

American Committee on Africa
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SOUTH WEST AFRICA AND THE SPECIAL SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

The Problem: According to the General Assembly Resolution 2145 (XXI), the United Nations declared that South Africa's Mandate over the Territory of South West Africa has terminated and "that henceforth South West Africa comes under the direct responsibility of the United Nations." South Africa, which voted against the resolution, refuses to recognize the termination of the Mandate. The simple facts of the situation confirm the South African viewpoint: South Africa still maintains de facto control over South West Africa.

The Current Situation: On April 21, 1967 a Special Session of the U.N. General Assembly convened to consider action on the South West African issue, in accordance with the terms set forth in the Resolution of October 27, 1966. Here, in an unprecedented move, the U.N. voted (114 - 2 with South Africa and Portugal casting the negative votes and with 3 abstentions by the United Kingdom, France, and Malawi) that in view of the fact that "the administration of the Mandated Territory by South Africa has been conducted in a manner contrary to the Mandate, the Charter of the United Nations, and the Universal Declaration of Human Rights," it was thereby terminated and the Territory of South West Africa was "the direct responsibility" of the U.N. The resolution provided that an Ad Hoc Committee of 14 U.N. member nations be established to "recommend practical means by which South West Africa should be administered, so as to enable the people of the Territory to exercise the right of self-determination and to achieve independence..."

The Work of the Ad Hoc Committee on South West Africa: Composed of Canada, Chile, Czechoslovakia, Ethiopia, Finland, Italy, Japan, Mexico, Nigeria, Pakistan, Senegal, Soviet Union, United Arab Republic and United States, the Committee met 16 times from January 17 - March 31. At the Special Assembly Session discussion will focus around the issues raised in three different proposals set forth by groups within the Ad Hoc Committee: the African; the Western; and the Latin American, in addition to the position of the Socialist nations.

PROPOSALS FOR U.N. ACTION ON SOUTH WEST AFRICA: ATTITUDES TOWARDS THE CONFRONTATION WITH SOUTH AFRICA.

The historic and legal determinants behind the U.N. crisis over South West Africa emanate from South Africa's refusal to give up its hegemony over the Mandated Territory. And this is the crux of the problem. The various proposals made by the Ad Hoc Committee members deal with the creation of machinery to administer South West Africa; financial and personnel requirements; and most important the implementation of this administrative machinery -- BUT contained in each proposal and acting as its foundation is an approach to the fundamental question: HOW DOES THE UNITED NATIONS FACE THE ULTIMATE PROBLEM, AS IT IS CONTAINED IN THE U.N. RESOLUTION, OF CONFRONTATION WITH SOUTH AFRICA?

The African Proposal: DIRECT CONFRONTATION WITH SOUTH AFRICA (Ethiopia, Nigeria, Senegal, U.A.R.; with Pakistan's support)

The General Assembly (G.A.) would elect a U.N. Council for South West Africa with administrative/executive tasks to be delegated to a U.N. Commissioner appointed by the G.A. upon nomination by the Secretary-General. The Council would go to South West Africa, establish its physical presence, in order to administer the territory and ensure the withdrawal of South African military and police personnel.

which would be replaced by U.N. personnel. The Council would function on behalf of the G.A. until an Independence Constitution is drawn up by a South West African Constituent Assembly upon which free elections with universal adult suffrage would elect a Legislative Assembly and "responsible government." Upon the formal declaration of independence, to be not later than June, 1968, the U.N. Council would transfer its power to the Legislative Assembly. Finances for the administration would come from territorial revenues, while the operations of the Council and Commissioner would be derived from the U.N. budget. And preparing for direct confrontation with South Africa in carrying out its proposals, the African group stated that if South Africa obstructs the task of the Council, it would be aggression against the people of South West Africa and defiance of U.N. authority, whereby the Security Council "should take enforcement action under Chapter VII" of the U.N. Charter against South Africa (or any other state which so acts). Thus the African proposal, through advocating the transfer of administrative power from South Africa to a U.N. body, within South West Africa, provides the U.N. machinery to confront South Africa with enforcement measures.

The Western Proposal: AVOIDANCE OF A CONFRONTATION WITH SOUTH AFRICA (Canada, Italy, U.S.A.)

Upon the nomination of the Secretary-General the G.A. should appoint a Special Representative a Council of 3-4 members to be designated by the President of the Assembly, to which the Special Representative would report. In view of the resolutions which envisage the Territory as self-governing, the Special Representative would have a mandate to "make a comprehensive survey of the situation in the Territory" (the resolution is ambiguous at this point, as to whether it would be a survey "of" the Territory or "inside" the Territory); determine which elements of the population are "representative"; make contacts and consult with representative elements in order to form as soon as possible "a nucleus of self-government." The Special Representative would also recommend how the U.N. could help meet administrative requirements in South West Africa and "determine the necessary conditions that will enable South West Africa to achieve self-determination and independence," and finally report to the 22nd General Assembly. The ideal of the Western proposal is to avoid "alien rule" even presumably through a U.N. agency and devise a system of self-rule; the means to accomplish this as stated in the proposal avoid any handling of the South African Government except in as mentioned by the U.S. representative to the Ad Hoc Committee, Mr. William Rogers, for "extensive consultation and discussion with all parties concerned," which fails to establish a method for dealing with South African intransigence on this question. The primary mechanism of this proposal is to avoid any U.N. direct clash with South Africa.

Latin American Proposal: ASSUMPTION OF SOUTH AFRICAN COOPERATION AND THEREBY OVERLOOKS CONFRONTATION. (Chile, Mexico and Japan's support)

A Council would be elected by the G.A. with executive/administrative tasks designated to a Commissioner when the Council is installed in South West Africa. The Council would act similarly to that proposed by the African nations to administer and set up machinery for self-rule. To implement this task the Council would "enter immediately into contact with the authorities of the Republic of South Africa in order to lay down procedures ... for the transfer of the Territory with the least possible upheaval", and within a time-limit. The date of independence would be decided by the U.N. and financing for the Council would be borne by the U.N. until it is installed in the Territory. The Latin American proposal subdivides its work into the period of contact with South Africa and on the presumption of acceptance of the transfer, its work

within the territory in preparation for "politically responsible self-government". The possibility of non-cooperation on the part of South Africa is not considered in the resolution or alternate means of accomplishing its aim.

Socialist Nations - Informal Concepts: CONFRONTATION WITH SOUTH AFRICA BUT NOT VIA THE U.N. (Soviet Union, Czechoslovakia)

The opinion of these member nations as expressed in the proceedings of the Ad Hoc Committee supports the African proposal but disavows the use of a United Nations machinery, particularly a police-keeping force, as reminiscent of the Congo situation. Instead, they stress the possible role of the African nations in South West Africa, especially the Organization of African Unity. This position in a very real sense makes it easier for the Western nations to avoid a confrontation with South Africa, because it is far from evident that OAU action is a viable way to fulfill the General Assembly resolution - and if not the OAU, then what? Thus the Socialist nations position has aided at least the postponement of a confrontation.

All members of the United Nations will have to consider during the Special Session the type of underlying confrontation possible with South Africa, not only considering South Africa's past dealings with the Mandate, but its most recent move in announcing on March 21, 1967 the opportunity for the peoples of Ovamboland in northern South West Africa for "self-government." Although the Ad Hoc Committee did not formally endorse an African statement that this South African announcement was an attempt to "create a fiction of self-government" by extending the apartheid-Bantustan policy, the Chairman of the Committee noted at the final meeting that "the statements made on the subject confirmed that the Committee unanimously endorsed the view that the proposal of the South African Government with regard to Ovamboland was contrary to the General Assembly resolution 2145 (XXI) and was therefore illegal." The question remains: How will the United Nations confront this illegality?

SOUTH WEST AFRICA: A CRISIS FOR THE UNITED NATIONS

The South West Africa issue can be a major crisis for the U.N., for it involves the fundamental question: Is the U.N. impotent to implement its own resolutions? The workability of the U.N., in meeting world crises, is of course, based on the unanimity of the big powers, particularly the U.S. and U.S.S.R.. This means that it is helpless in the face of clear-cut cold war issues or conflicts between the Western and Communist countries. This holds true whether the crisis is in Vietnam, Hungary, Tibet or Cuba. But the South West Africa issue is not at present a cold war question. Both the U.S. and Russia voted for the October resolution, and both served on the Ad Hoc Committee. Yet, perhaps for somewhat different reasons, neither power is prepared to support vigorous U.N. action in relation to South West Africa.

The crisis for the U.N. lies in the fact that the smaller countries, which represent the majority of both the U.N. member nations and of the world population, will become frustrated and cynical in the face of U.N. inability to deal with South African policies in South West Africa. These smaller nations may not break with the U.N., but they will recognize fully that it is a vehicle which cannot cope with the problems which affect them.

The resolution on South West Africa puts direct responsibility in the hands of the U.N.. If the big powers immobilize any effective action, they will more than share the responsibility for helping to emasculate this international body as an instrument for dealing with the threat that the racist policies of South Africa present to the world.

COMMENTS ON POLICY CHOICES AND U.S. RESPONSIBILITY

The following are a summary of major points based on the above analysis:

1. Unless South Africa reforms completely, confrontation is essential. South Africa has given no vital indication of any willingness to change, and quite to the contrary seems bent on stricter application of apartheid to South West Africa.
2. Any solution must exclude basic compromises, such as
 - a) South Africa selected as "administrator" for the U.N.
 - b) Partition of the territory, which would violate historical and legal precedents designating the territory for all the people of South West Africa.
 - c) Creation of "self-governing" Bantustans as a substitute for genuine self-determination and independence.
3. This does not mean that all discussion with South Africa would be pre-empted. Although our task here is not to outline a precise formula, it is possible that a compromise might be achieved by a synthesis of the Latin American and African proposals. If the power is not available, as apparently it is not, to directly challenge South Africa by the placement of a U.N. force immediately in South West Africa, then, at least, no action must be approved based on the assumption that a final confrontation can or should be avoided. At this juncture, the essential thing is not whether a target date is set for independence or whether the Security Council is empowered to react immediately if there is a rebuff from South Africa. Rather it is mandatory that a course be set to remove South Africa from South West Africa and that the U.N. should begin to assume some responsibility. This may mean the U.N. insisting that visas be granted through the U.N. to those going to South West Africa, for example, and that foreign companies in the territory pay taxes to the U.N. collectable by their own governments.
4. The plan supported by the U.S. proposes consulting with representatives of the people of South West Africa. This raises the question of how one knows who these representatives are without political freedom on the part of the people to choose them. Does this imply there should be a referendum under U.N. supervision? Certainly South Africa would not permit this. Or perhaps the U.S. envisages some other way of testing South West African opinion which would be more in line with South African wishes. These sorts of alternatives must be carefully scrutinized.

In summary, then, we urge the United States to accept a proposal which:

1. Recognizes the necessity of a confrontation with South Africa.
2. Supports the creation of U.N. administrative machinery for South West Africa.
3. Does not exclude any measures of enforcement necessary for the U.N. to fulfill its responsibilities.

Additional quantities of this memo on South West Africa are available at ACOA.