, A/9061, A/9065, A/9066, A/9225 and Corr.1)**

#### GENERAL DEBATE (continued)

1. Mr. HAMERNÍK (Czechoslovakia) said that he was glad that the United Nations was giving great attention to the question of Namibia, which was one of the most important questions that it had to deal with in the context of the elimination of colonialism. For more than 50 years, the Territory had been ruthlessly exploited and colonized by the racist Government of South Africa. The fact that no settlement was yet in sight and that no progress had yet been made in that direction was not the fault of the United Nations but of South Africa and of those which helped it to persist in its colonialist policy, flouting international public opinion and the decisions of the International Court of Justice, the Security Council and the other competent organs, and, in particular, showing contempt for General Assembly resolution 2145 (XXI), in which the General

Assembly had declared that the Mandate conferred on the United Kingdom to be exercised on its behalf by South Africa was terminated and that South West Africa would thenceforward come under the direct responsibility of the United Nations. Far from withdrawing, South Africa was extending its policy of *apartheid* to Namibia and was setting up "homelands" designed to destroy the unity of the Namibian people and thus prevent them from attaining independence. In order to mislead public opinion, South Africa had set up a so-called Advisory Council consisting of the representatives of various regions, administrations or regional authorities, which in effect would in no way represent the people of Namibia. That had simply been a manoeuvre, which had been vigorously condemned by the competent organs of the United Nations. The United Nations Council for Namibia, in particular, in its consensus of 27 March (see A/9024, para. 163), had requested the Secretary-General of the United Nations to call on South Africa to disband forthwith the so-called Advisory Council and that request had been supported by Chief Clemens Kapuuo in a letter addressed to the United Nations Secretary-General, in which, on behalf of all the political