

Case Not Made

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THE social, political and economic system in South and South West Africa finds an apologist in a book* which calls into question the functioning of the World Court in the South West Africa case. In the preface Mr. Lejeune asks "whether any international court which has to deal with politically or morally controversial questions could function *tolerably*", and this is the second and more important reason for the compilation of this book.

After sketching the political birth scene of South West Africa, and the steps by which the case was brought before the World Court, the bulk of the book gives the text in full of the dissensions from the Advisory Opinion given by the World Court of two of its judges, Sir Gerald Fitzmaurice (UK) and Judge André Gros, (France). They describe various legal irregularities and inconsistencies in the formation, constitution and procedures of the World Court in this instance, which in their opinion invalidates the Advisory Opinion which resulted from the 1970/71 sitting. These dissensions caused Mr. Lejeune to review the way in which the World Court functions, and its relationship to UNO, and he expresses the fear that a new majority in the UN may usurp Western law and its traditions, by which such bodies as the

World Court have previously been governed.

The informative appendix deals with geographical features, population groups, economic bonds with South Africa, economic and social development, and a final chapter on the response to awakening political aspirations. It reads like a description of heaven - with a water shortage!

As this is the defensive case for South African white rule in South West Africa, its content is entirely predictable. No solutions (other than the continuation of the present system) and no new ideas are

to be found in these pages. South African expositions of their case in the first four chapters are accepted as infallibly right, and "assertions of slavery, murder, militarization, terrorism and landgrabbing" by her critics are contemptuously dismissed as being mere allegations, of which there is said to be no evidence. One is left wondering what constitutes evidence for oppression, if it is not the cry of the oppressed? To European administrators are ascribed the best of intentions: and they are all held to be imbued with technical, financial, commercial, cultural and entrepreneurial skills of the highest order. So they may be, and like Mr. Lejeune, I do not believe that "the white peoples of Southern Africa were born with an extra dose of original sin," but neither do I believe the naive implication

that only the white South Africans are capable of looking after the best interests of the non-whites which is made repeatedly in the appendix.

Having spent twenty-seven years in South and South West Africa, and all of my working life there for the health service, both in white and non-white hospitals, I found the numerous quoted facts and figures to "prove" the benefits of white administration fallacious and misleading. We are told that there are "114 medical practitioners and specialists in South West Africa, which works out at about 4,500 inhabitants per physician." On my last visit to Windhoek three years ago, three fifths of the medical practitioners had exclusively white practices. "The ratio of *about* ten hospital beds per 1,000 of the non-white population groups compares with 1.89 for Tanzania." As the few hospitals and clinics are confined to the relatively few large towns, and the Africans are confined to their reserves hundreds of miles away, and are summarily arrested if they stray from these reserves without

a pass, the comparisons are odious indeed. What hospitals there are are hardly worthy of that name, either. Drugs, supplies, equipment and accommodation are so limited, and remedies so simple compared to those medical facilities offered to the white population that these statements are a parody.

We are further told that the African pays no income tax. We are not told that he has to pay a personal or "head" tax annually. What part the Africans have play-

ed in the development of South West Africa is nowhere specified or acknowledged - apart from their receiving "annually millions for

the large scale development of their homes and education, etc." One looks in vain for a word of commendation for their physical stamina, vigour, and the fact that many of them work a ten or twelve hour day.

The overall impression which the book gives is that history and many real *material* advances have sanctified European sovereignty in South West Africa. Europeans have assumed authority over and assumed responsibility for millions of Africans by the Divine Right of being white and intellectually more advanced. Having doted on their conquests during birth and infancy, now like parents who have not grown up themselves they demand an impossible standard of perfection from their adolescent subjects. Their savagery in war before the Europeans brought them peace is made much of. What hypocrisy to condemn the African tribes for being quarrelsome and dissident. That the question of the case for South West Africa has been raised at all is also profound reiteration of the fact that "Man does not live

by bread alone."

The issues raised by Sir Gerald Fitzmaurice and Judge Gros demand enquiry and discussion if a certain tradition of law is to be upheld by the World Court. Nothing in the book can detract from their writing. However the views on social and economic affairs in South West Africa raised no spark of accord in me. I was left wondering how the vaunted improvements in health, housing, sanitation and employment had not diminished

the incidence of disease and death from vitamin and protein deficiency, and why tuberculosis, which can be cured today with drugs, good housing and an adequate diet, should remain such an urgent problem amongst the non-white population.

Mr. Lejeune states that the problems of Southern Africa are unique, complicated and intractable, but these same complicated and intractable problems of progress and poverty are to be found in whichever direction one cares to look, and I contend that they are not unique to that tormented earth.

**The Case for South West Africa, compiled by Anthony Lejeune, Tom Stacey Ltd. 75p.*