June 22, 1971

STATEMENT ON THE INTERNATIONAL COURT'S OPINION ON NAMIBIA

The American Committee on Africa welcomes as a landmark decision the Court's opinion holding South Africa's administration of Namibia illegal and calling on the Republic to withdraw from the territory.

The Committee notes that the Court has ruled on those fundamental issues which it avoided in the 1966 proceedings brought against South Africa by Liberia and Ethiopia. In particular, and most important, the Court found that:

1) the League of Nations mandate concerning the supervision of the territory of South West Africa survived the demise of the League;
2) the mandate is to be construed contemporarily, not as unchanged since its creation a half century ago;
3) the United Nations General Assembly has succeeded to the League's power to supervise administration of the mandate;
4) South Africa fundamentally breached the mandate contract by denying the supervisory power of the United Nations; and
5) apartheid is a violation of fundamental human rights, is contrary to the United Nations Charter, and is therefore contrary to the basic obligations of the mandate contract.

The Committee points out that it is significant that the Court has, further, upheld the right of the General Assembly to terminate South Africa's mandate for fundamental breach of the mandate.

In light of the Court's decision, we urge the Security Council to convene as soon as possible to implement the Court's ruling that States refrain from entering
into diplomatic, economic, or other relations with South Africa which entrench its authority over Namibia. In particular, by directing States to:

1) recognize the United Nations Council for Namibia as the legal (temporary) government of the Territory for all purposes;

2) refuse to recognize South African legislation for Namibia, South African court judgements affecting Namibia and all official South African acts affecting Namibia;

3) refuse to recognize claims and concessions in Namibia or affecting Namibia derived from the South African government;

4) require their nationals to pay Namibian taxes to the Council and not to South African authorities; and

5) assist refugees from Namibia, United Nations programs to aid such refugees and those African countries which absorb such refugees.

We support the call by the South West African Peoples Organization (SWAPO) in its statement of June 21 to prohibit tourism to Namibia and reaffirm the call for termination of financial and commercial relations with South West Africa so long as it is illegally occupied.

We call upon the American government to support these and other steps designed to implement the Court's ruling, including recognition of its responsibility to prevent private investment in Namibia, and not merely to verbally "discourage investment" as is present policy. And we urge our government to give its support to the Council for Namibia so that its decisions on administering Namibia will have support of major powers leading to the independence of the Territory.