Statement to the

SEMINAR ON THE INTRANSIGENCE OF THE SOUTH AFRICAN REGIME WITH REGARD TO NAMIBIA:

Strategies for Hastening the Independence of Namibia

29 July to August 1985

Presented by James Cason,
American Committee on Africa
Mr. Chairman, Ladies and Gentlemen,

I am extremely pleased to be representing the American Committee on Africa at this very important seminar. On behalf of the Committee I would like to congratulate the Council on Namibia on its continued work on behalf of the people of Namibia. We can only hope that it will not be long before seminars can be held in Windhoek.

A major focus of recent ACOA activity has been the building of a nationwide campaign to end all United States economic involvement with South Africa and Namibia.

Building this campaign has involved the mobilization of many different constituencies, including legislators in cities, states and in Congress, religious groups, trade unions, student and black community groups. The campaign has involved action at many different levels, including the demand for and passage of legislation by cities and states barring the investment of their funds in banks and corporations which lend to or are active in South Africa. In some cases such as the City of Philadelphia, Namibia has been specifically incorporated in the legislation. In general because such divestment legislation imposes a form of economic sanction on South Africa and thus undermines the strength and repressive capacity of the apartheid state, it clearly serves the interests of the struggle to end the illegal South African occupation of
By the end of July, 7 states and 30 cities had passed divestment legislation, effecting $1.8 million.

In some cities, such as Boston, Philadelphia and Miami, divestment ordinances prohibit the investment of city funds in any companies doing business with South Africa or Namibia or in banks that have outstanding loans to the South African or Namibian government.

Other divestment legislation relates to purchasing, often in conjunction with the above provisions. The New York city legislation, for instance, severely restricts the purchase by the city of any goods originating in South Africa or Namibia. In Newark, legislation bans the city from purchasing from US companies that operate in South Africa or Namibia.
An important achievement of this campaign has been the building of strong coalitions incorporating people who have not traditionally seen themselves as concerned about questions regarding South Africa or Namibia. Thus for example, the passing of a divestment bill in Iowa was especially important for the campaign. It demonstrated that with the broad based coalition of church, labor, student and civil rights organizations we have built around the issues of apartheid and the illegal occupation of Namibia, we can win in a traditionally conservative farm state with a very small black population. This illustrates the extent to which the divestment campaign has made South Africa a mainstream issue in American politics.

The American Committee on Africa and its associate, the Africa Fund, provide much of the key information on which the divestment campaign has been built. We provide not only information about the US corporations and banks involved, but also publications directly dealing with the major issues which have to be confronted as we seek to win new participants in the campaign. We have publications which answer questions like: what do black people in South Africa think about sanctions and divestment; why codes of conduct, such as the Sullivan Principles, are not able to reform apartheid; will pension funds lose money if they divest from US companies like General Motors and IBM that are in South Africa. Most recently, in order to focus more attention on Namibia, we have produced a special list to highlight those US corporations which continue to operate in Namibia in defiance of Decree No. 1 and world opinion. [Attached as Appendix I]
Since 1981, and the introduction of the disastrous US policy of constructive engagement, activist groups like the ACOA have been actively engaged in challenging the policy. This year, building on the momentum provided by the Free South Africa demonstrations, the state and city divestment campaign, and unprecedented student pressures for university divestment, significant anti-apartheid legislation has been before the US Congress.
The US Congress has considered an unprecedented number of bills, relating to South Africa and Namibia in the last six months. Most addressed the question of divestment. Two anti-apartheid bills were passed - one in the House of Representatives and one in the Senate. The House bill, stronger than its companion in the Senate, prohibits new investment in South Africa, Krugerrand imports and sales, bank loans or computer sales to the government. The Senate bill includes the House bill, no bank loans or computer sales to the government, and adds a clause that will make the Sullivan Principles mandatory for all US companies operating in South Africa. The stage is for the bill to be processed by a joint Senate and House committee which will try to come up with a bill acceptable to both houses.

One of the bills introduced related specifically to Namibia. It was introduced into committee by Representative Pat Schroeder and sixteen co-sponsors. The bill prohibits exploitation of any natural resources from Namibia without the permission of the United Nations Council for Namibia. Although the bill reached the floor for debate, it was a significant move. It meant the issue had raised sufficient interest and concern and thus helped increase awareness of the plight of Namibia's people and the on-going plunder of the territory. (See Appendix II)
This spring the American Committee on Africa was very active in mobilizing student actions demanding that colleges and universities withdraw their investments from corporations which do business in South Africa. Beginning with the March 21 to April 6 "Weeks of Action" which we organized, students at over 100 campuses have held protests, many involving civil disobedience. We worked particularly closely with the Columbia University students as they built their action.

The results have been dramatic. Fourteen colleges and universities including a section of the California State University, Dartmouth College, the University of Iowa, Ohio State University, Georgetown University, and the State University of New York, have taken some form of divestment actions since April. This brings the total of funds affected by campus divestment actions to $200 million, in addition to the $1.8 billion affected by state and municipal divestment actions.

In order to build upon the current momentum, ACOA is working closely with student leaders to plan for a resumption of campus actions in the fall. On October 11 ACOA will coordinate a National Protest Day for Divestment to coincide with South African Political Prisoner Day. We are also co-ordinating a National Student Anti-Apartheid Conference for November 1-3 at Hunter College in New York City. This conference will bring together student groups from all regions of the country and will build toward Spring 1986 Weeks of Action focusing on Namibia in particular.
In recent years the American Committee on Africa and its sister organization, the Africa Fund, have concentrated much energy on raising support for southern African refugees and in particular for Namibian refugees. Projects designed to build awareness of the Namibian People’s struggle for liberation and the problems to be overcome, as well as providing assistance to refugees, in projects approved by SWAPO. $46,000 of Africa Fund resources were devoted in 1984 to direct assistance to Namibian refugees.

The plight of 100,000 Namibian refugees driven from their homes by the brutality of the South African army illegally occupying their country continues to be a major concern. In cooperation with the United Nations, the Fund shipped 10,700 primary textbooks for teaching English to help Namibian children play a constructive role when their country is free. In thanking the Africa Fund, the official in charge of education for Namibian refugees, Nahas Angula, wrote that these "books will greatly contribute to the communication skills of our learners, increasing international communication, understanding and peace."

Research Director Gail Hovey visited centers for Namibian refugees in southern Africa for the Africa Fund and the Fund helped meet specific requests for refugee needs.

In 1984, agents of the South African government, which has created the problem of the refugees, sought unsuccessfully to use the United States courts to harass the Africa Fund for its humanitarian aid to Namibian refugees. US Federal Judge, Kevin Duffy, dismissed the action filed by South African agents
in Washington against the Africa Fund as "obviously groundless," and, in an unusual action, awarded attorney's fees to the Center for Constitutional Rights, which had defended the Africa Fund.

There can be no doubt that the present administration's policy of constructive engagement has delayed Namibian independence. Recent events in South Africa demonstrate just how crippled this policy is. Constructive engagement has made the task of mobilizing citizens of the United States ever more important. The American Committee on Africa regards this ongoing mobilization as one of its major tasks as we look towards the day that the Namibian people will gain their independence and be able to live in freedom and peace.

Thank you.
**APPENDIX I**

June 20, 1985

**Preliminary list of US corporations that will be affected by H.R. 2589.**

**NOTE:** There are many other corporations that operate in Namibia that have not been included in this list because they do not appear to violate H.R. 2589.

<table>
<thead>
<tr>
<th>U.S. Corporation</th>
<th>Namibian Corporation and nature of operations in Namibia</th>
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</thead>
<tbody>
<tr>
<td>Allis-Chalmers Corp. Milwaukee, WI</td>
<td>Allis-Chalmers Service Inc. area office and nuclear technology</td>
</tr>
<tr>
<td>General Electric Fairfield, Ct.</td>
<td>Utah International (15% interest) uranium prospecting</td>
</tr>
<tr>
<td>Newmont Corporation New York, New York</td>
<td>Tsumeb Corporation Ltd. (34% interest) mining and prospecting</td>
</tr>
<tr>
<td>Nord Resources Dayton, OH</td>
<td>Nordex Joint Venture mine closed 1981, but ownership maintained</td>
</tr>
<tr>
<td></td>
<td>Nord Mining &amp; Exploration (Pty.) Ltd. closed in 1983</td>
</tr>
<tr>
<td></td>
<td>Penarroya JCI Joint Venture prospecting</td>
</tr>
<tr>
<td>Phelps Dodge Corp New York, New York</td>
<td>Western Nuclear Inc. uranium prospecting</td>
</tr>
<tr>
<td>Standard Oil of Ohio</td>
<td>Kennecott SWA (Pty.) Ltd. prospecting</td>
</tr>
<tr>
<td>T.O.N.M. Oil and Gas Exploration Corp. Sacramento, CA</td>
<td>African Coast Diamonds and Minerals (Pty.) prospecting</td>
</tr>
<tr>
<td>Union Carbide Corp. New York, New York</td>
<td>Chrome Corp. SA (Pty.) Ltd. uranium prospecting</td>
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To prohibit the exploitation of any natural resources from the territory of Namibia without the permission of the United Nations Council for Namibia.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1985

Mrs. Schroeder (for herself, Mr. Wolpe, Mr. Clay, Mr. Conyers, Mr. Crockett, Mr. Delums, Mr. Dixon, Mr. Dymally, Mr. Fauntroy, Mr. Frank, Mr. Gray of Pennsylvania, Mr. Leland, Mr. Garcia, Mr. Mitchell, Mr. Owens, Mr. Savage, Mr. Towns, and Mr. Weiss) introduced the following bill: which was referred jointly to the Committees on Foreign Affairs and Ways and Means

A BILL

To prohibit the exploitation of any natural resources from the territory of Namibia without the permission of the United Nations Council for Namibia.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. PROHIBITION WITH RESPECT TO NATURAL RESOURCES IN NAMIBIA.

5 No person may, directly or through another person, without the permission of the United Nations Council for Namibia or any person authorized by the Council to act on its behalf for the purpose of giving such permission—
search for, take, extract, mine for, process, refine, sell, export, distribute, purchase, import, or use any natural resource situated in or originating from Namibia; or

(2) otherwise remove any natural resource from Namibia.

SEC. 2. REGULATORY AUTHORITY.

The President shall issue such regulations, licenses, and orders as are necessary to carry out this Act.

SEC. 3. ENFORCEMENT AND PENALTIES.

(a) AUTHORITY OF THE PRESIDENT.—The President shall take the necessary steps to ensure compliance with the provisions of this Act and any regulations, licenses, and orders issued to carry out this Act, including establishing mechanisms to monitor compliance with this Act and such regulations, licenses, and orders. In ensuring such compliance, the President may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

(b) PENALTIES.—

(1) FOR PERSONS OTHER THAN INDIVIDUALS.—Any person, other than an individual, that violates the
provisions of this Act or any regulation, license, or order issued to carry out this Act shall be fined not more than $1,000,000, or 5 times the value of the natural resources involved, whichever amount is greater.

(2) FOR INDIVIDUALS.—Any individual who violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall—

(A) be fined not more than $50,000, or 5 times the value of the natural resources involved, whichever amount is greater, or

(B) be imprisoned not more than 5 years, or both penalties provided in subparagraphs (A) and (B).

(c) ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Whenever a person violates the provisions of this Act or any regulation, license, or order issued to carry out this Act—

(A) any officer, director, or employee of such person, or any individual in control of such person, who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and
(B) any agent of such United States person who knowingly and willfully carried out such act or practice,
shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(2) Restriction on Payment of Fines.—A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation by a person may not be paid, directly or indirectly, by the person committing the violation.

(d) Seizure of Articles.—The Secretary of the Treasury shall deliver to the United Nations Council for Namibia any articles seized by the United States Government on account of a violation of this Act or any regulation, license, or order issued to carry out this Act.

SEC. 4. NEGOTIATIONS.

The President shall, by means of both bilateral and multilateral negotiations, including through the United Nations, attempt to persuade the governments of other countries to adopt restrictions on activities affecting natural resources situated in or originating from Namibia consistent with those restrictions provided in this Act, until Namibia has achieved internationally recognized independence.
SEC. 5. TERMINATION OF ACT.

The provisions of this Act, and all regulations, licenses, and orders issued under this Act, shall terminate if—

(1) the President certifies that Namibia has achieved internationally recognized independence as determined by the United Nations Security Council, and that the legal authority for Namibia has been transferred from the United Nations Council for Namibia to the lawful government of Namibia;

(2) the President submits that certification, and the basis for the certification, to the Congress; and

(3) a law or joint resolution is enacted approving the President's certification.

SEC. 6. PERSONS HELD LIABLE BY FUTURE NAMIBIAN GOVERNMENT.

It is the policy of the United States that any United States person that is sued for damages, as provided in paragraph 6 of United Nations Decree Number 1 For the Protection of the Natural Resources of Namibia (approved by the General Assembly on December 13, 1974), by the future lawful government of an independent Namibia will receive no assistance from the United States in defending against any liability for such damages and will receive no compensation or reimbursement from the United States Government for any damages assessed or paid on account of such liability.
SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) NATURAL RESOURCE.—The term "natural resource" includes land, animal and plant life, oil, gas, minerals, water, and ground water.

(2) NAMIBIA.—The term "Namibia" includes—

(A) Walvis Bay;

(B) the Penguin Islands, and

(C) the territorial waters of Namibia, as defined by the United Nations Council for Namibia or the future lawful government of an independent Namibia.

(3) PERSON.—The term "person" means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State or any foreign country), any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality of any such government, including a government-sponsored agency).

(4) STATE.—The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.
SEC. 8. APPLICABILITY TO EVASIONS OF ACT.

This Act and the regulations issued to carry out this Act shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade this Act or such regulations.

SEC. 9. EFFECTIVE DATE.

This Act shall take effect 180 days after the date of the enactment of this Act.
US COMPANIES IN NAMIBIA

What follows is a preliminary list of US corporations that have offices, investments, and/or franchise and licensing agreements in Namibia. There are a wide variety of different types of operations in Namibia ranging from corporations with actual subsidiaries in the territory to corporations which have simply licensed other corporations to use a trademark or identifying name. What follows is a list which is as inclusive as possible.

Alexander & Alexander Services Inc.
Allis-Chalmers Corp.
American Cyanimid Company
Bangor Punta
BankAmerica Corp.
Black & Decker
Brilund Ltd.*
Bristol-Myers Co.
Burroughs Corp.
Chase Manhattan Corp.
Chevron Corp.
Citicorp
Clevepak Corp.
Coca Cola Corp.
Continental Corp.
Corroon & Black Corp.
Cooper Industries
Crouse-Hinds Co.

Deere & Co.
Dresser Industries Inc.
Firestone Tire & Rubber Co.
Fluor Corp.
Ford Motor Co.
Gencorp Inc.
General Electric
General Motors Corp.
Getty Oil Corp.
Hanna Mining Corp.
Heinz, H.J., Co.
International Minerals & Chemicals Corp.
Interocian Steamship Corp.
Interpublic Group of Companies Inc
Johnson & Johnson Co.
Joy Manufacturing Co.
Lear Siegler Inc.
Marsh & McLennan

* Brilund Ltd. is incorporated in Liechtenstein, but most of its shareholders live in the United States
Martin Marietta Corp.  
Mclean Industries Inc.  
Minnesota Mining & Manufacturing 
Mobil Corporation  
NCR Corporation  
Newmont Corporation  
Nord Resources Corp.  
Phelps Dodge Corp.  
Phillips Petroleum Co.  
Reynolds, R.J., Industries Inc  
Pepsico Inc.  
Price Waterhouse & Co.  
RCA  
Scientific-Atlanta Inc.  
Sears Roebuck & Co.  
Standard Oil Co. of Ohio*  
T.O.N.M. Oil and Gas Exploration Corp.  
Tenneco Inc.  
Texaco, Inc.  
Transamerica Corp.  
Union Carbide Corp.  
United States Steel Corp.  

United Technologies Corp.  
Vester Co.  
Weeks Petroleum Ltd.**

*The British Petroleum Company owns a majority interest in SOHIO  
** Weeks Petroleum Ltd., is based in Australia but is owned by the Weeks family in the United States.