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**AMERICAN COMMITTEE ON AFRICA**

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Dear Friend:

We are enclosing a brief background statement on the South West Africa issue now being debated at the UN. This question together with the unilateral declaration of independence by the white minority in Rhodesia, will be the basis for international initiatives to limit the power of South Africa. It is not expected that this General Assembly will deal with new approaches to the issue of apartheid within South Africa.

As is clear in the enclosed statement, we feel that the principle must be established by UN action that the UN has the right and the responsibility to terminate South Africa's administration of the Mandate in South West Africa. The means of implementing this action, is a most serious question. Implementation will take a period of time, undoubtedly. But the task cannot be started until the principle of UN control of the Mandate is clear.

We urge you to communicate with Secretary of State Rusk and UN Ambassador Goldberg, urging acceptance of the principle of UN control of the Mandate (as asked for in the Afro-Asian resolution) because South Africa has violated her "sacred trust of civilization". The resolution will be voted upon in a few days. Therefore immediate action is required.

Sincerely,

George M. Houser  
Executive Director



## SOUTH WEST AFRICA

### The Current Issue

With the opening of the 21st session of the UN General Assembly on Sept. 20th, one item was given priority status on the agenda - South West Africa. In an unprecedented action, debate began on this issue simultaneously with general statements by various delegations on the world situation. This is a mark of the importance of this issue. The basic question is whether South Africa will with impunity continue to exercise her racist policies over a growing area in southern Africa.

Some aspects of this issue are outlined in this memorandum.

### Background

The Territory: Arid scrubland and semidesert stretching over an area the size of France and the United Kingdom combined; a land hemmed in between the Atlantic and the Kalahari Desert, between white supremacist South Africa and Angola, Portugal's fat colony; a land where the scarcest commodities are water and people.

| <u>Apartheid People:</u> | Whites | Blacks  |
|--------------------------|--------|---------|
|                          | 80,000 | 480,000 |

Colonized, exploited and decimated by the Germans until 1918, the Africans haven't done any better under the "sacred trust of civilization" (Mandate). The South Africans have settled the best land in the center of the country, and the Africans have been confined by law to the north and a few shabby reserves. A permit is required to come to the "white" central areas and if you're black, you only get a permit by offering your labor. As communications in the north are virtually non-existent and African agriculture has received no assistance, cash earnings are hard to come by. So the Africans come South, where they get paid one-tenth of what Europeans earn.

The African political parties have been outlawed; Africans cannot even vote for whites. Alleged political organizers or even witnesses can be imprisoned without charge for successive 180-day periods. Africans cannot own land in half the country. Africans must use separate facilities: inferior and scarce hospitals and schools and buses and trains and crowded living compounds.

The Resources and Capital: The extensive mineral deposits, the karakul sheep lands, the rich fishing grounds, are for white capital and white profits. Half the profits leave the country; less than 10% find their way to black areas through Government revenue and expenditure for social services. With self determination, equal opportunity and independence the Africans would have the highest per capita income of sub-Sahara Africa: \$250 approximately (equivalent to mineral-rich Gabon).

### THE MANDATE

"THE MANDATORY SHALL PROMOTE TO THE UTMOST THE MATERIAL AND MORAL WELL-BEING AND THE SOCIAL PROGRESS OF THE INHABITANTS OF THE TERRITORY."  
(Mandate Article of League of Nations)



The Mandate to administer South West Africa was given to South Africa in 1920 by the League of Nations. One party to the contract, which the United Nations inherited, has obviously failed its obligations. South Africa has not sent in reports on the territory to the UN and has impeded petitioners, who have wanted to present evidence against the administration. Moreover, South Africa has violated Article 1 (2) of the UN Charter regarding the principle of equal rights and self-determination of peoples. South Africa has flouted General Assembly resolution 1514 XV in failing to grant the people of South West Africa political independence after forty-six years of administration.

The International Court of Justice: The decision of July 18, 1966 was tragically mistaken. It was held that no country, however closely related its people to the victims of racial injustice in South Africa, whatever its concern for the sanctity of international agreements to which it is a party, has any legal interest in how South Africa governs its mandated territory of South West Africa. Effectively, this reverses the ruling of December 21, 1962, the minority opinion of that year becoming the majority opinion of 1966.

The Court's earlier advisory opinions are left untouched. In 1950, 1956 and 1962 it was shown that South Africa is responsible to the United Nations for its administration of South West Africa. However, the 1966 judgment appears to deny any effective judicial means of vindicating that responsibility.

The 21st General Assembly: A joint draft resolution has been introduced and cosponsored by most Afro-Asian states.

Operative paragraphs (4-7) of the resolution read as follows:  
(The General Assembly)

4. "Decides to take over the Mandate conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa and to assume direct responsibility for the administration of the Mandated Territory;
5. "Establishes a United Nations Administering Authority for South West Africa composed of ... States Members of the United Nations - to be immediately designated by the President of the General Assembly - to administer the Territory on behalf of the United Nations, with a view to preparing it for independence;
6. "Requests the Administering Authority to proceed immediately with its work in the Territory and to recommend to the General Assembly as soon as possible, and in any case not later than the twenty-second session of the General Assembly, a date for the independence of the Territory;
7. "Requests the Security Council to take the necessary effective measures to enable the Administering Authority to discharge its functions in accordance with the present resolution."



US POLICY

The International Court decision of July 18 preserves the status quo - the continued control of South West Africa by South Africa, extension of apartheid, virtual annexation of South West Africa into the Republic, etc.

The real issue is whether the international community, through the UN, will allow South Africa to continue to exercise its administrative authorities in South West Africa, or whether steps will be started for the UN to assume responsibility for the Mandate. Basically this is a political, not a legal issue.

South Africa does not recognize the right of the UN even to a supervisory role over the Mandate. Therefore, whether the UN assumes only a continued supervisory role (as was recognized by the advisory opinion of 1950), or takes over the administration of the Mandate, a direct confrontation with South Africa is inevitable.

After 16 years of efforts to find a conciliatory solution, half measures are fatuous. The United States must ensure through the United Nations that the people of South West Africa secure their inalienable right to self-determination, freedom and independence in accordance with the UN Charter.

The task of the United States is crystal clear. Democracy and freedom have been usurped in South West Africa. It is quite essential for the United States to support the resolution by which the powers of the Mandate revert to the UN. The United States must then demonstrate that the prospective UN Administering Authority will enter South West Africa and will enter with the active support of the United States.

It is not expected that this resolution if accepted by a UN majority will be implemented easily. A step-by-step course will undoubtedly be followed. But the principle of UN authority will be established and hopefully then, some step can be taken toward extending the provisions of the Charter even into a territory that has been dominated by South Africa for so long.