

## SOUTH-WEST AFRICA

Hilda Bernstein

**T**HERE is an old man in South-West Africa who, within the span of his own life, encompasses the whole tragic history of his country. When he was born the territory was occupied only by the tribes who had migrated there from the 16th century onwards. He was a growing lad before the Germans, late-comers to colony-grabbing, began the swift building of their short-lived African empire. He was in his thirties when the Germans launched their genocidal war against his people, the Hereros, and reduced a proud race of 80,000 cattle-rich tribesmen to 15,000 starving fugitives. When that was over, in 1907, he saw the tribal lands expropriated and sold to White farmers. He was nearing middle-age when the Germans lost their African empire after their defeat in World War One, and South-West Africa became a mandated territory under the Covenant of the League of Nations. In the space of a few years from 1920, he saw the White settlers double and their land holdings vastly extended under the South African administration of the League's mandate.

He has seen the lands of the tribes further reduced to scattered and isolated spots; witnessed the growing occupation of the Whites and of their extension of possession of land, minerals and wealth. He saw his people driven 'from fertile valleys to sandy regions' as the Hereros were split into eight Reserves and their land alienated. He was nearing the seventies when he was asked by the Whites to help enlist South-West African tribes in the South African forces during World War Two. Now over ninety years old, Chief Hosea Kutako still alertly watches the great nations of the world playing politely with his country, still fiercely believes that justice must in the end prevail; the greed and power of South Africa be broken by the greater power of international law, and the land and its wealth restored to the people.

The International Court of Justice at The Hague is at present listening to argument on charges brought against South Africa on the administration of South-West Africa. This is a large and sparsely-populated country, 318,261 square miles in extent with only just over half a million inhabitants. The Namib desert runs from north to south along the coast, and between this and the Kalahari desert in the east, there is a central highland. In 1960 the population was 526,004, of whom 73,464 are Whites, the remainder being African

tribes, Bushmen, and half-caste peoples. Although only one in seven South-West Africans is White, the Whites have exclusive use of twice as much land as the Africans. White farmers own huge cattle ranches and sheep farms. The country is split by a line—the Police Zone, where occupation is reserved for Whites only. Africans must live in Reserves and may enter the Police Zone only to work for Whites. The African Reserves are mainly in the north, completely undeveloped and wretchedly poor and backward, with farming on subsistence level—or below; men must work as contract labour in the southern sector. There are enormously rich diamond deposits and a variety of other minerals. There are fishing and guano industries and karakul (persian lamb) is a very important crop.

The final administrative and legislative authority for the affairs of South-West Africa is vested in the government of South Africa. There is a legislative assembly in South-West consisting of Whites only, elected by Whites only, with powers to make ordinances on certain matters provided they do not conflict with South African apartheid laws. Affairs of non-Whites are handled in the main directly by South African authorities. One member (White) is nominated to the South African Senate (upper house) on the grounds of his acquaintance with 'the reasonable wants and wishes' of the non-Whites of South-West Africa. South Africa's administration over South-West began after the first world war when the Territory was mandated under the Covenant of the League of Nations. Several attempts to get the Mandates Commission to agree to the incorporation of the Territory into South Africa were refused. When the League of Nations died the mandates system was succeeded by the United Nations trusteeship system. South Africa refused to place South-West Africa under the International Trusteeship System as requested by the General Assembly of U.N. from 1946 to 1959 (it is the only former mandated Territory which has not been placed under the trusteeship system or alternatively granted independence); and also rejected advisory opinions of the International Court of Justice confirming her obligations under the Mandate. All efforts by the U.N. failed to bring compliance or even recognition of South Africa's obligations, and the Republic continues to administer South-West Africa on the basis of the apartheid system, contrary to the Mandate, the Charter of the United Nations, the Universal Declaration of Human Rights, and the resolutions of the General Assembly.

In November 1960 Ethiopia and Liberia initiated proceedings

against South Africa before the International Court of Justice. Early in 1962 a Special Committee on South-West Africa was set up by General Assembly resolution with the task of bringing about the abolition of apartheid in South-West and to prepare the Territory for full independence. The General Assembly also called for a U.N. representative for South-West, to establish an effective United Nations presence in the Territory; and further asked for investigation into the activities of international companies in South-West. South Africa refused to countenance a U.N. presence; and argues that agreements over South-West Africa ceased to exist with the end of the League of Nations. In the four years since Ethiopia and Liberia brought their case, the Court has been occupied with South African objections to its jurisdiction to try the case (a submission that the Court rejected) and by the submission of large quantities of documents and written evidence by both sides.

The U.N. Special Committee has issued meanwhile a lengthy and interesting report on the activities of the mining industry and other international companies with interests in South-West Africa. Their conclusions, based on massive evidence, are briefly that foreign capital holds a dominant position in the economy of South-West Africa and the main sectors of production are controlled by foreign enterprises or White settlers mainly from South Africa. The report states baldly that the foreign monopolists have no interest in developing any sort of a balanced economy in the Territory and apart from the rich export industries, other sectors of the economy such as manufacturing remain undeveloped—in particular African agriculture is completely undeveloped.

‘The desire of the Government of South Africa to annex South-West Africa is directly connected with the activities of International companies which are interested in keeping the Territory as a field for the investment of their capital, a source of raw material and cheap labour.’ Such economic development as has taken place does not extend beyond the White-occupied Police Zone. ‘The discriminatory laws in South-West Africa in respect of mining and labour are designed to exclude the Africans from any direct participation in the mining industry and to guarantee the industry a permanent supply of cheap, unskilled migrant labour.’ As a result of the discriminatory legislation and practices of the Administration, reflecting both the ‘outdated concepts of colonial government and the racial policies of apartheid’, Africans scarcely share in the profits of these rich industries.

The report explains how, interested only in making quick profits, the Territory's mineral resources are being operated in such a way that the country runs the risk of finding itself, in the not too distant future, without raw materials which are the main support for the money economy today. The surplus profits flow abroad, and are not re-invested in the Territory. The apartheid policy that South Africa operates offers the foreign companies greatest possibilities for the exploitation of the people, bringing enormously high profits and denying any opportunity of improvement in the living conditions of the Africans. Laws effectively deny African workers most of the means by which they might otherwise improve their conditions, and restrict their chances to advance. The method of recruitment used is 'basically forced labour' and the African population lives 'as though in slavery'. 'The very low level of African wages, the lack of development of the Reserves and the evils of the migratory labour system result in misery and untold sufferings on the part of the indigenous population.' South Africa uses the Territory as an extension of its own economy, a market for manufactured goods and a source of primary products.

'It can be shown that the overwhelming majority of the mining companies belong to a complex of foreign capital which operates in many areas of Southern Africa, Northern and Southern Rhodesia, the Congo (Leopoldville) and Angola, and in reality is directed by a number of monopolistic combines controlled by financial interests in the United Kingdom, the United States of America, and the Republic of South Africa.' 'These foreign companies also bear the responsibility for the sufferings of the people of the Territory.' They share South Africa's interest in perpetuating the existing system as long as possible. 'It is precisely from those Member States with financial interests in the Territory that the Republic of South Africa derives its main support in the United Nations and outside which encourages its continued non-compliance with the Charter. . . .' The final conclusion is that the study of the activities of the foreign companies confirms the urgency of the need to grant and ensure independence in South-West Africa.

This is the background of facts against which the charges against South Africa are being argued before the World Court. The outcome of the Court is not a foregone conclusion, but South Africans believe that if the decision goes against them there would be unlimited scope for further arguments and no dramatic sequel. They feel in the end, if the judgment were strongly-worded, Dr. Verwoerd

could simply do nothing; and they feel that powerful members of the United Nations would not be willing to back any forceful action. 'South Africa will not allow any change', stated a leading White citizen of South-West Africa. 'No Western power would try to force her to make any change and the Black states are not strong enough to force South Africa to make any changes.' The South-West African case before the International Court thus becomes a major test for the United Nations. A decision unfavourable to South Africa would have to be enforced by countries reluctant to damage their own extensive interests in South-West Africa. The repercussions are limitless, world-wide. Positive action against South Africa would mark the beginning of the end of apartheid and so deal a death-blow to racism everywhere. 'South Africa will not be persuaded that the U.N. means business', writes Ruth First,\* 'over South-West Africa until the states of the West show that South African and foreign economic and business interests can never be inviolate from reprisals as long as they prop up South Africa's defiance of the world in her handling of South-West Africa . . . the longer that intervention is delayed to stop the ravages of apartheid in South-West Africa, the greater the chances of a conflagration.'

It is not only for Chief Hosea Kutako that time is running out. But the people of Britain, too, are witnesses; there is still hope for this old man to live to see South-West Africa restored to her peoples. May we find ways to help speed the ending of the old, bitter wrongs and the beginning of the joint application of international justice and law.

\*Author of *South-West Africa*, Penguin Books, 5s.

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