

# THE SOCIAL CREDITER

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### South West Africa

The following is the text of a communication which was handed to Mr. George W. Ball, Undersecretary of State of the United States of America (in the absence of Mr. Dean Rusk, who is on leave) on August 17th, 1966:

The government of the Republic of South Africa has the honour to refer to the message of the government of the United States conveyed by the United States Embassy in its Aide Memoire of July 15th, and also to the statement issued by the State Department on July 27th, both concerning the judgment in the South West Africa case, delivered in the International Court on July 18th.

In the Aide Memoire which preceded the judgment, it was stated that South Africa, like the United States and other United Nations members, had the obligation under article 94 of the United Nations Charter to comply with decisions of the International Court in cases to which it was a party. The United States government, in terms of the Aide Memoire, assumed that all parties to the case would comply with the terms of the judgment.

The Aide Memoire emphasised that the United States government would feel obligated to support the decision of the International Court and expressed the opinion that this would be the view of an overwhelming majority of United Nations members.

Although the Aide Memoire was qualified by the words "without prejudging the nature of the decision", its whole tenor suggested that a judgment adverse to South Africa was expected by the United States government. This accorded with repeated former communications during the past years in which information was sought on the intentions of the government of the Republic if it lost the case.

This impression, that the Aide Memoire was an admonition intended to bring pressure to bear beforehand in expectation of an adverse judgment, was further confirmed by the manner in which the State Department later, in its abovementioned statement, sought to minimise the effect of the judgment favourable to South Africa—a matter to which reference will again be made below. Before proceeding to the statement on the judgment, it must be said with reluctance that the attitude of the United States government has been a cause of deep concern to the South African government, and it is compelled to protest most strongly against such interference by bringing unwarranted pressure to bear upon it.

Even apart from the unjustifiable interference, any more than superficial study of the pleadings and proceedings in the case would have revealed how untenable the assumption of a necessarily adverse decision, also in respect of issues on which the Court has not now pronounced. The South African government would have thought that the proceedings provided an opportunity for interested states to

ascertain for themselves the true merits of South Africa's case regarding South West Africa. In particular such states could have satisfied themselves of the soundness of South Africa's rejection of the suggested supervisory powers of the United Nations and could have acquainted themselves with the true nature and content of its policies in South West Africa and with the motives and methods of its detractors. In this way the South West Africa case could have served, and may indeed still serve, a wider purpose in promoting improved international understanding.

It is consequently disappointing to note that the United States' further communication referred to above also gave no indication that this most important aspect of the matter had received any attention at all on the part of its authors. It is in the hope that it may not be too late to foster better understanding, through close study of the actual course of the proceedings, that the following further remarks are included in this note.

The State Department referred to above emphasised that the judgment had decided only one point, namely that Ethiopia and Liberia did not have a legal right or interest in those provisions of the mandate which had been imposed in favour of the inhabitants of the territory. Consequently it was argued, the judgment did not affect the advisory opinions given by the Court in 1950, 1955 and 1956, in which the view had been expressed that the mandate still existed and that the United Nations had replaced the old League of Nations as supervisory organ in respect of South West Africa. These views were referred to by the State Department as "basic and authoritative statements of the International Court of Justice on important substantive legal questions" which provided "essential legal guidance for the conduct of all concerned". The State Department expressed the intention of the United States to continue to support "the authority of the International Court of Justice" as represented by these opinions.

This attitude on the part of the State Department cannot but create misleading impressions whereas it is only just that the issues in question should be seen in their proper perspective. The 1950 conclusions of the International Court were reached in an advisory opinion and were not as such binding on South Africa or any other state. Moreover

*(continued on page 3)*

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### From Week to Week

The slogan for World War I was that we were fighting "to make the world safe for democracy". Taking this slogan in its esoteric sense of making possible the destruction of Western civilisation by the process of ballot-box 'democracy', events have borne out its aptness. Ballot-box democracy in the form of unqualified universal suffrage has proved a weapon as catastrophic as the atomic bomb, with its ravages most clearly visible in Africa. It is becoming, but in the longer term, because of the more complex and stable organisation exposed to destruction, equally evident in Europe and the U.S.A.

The Commonwealth Prime Ministers' Conference recently concluded saw this fearful weapon nakedly exposed, aimed at the two remaining consciously anti-Communist countries still capable of self-defence—Rhodesia and the Republic of South Africa. The other consciously anti-Communist country, Portugal, would be finished in Africa should southern Africa fall before the one-man-one-vote onslaught, and in Europe with the collapse of NATO.

This is the context of the murder of Dr. Verwoerd, so respected and capable a statesman that he was difficult to attack. But Mr. Vorster was attacked in international chorus even before his succession, and with Mr. Wilson's ultimatum to his kith and kin in Rhodesia, we can look for an intensification of the attack on the last barriers to world hegemony for France-Communism.

### What Do They Want?

We read that the Archbishop of Canterbury together with the Moderator of the General Assembly of the Church of Scotland and the Moderator of the Free Church General Council issued a joint statement affirming their conviction that there can be no acquiescence in Rhodesian independence "without a settlement acceptable to the peoples of Rhodesia as a whole and reliable safeguards for unimpeded progress to majority rule." *The Guardian* (Sept. 2, 1966) comments that a possible ambiguity lies in the implication that unimpeded progress to majority rule could be the grounds of allowing independence, whereas the view is

widely held that "majority rule itself" could be the only safeguard, which "makes this statement a paradox."

The newspaper adds, under the heading "Slow Boat to Salisbury" that the Archbishop's "discreet little campaign to get the Churches committed on Rhodesia gets better and better", but asks why Cardinal Heenan did not sign. The Cardinal, "Miscellany" (in the same paper) reports, refused because "there wasn't time to consult the Archbishop of Salisbury about it."

*The Church Times* (Sept. 2) carries the headline "Settlement must be acceptable to all Rhodesians", but the church leaders do not explain how acceptance is to be obtained. We must assume that Mr. Smith's method of consulting the Chiefs does not commend itself to these leaders, although Mr. Smith wishes to use the traditional machinery of sounding opinion.

Patriarch Alexei of Moscow and All Russia raises another problem for the Archbishop for he has complained to him that the *Church Times* published extracts from a book on the present state of religion in Russia. The author of the book finds it "most surprising" that the recoil has come from the Church and not the State. He suggests a "slow grinding of the wheels of state" to bring pressure on the Church (*Church Times*, Sept. 2). The Patriarch has also (*The Times*, Aug. 26) decried the actions of two priests who wrote open letters of protest to him and the Soviet President against unlawful interference in the functions of the Church, alleging that church leaders had readily complied with "these illegal demands of the state."

These facts should suggest to the church leaders that one world power allows religion much less scope than it has in Rhodesia or in South Africa. The same uncertainty marks an article by Angus Maude (*Daily Telegraph*, London, Sept. 6) entitled "The End of the Commonwealth?". He says that events in Ghana, Nigeria, etc., "cannot conceivably justify constitutional illegality or white oppression in Rhodesia or South Africa: those who talk as if they do are guilty of the very hypocrisy they impute to others." No true statesman could shut his eyes to these events nor defer every move until he had received the approval of a prime minister or archbishop living thousands of miles away. But these eminent church leaders, oblivious of the cynical methods of the great powers, select only those facts which suit their theories.

The answer to the paradoxes and ambiguities came on September 6, when we learned of the stabbing to death of Dr. Verwoerd. One South African Chief sincerely mourned the loss of the "father" of the Africans, but other Africans had the frankness to acclaim the murder as a happy event. Doubtless the British Council of Churches, the *New Christian*, etc., will express pious shock, yet here is the "force" which they have demanded, and if it was multiplied thousands of times and given a benediction of "legality" they would call it a Crusade. Some of them would only rest content with the expatriation of all the whites from Rhodesia, and perhaps from South Africa as well, and they cannot complain if their policies which require death ("force") have resulted in bloody murder. They cannot honestly fail to condone it, and if they do the question remains: What do they want?

—H.S.

### In the Red

This is the title of a paper-back edition\* of articles which originally appeared in *The Sunday Times* and which have been revised and enlarged by adding an Introduction and an Epilogue. The front cover is decorated with a Union Jack having the portions which are normally white coloured a deep pink, no doubt to correspond with the title.

The author, who won the Foreign Press Award for a previous publication in 1958, tells us that the book is based on talks with "the actors, directors, producers, prompters and stage-hands" involved in this particular drama of history; that is to say, with people who, like himself, were not necessarily prime movers but who had to take the script as it was presented to them.

Some Ministers and officials were at first alarmed by his enquiries but their fears were set at rest when they saw his articles in print. We cannot, therefore, expect any really shattering revelations: as he says, the subject is a delicate, continuing story and there are certain limitations as to how much can be told so soon after the events and, of course, there is always the Official Secrets Act. He has had no direct access to official records, but some of the "principals involved" have assured him that his account is all the livelier for that: official records can be dull. He claims that he has given many "side-lights and insights" into people and situations based on very personal recollections and that much of his information came from sources which for "obvious reasons" could not be disclosed.

Perhaps a good example of these side-lights—I say "perhaps" because it comes outside the specified period and I do not know how far it has been published previously—is a reference to a discussion between Mr. Macmillan and the late President Kennedy of which the latter ordered all records to be destroyed. At that time Mr. Macmillan, who was a monetary reformer, was trying to convince the Americans that a new international monetary system was a matter of urgency. He told the President that, if this system were not adopted the pound might eventually have to be devalued and that this would make the dollar vulnerable.

In this connection some readers of *The Social Crediter* will remember a reference therein to some remarks made by Mr. Macmillan in an address to the Massachusetts Institute of Technology in 1961. He said then: "Economists are apt to make heavy weather about money. Naturally, it's their mystery . . . the present system is not perfect. As technicians you would not tolerate it for a moment . . . our system is rather like a children's game."

Mr. Brandon tells us that Kennedy always "fended Macmillan off politely" although he "gradually became convinced of the need for reform". We are not told whether this disclosure has aroused fresh speculation about the motives behind Kennedy's murder.

It is not quite clear whether Mr. Brandon regards the Ministers of the Crown as being among the "principals" involved in the drama or among the "actors, etc." 'Actors' or perhaps even 'stage-hands' would be appropriate: in these days ministers are not prime movers however hard they may try. I have not counted how many times in the book ministers are shown abandoning their pet plans and ideas

and doing the things they did not want to do and had pledged themselves not to do. Mr. Wilson asserted near the start of his ministry that "Britain's borrowing power could avert a run on the pound although it is a terrible comment on our economic management that expansion cannot be maintained without having to borrow." In spite of this he went on to say: "One thing to emphasize is that our economic problem is a physical, not a financial one." No doubt he was thinking of the government's vast plans for expansion and development for which he thought loans would be forthcoming. But, now that the Labour Government "has to behave like any other debtor" and "has lost some of its freedom of action," every move being watched, he might change the order of priority.

In spite of our precarious situation, however, Mr. Brandon's Epilogue ends on an optimistic note: but this was written before the latest crisis.

—T.N.M.

### South West Africa (continued from page 1)

the opinion was, in the view of South Africa, incorrect, particularly on the crucial aspect of United Nations supervision, in respect of which certain vital information had not been submitted to, or apparently considered by, the Court. The opinions of 1955 and 1956 were only interpretative of the 1950 opinion—they did not purport to reconsider or confirm the basic conclusions reached in 1950. In view particularly of the additional information supplied by South Africa, it is not surprising that international lawyers of repute have on the whole been sharply critical of this aspect of the 1950 opinion.

The correctness or otherwise of the 1950 opinion, particularly on this aspect of United Nations supervision, formed one of the main issues in the contentious proceedings instituted by Ethiopia and Liberia. This issue was thoroughly canvassed at various stages of the proceedings. In the course of their treatment of this aspect, applicants were forced not only to change their grounds for supporting the 1950 opinion, but even to concede that some of the reasoning of the Court in 1950 could not bear scrutiny. Although the Court as such did not find it necessary to pronounce on this issue at any stage, four of the judges in 1962, in separate or dissenting opinions on the question of jurisdiction, explicitly rejected the conclusion reached in this respect in the 1950 opinion. No contrary opinion was expressed by any of the judges, and, indeed the 1962 interlocutory judgment of the Court and the reasoning of the majority members of the Court were inconsistent with any view that United Nations supervision existed.

In the light of this background the South African government perceives some significance in the very explicit way in which the judgment of 18th July 1966 rendered it clear that no decision was given on these contentious issues. At the very least this suggests that the Court now regards the correctness of the 1950 opinion as an entirely open question. However, the matter goes even further. There are passages in the 1966 judgment which strongly suggest that, in the Court's view, there no longer exists any obligation on South Africa's part to report and account to any entity or body.

Also in another respect the proceedings before the Court cast considerable light on the basis of much of the criticism levelled against South Africa in the United Nations. It is pertinent to recall the extent to which the approach of members of the United Nations in respect of South West Africa has been characterised by prejudice, disregard of the

\*In *The Red*: 'The Struggle for Sterling 1964-1966' by Henry Brandon (Andre Deutsch 8/6 stg.).

factual situation, and facile acceptance of wild charges by South West African expatriates and others.

Most of the charges so seriously and repeatedly made at the United Nations, and accepted as true by majorities in its various organs, were taken up in the applicants' pleadings in the South West Africa case. Some of the most obviously ridiculous ones were omitted, e.g. genocide, herdings of natives in concentration camps and treating them like animals, etc. But others, amounting in the aggregate to wilful oppression of the native population for the benefit of the white minority, and indeed so described by the applicants, were more or less faithfully reproduced.

These included allegations that the natives had no political rights and no prospects of development in the political sphere; that they had no economic opportunities save as a source of unskilled labour for white employers; that the best land had been taken from the natives and given to white farmers, the natives being driven out into desert areas; that natives were given no education, or just sufficient to prepare them for slavery; that South Africa's policies rested on a concept of racial superiority and on racial hatred; that the Territory was being heavily militarized as a means of terrorisation of the indigenous inhabitants, etc.

All these charges were sharply disputed by South Africa in its pleadings, detailed and heavily documented expositions of fact being given to show the true situation, including in particular the progress in fact being made in regard to advancement of the native peoples in all spheres of life in the Territory. A list of 38 experts and witnesses was offered by South Africa, with a view to further refutation of the charges and exposition of the true facts. And South Africa invited the Court to see for itself on an inspection *in loco*. Every opportunity was available to the applicant states to bring substantiation of the disputed charges. But they deliberately refrained from presenting oral evidence and calling witnesses and strenuously opposed acceptance of South Africa's inspection invitation. Instead the applicant states formally accepted as true all the facts presented to the Court by South Africa, and formally amended their submissions so as to remove all allegations of oppression, or of other improper motives or harmful effects pertaining to South Africa's policies.

The applicant states thereupon relied only on the alleged existence of a so-called international norm, or international standards, of non-discrimination and non-separation. The evidence and argument presented by South Africa seemed to show conclusively that no such norm or standards existed—a matter on which however the Court found it unnecessary to give a decision.

The important point for present purposes is the abandonment of the charges of oppression, together with the admission of the truth of the facts presented by South Africa. Although the admission was made for the purposes of the case, it came from states which in fact represented all the independent African states (save South Africa itself) and which even claimed to be upholding the legal interests of the United Nations and all its members. The implication of the admission was that the basis on which South Africa's administration had been condemned at the United Nations over all the years was false.

Thus the course of the case progressively revealed the absence of foundation for the charges so freely bandied about at the United Nations as part of a campaign to condition international opinion. Added emphasis on this score was lent by the total collapse of the charge of militarization,

to which standpoint even those of the dissenting judges who dealt with it subscribed.

In view of the above the South African government feels it has the right to hope that the International Community, and especially the more influential Western countries, including the United States, will in future adopt a more objective and realistic attitude in matters concerning South West Africa. It is also suggested that all who would have been willing or eager to press for observance of a judgment adverse to South Africa, should now oppose attempts to continue the persecution of South Africa at or outside the United Nations. It is evident that such attempts are being planned and that other avenues or bases of attack are being sought now that the recourse to the International Court has failed. There is no justification for attempts to pacify the losers or their supporters at the cost of South Africa.

The government of the Republic of South Africa therefore requests that in view of the stand taken by the United States government before the verdict that it will support the judgment of the Court, it will now abide by the decision and that having regard also to the further implications outlined above, it will instruct its representatives at the United Nations to oppose any renewal of the vendetta against South Africa.

Owing to the leakage in Washington of the Aide Memoire and the subsequent reports in South Africa as well as to the publicity given to the State Department's statement, the South African government's reaction must also be made public, which will be done by handing the text of this note to the press after delivery.

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