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**INTERNATIONAL DIPLOMACY AND BIG BUSINESS IN NAMIBIA: THE CASE
OF THE RÖSSING URANIUM MINE**

By

SAIMA NAKUTI ASHIPALA

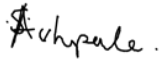
**SUBMITTED IN FULFILMENT OF THE REQUIREMENTS IN RESPECT OF THE
DOCTORAL DEGREE IN AFRICA STUDIES, IN THE CENTRE FOR AFRICA
STUDIES, IN THE FACULTY OF HUMANITIES AT THE UNIVERSITY OF THE
FREE STATE.**

NOVEMBER 2021

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Declaration

I hereby declare that this thesis, submitted in accordance with the requirements for the award of the doctoral degree in Africa Studies in the Faculty of Humanities, for the Centre for Africa Studies at the University of the Free State is my original work and has not been previously submitted to another university for a degree. I hereby authorise copyright of this product to the University of the Free State.



Saima Nakuti Ashipala

Date: 15 November 2021

Abstract

In the 1970s, Rio Tinto Zinc's Rössing Uranium mine became a symbol of injustice for Namibian nationalists and international opponents of South African rule. Yet, counter-intuitively, the mine survived decolonisation in Namibia virtually unscathed and was re-imagined as part of modern, independent Namibia. How did this come about? This dissertation answers this central question by exploring the development of the Rössing Uranium mine during the colonial and early post-colonial period. The aim of the study is to present a detailed understanding of the strategies adopted by big business in response to changes in the political and economic environment in Namibia. It does so through a case study of big business and diplomacy in the establishment and operations of the Rössing Uranium mine under colonial rule and decolonisation. The study begins with a discussion on the pioneering stage in the history of uranium production in Namibia, which culminated in the transfer of the mining rights from the entrepreneurial prospectors to the British multinational corporation RTZ. The study concludes with an examination of Rössing Uranium's public relations exercise which was adopted in anticipation of the impending political change in the territory. **Keywords: Big Business, Diplomacy, Namibia, Rössing, Uranium.**

Opsomming

In die 1970's het Rio Tinto Zinc se Rössing Uraanmyn 'n simbool van onreg geword vir Namibiese nasionaliste en internasionale teenstanders van die Suid-Afrikaanse bewind. Tog, teen verwagting in, het die myn feitlik ongeskonde die dekolonisasie in Namibië oorleef en is dit deel van die hedendaagse onafhanklike Namibië. Hoe het dit gebeur? Hierdie proefskrif beantwoord hierdie sentrale vraag deur die ontwikkeling van die uraanmynbedryf gedurende die koloniale en vroeë post-koloniale tydperk te ondersoek. Die doel van die studie is om 'n gedetailleerde begrip aan te bied van die strategieë wat deur groot sakeondernemings aangeneem is in reaksie op veranderinge in die politieke en ekonomiese omgewing in Namibië. Dit word gedoen deur 'n gevallestudie van groot besigheid en diplomاسie in die oprigting en bedryf van die Rössing uraanmyn onder koloniale bewind en dekolonisering. Die studie begin met 'n bespreking van die baanbrekersfase in die geskiedenis van uraanproduksie in Namibië, wat uitloop op die oordrag van die mynregte van die entrepreneuriese prospekterders na die Britse multinasionale korporasie, RTZ. Die studie word afgesluit met 'n ondersoek na Rössing Uranium se benadering tot openbare betrekkinge in afwagting van die naderende politieke verandering in die gebied. **Sleutelwoorde: groot besigheid, diplomاسie, Namibië, Rössing, uraan.**

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Dedication

This work is dedicated to Tegamena Meadhimo Ndahangwapo:

‘Onkee ano tu nyanyukweni mokutegamena eadhimo lyaKalunga’ (Aar 5:2)

Acknowledgements

I would like to express my appreciation and gratitude to Prof. I.R. Phimister and the entire International Studies Group (ISG) at the University of the Free State for the opportunity to complete my PhD studies. Your supervision and invaluable funding was truly godsend, without it I would never have completed this research study. I would also like to express my deep gratitude to Dr. D. Money, Dr. H. Munene and Dr. S. Quinn, my supervisors, for their guidance and contribution to the research and writing of this study. I am also grateful to Mrs. I. Le Roux, Mrs. T. Gwena and Dr. J. Chansa for their support and assistance during the duration of my studies.

I gratefully acknowledge the support of Prof. M. Larmer, through whose supervision this research began, and the administrators of the Beit Fund, University of Oxford, whose financial support enabled me to carry out field research for this project. I would equally like to thank the Leibniz-Institute für Europäische Geschichte (IEG), for the opportunity to take up an eight-month Doctoral Research Fellowship in Mainz, Germany. The write-up phase of this research was made possible through the generous dissertation completion grant awarded by the IEG.

Lastly, I would like to express my heartfelt gratitude to the parenting trio Antje Thompson, Helmuth Paetow and Meme Nuusiku yaMwahi gwaAntsino for their encouragement and patience in the last few years of my studies. To the friends and family: Andreas Elombo, Ellison Tjirera, Ina Joy Tshiteta, Katharina Oke, Margareth Gustavo, Ndateelela Nelao Alexander, Ndinelago Kuwa, Ndjodi Ndeunyema, Paulina Mubiana, Pombili Ashipala, Rauna Mwakula Bens, Romie Vonkie Nghitevelekwa, Selma Ndeapo Ashikuti and Solomon Anzagra: thank you for your encouragement, for accommodating me through prayer and deeds, and for being everything I have needed you to be. And finally, I would like to thank my husband Eliud Ndahangwapo Ndahangwapo and our tsheeli Tegamena Meadhimo Ndahangwapo, because the ultimate sacrifice was the distance and yet somehow you were always there.

‘The end of a matter is better than its beginning, and patience is better than pride’
(Ecclesiastes 7:8). Unto you O Lord be all the glory!

List of Abbreviations and Acronyms

AGM	Annual General Meeting
ASLEF	Associated Society of Locomotive Engineers and Firemen
BNFL	British Nuclear Fuels Limited
BAB	Basler Afrika Bibliographien
CLP	Constituency Labour Parties
CANUC	Campaign Against the Namibia Uranium Contracts
CHOGM	Commonwealth Heads of Government Meeting
COMURHEX	Conversion Métal Uranium Hexafluorure
DTA	Democratic Turnhalle Alliance
FCO	Foreign and Commonwealth Office
ICJ	International Court of Justice
IDC	Industrial Development Corporation
IFIC	Iranian Foreign Investment Company
JSE	Johannesburg Stock Exchange
NAN	National Archives of Namibia
NARSSA	National Archives and Records Services of South Africa
NIT	Namibia Institute of Technology
NIMT	Namibia Institute of Mining Technology
NIOC	National Iranian Oil Company
NSC	Namibia Support Committee
NTC	National Technical Certificate
OPEC	Organization of Petroleum Exporting Countries
RIOFINEX	Rio Tinto Finance & Exploration Limited
RTZ	Rio Tinto Zinc
RU	Rössing Uranium
SAA	South African Airways
SASOL	South African Oil and Gas Corporation
STUC	Scottish Trades Union Congress
SWAPO	South West Africa People's Organisation
SWANU	South West Africa National Union
TNA	The National Archives (UK)
UN	United Nations

UNCN	United Nations Council for Namibia
UNTAG	United Nations Transitional Assistance Group
URENCO	Uranium Enrichment Consortium
UTA	Union Transport Aérienne
WCG	Western Contact Group
ZANU	Zimbabwe African National Union

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Figure 0-1 Map of Namibia, indicating the location of the Rössing Uranium Mine

¹ A. Roberts, *The Rössing File: The Inside Story of Britain's Secret Contract for Namibian Uranium* (London, Namibia Support Committee (CANUC), 1980), 70.

Chapter 1: Introduction

1.1 Introduction

In 1966 the British multinational corporation Rio Tinto Zinc (RTZ) established its uranium mining operations in the then South West Africa (Namibia). RTZ's acquisition and establishment of the Rössing Uranium mine represented the biggest post-Second World War investment in the territory's mining sector, which up until then had been dominated by the diamond and copper mines, as with much of the mineral-rich southern African region. RTZ's major investment in a mineral resource located in occupied territory would also, however, lead to Rössing Uranium's operations being declared illegal.² This image of the mine's activities persisted through much of the 1970s and into the 1980s. As the granting of independence to Namibia became more and more plausible, Rössing Uranium positioned itself to weather the storm through carefully devised strategies. The study begins by tracing the means through which big businesses weaved themselves into the fabric of the colonial economy of Namibia, as evidenced by partnerships with South African governmental institutions as well as connections to international politics and international financing in pursuit of establishing economically viable projects. The research utilises the case of RTZ's Rössing Uranium mine to demonstrate how big businesses benefited from colonial capitalism and devised strategies in response to political change in Namibia. In an effort to understand the historical trajectory of the Rössing Uranium mine, this study was guided by the following question: *What strategies were adopted by RTZ to secure its claims to and operations of the Rössing deposits in colonial and post-colonial Namibia between 1966 and 1990?* To answer this question, the study traces the development of the Rössing mine during the colonial and early post-colonial period in order to give a detailed understanding of strategies adopted by big business in response to changes in the political and economic environment in Namibia.

The peculiarity of Rössing Uranium's location in disputed territory led Namibian nationalists and international opponents of South African rule to view the mine as a symbol of injustice. The League of Nations had conferred the mandate for the territory, previously a German colony, upon the British Crown in 1920 and the territory was to be administered on its behalf by the Union of South Africa. The administrative responsibility had conferred upon the Union

² G. Hecht, *Being Nuclear: Africans and the Global Uranium Trade* (Cambridge, Cambridge Press, 2012), 82.

‘full power of administration and legislation over the Territory and the right to apply its own laws’.³ South African laws were then applied in the governance of Namibia, which included ownership of the territory’s mining industry. Following the dissolution of the League of Nations, after the Second World War, the United Nations (UN) recommended that the territory be placed under the UN Trusteeship system.⁴ The South African administration refused and forged on with its aim of incorporating the mandate territory into the Union. This signalled the onset of the conflict between the UN and the South African regime over what became known as the ‘Question of Namibia’.⁵

In the late 1960s South African control over Namibia was fiercely contested and increasingly viewed by the international community as illegal. This culminated in the termination of the South African mandate over Namibia by the United Nations General Assembly in October 1966.⁶ It was during this period of international, as well as nationalist, interventions for Namibian independence that the Rössing mine was established by RTZ, a British multinational corporation. RTZ had acquired the rights to the Rössing deposits from the G.P. Louw Company, a company that was formed out of the prospecting activities of the Louw family. The Union of South Africa had arrogated uranium production to the state through the Atomic Energy Act of 1948, which guaranteed that the government had ‘complete control of uranium production, possession, and disposal’.⁷ The applicability of South African laws to Namibia meant that control over Namibian uranium deposits was vested in the South African state. This gave the South African administration the sole right to search for, prospect, or mine uranium in the territory. Thus, the prospecting rights, acquired by the G.P. Louw Company in the early 1950s over the Rössing deposit were awarded under the regulations of the Atomic Energy Act of 1948. The commencement of RTZ’s uranium mining venture, through its subsidiary Rössing Uranium, was likewise contingent upon the consent and licensing of the South African administration.

³ N. Schrijver, *Sovereignty over Natural Resources: Balancing Rights and Duties* (Cambridge, Cambridge University Press, 1997), 134.

⁴ This was not unique to Namibia but all former German colonies in Africa and elsewhere. United Nations General Assembly Resolution 65 (I). Future Status of South West Africa, 14 December 1946, 123. <http://www.worldlii.org/int/other/UNGA/1946/85.pdf>, accessed 28 May 2020.

⁵ See L. C.W. Kaela, *The Question of Namibia* (UK, Palgrave Macmillan, 1996).

⁶ ‘Question of Namibia’ (initially Question of South West Africa) was the United Nations appellation for the situation in Namibia, reflected in headings of UN resolutions on Namibia. United Nations General Assembly Resolution 2145 (XXI) Question of South West Africa, of 27 October 1966, <http://www.worldlii.org/int/other/UNGA/1966/13.pdf>, accessed 28 May 2020.

⁷ A.K. Kawana, ‘The Political Economy of Mining Laws and Regulations in Namibia from 1884 to 1986 (PhD thesis, University of Warwick, Warwick, 1988), 97.

The value of Namibia's natural resources to its continued occupation by the South African regime was recognised by the international community in the late 1960s and 1970s. The United Nations Institute for Namibia (UNIN), for instance, argued that Namibia's 'mineral exports have earned a steady stream of foreign exchange for the South African Reserve Bank', and the country's 'mines have provided very high surpluses to [Transnational Corporations] TNCs and other foreign economic interests. In return for the support the TNCs [gave] to the illegal administration regime, they were taxed considerably less than in other African countries'.⁸ The granting of mining concessions, by the South African regime to these TNCs, was subsequently found to be in contravention of UN resolutions that not only terminated South Africa's mandate over the territory in 1966, but also declared South Africa's continued presence in Namibia as illegal.⁹ Following the termination of the South African mandate over Namibia, a United Nations Council for Namibia (UNCN) was established in 1967 to administer the territory. The UNCN was entrusted, with, among others, the powers 'to promulgate such laws, decrees and administrative regulations as are necessary for the administration of the Territory,' which had come under the direct legal responsibility of the UN.¹⁰

For Namibian nationalists, the politics of liberating Namibia from South African occupation would eventually become enmeshed with the politics of protecting the territory's natural resources from the extensive exploitation orchestrated by the South African regime in collusion with several multinational corporations and their associated governments.¹¹ In the 1960s, South West African nationalists organised under movements such as the South West Africa People's Organisation (SWAPO) with the aim of exerting pressure on the South African regime to relinquish power over the territory.¹² In August 1966 SWAPO waged armed struggle against

⁸ United Nations Institute for Namibia, *Namibia: Perspectives for National Reconstruction and Development*, (Lusaka, United Nations Institute for Namibia, 1986), 49. 'The UNIN was an educational body set up by the United Nations Council for Namibia in Lusaka, Zambia on 26 August 1976. It was the brainchild of the then United Nations Commissioner for Namibia, Sean MacBride. The main purpose of the creation of UNIN was to have a facility for the education of Namibians in preparation for taking up roles in an independent Namibia.' <http://archives.unam.edu.na/index.php/unin-united-nations-institute-for-namibia> accessed, 28 August 2021.

⁹ General Assembly, Resolution 2145 (XXI) Question of South West Africa, 27 October 1966 <http://www.worldlii.org/int/other/UNGA/1966/13.pdf>, accessed 25 May 2020. The resolution by which the Mandate conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa was terminated.

¹⁰ General Assembly Resolution 2248 (S-V) Question of South West Africa, of 19 May 1967 Official Records: Fifth Special Session, <http://www.un.org/documents/ga/res/spec/aress14-1.htm>, accessed 25 May 2020.

¹¹ Hecht, *Being Nuclear*, 82.

¹² Two main nationalist movements were established during this period, the first being the South West African National Union (SWANU) established in 1959 and the second being the South West Africa People's Organisation (SWAPO), founded in 1960.

the South African regime, alongside an internal political mobilisation and an international diplomatic campaign that would result in the movement's recognition by the UN as representing the aspirations of the Namibian people. RTZ's establishment of the Rössing mine in occupied territory would thus bring it in direct confrontation with Namibian nationalists who argued that the multinational mining firm was stripping Namibia of its natural resources. The evidence that proved the extensive exploitation of Namibia's natural resources resulted in the promulgation of Decree No.1 for the Protection of the Natural Resources of Namibia by the UNCN in 1974. The Decree covered all the natural resources of the territory, animal and mineral resources alike, and this included RTZ's uranium mining venture.

Notwithstanding all these challenges, RTZ successfully established a framework for its mining operations in Namibia's contested territory. Establishing the Rössing Uranium mine was a capital-intensive venture for which RTZ had to secure investors as well as the political buy-in of the South African government. A partnership was established between RTZ and the Industrial Development Corporation of South Africa (IDC), which was not only beneficial to RTZ's operations in the territory but also beneficial to the mine's financial outlook. Motivated by their national security interests, countries like Britain, Canada, Germany (the Federal Republic), Japan and the United States of America, along with South Africa, all became involved in the different phases of the mining venture. To ensure a profitable operation, for instance, RTZ secured sufficient sales contracts from various governmental entities which made provision for long-term sales contracts running from the late-1970s to the mid-1980s. It was on the premise of these sales contracts that RTZ developed the Rössing Uranium mine and financed the exploitation of Namibian uranium deposits, notwithstanding the nationalists and international opposition to the exploitation of Namibian uranium.¹³

In its endeavour to understand the counter-intuitive outcome of the economic dimension of Namibian decolonisation, through which a large multinational corporation with close links to the South African administration and whose operations in Namibia were the persistent target of nationalists and international campaigns survived the transition to independence virtually unscathed, this study examines the history of Rössing Uranium through the lens of big business and diplomacy in Namibia. In examining political and commercial interests in the history of

¹³ Roberts, The Rössing File, 6. B. Rogers, Namibia's Uranium, Implications for the South African Occupation Regime, June 1975, TNA EG 7/139, 4.

Rössing Uranium the study seeks to illuminate the convergence of big business and diplomacy that led to the development of uranium production in Namibia. On the one hand, the convergence of multinational interests explains the accelerated interest in the Rössing deposits, (in the late 1960s), whose existence had been known since the late 1920s, after decades of non-interest in Namibian uranium. On the other, the convergence of interests explain the strategies that were adopted by Rössing Uranium, and its parent company RTZ, in response to political change in the territory. Rössing Uranium's rebrand to 'Working for Namibia' was aimed at ensuring the continuity of the mine's operations in independent Namibia.¹⁴

1.2 Rationale of the Study

The mining industry in Namibia was established through the discovery of copper in the late-1800s and diamonds in the early-1900s and it constitute a significant part of the colonial economy. The commencement of uranium mining activities in the late 1960s constituted the largest investment in Namibia's mining industry in the post-Second World War period. RTZ's Rössing Uranium mine was the first and only commercial uranium mine in operation during the colonial period and indeed well after the post-independence period. A study of the history of Rössing Uranium is thus pivotal to our understanding of the history of uranium production in Namibia. Speaking in the 1980s, for instance, a Director at Rössing Uranium stated that:

In the 1970s Namibia was seen as a country rich in minerals and particularly as a promising source for uranium. Potential deposits for uranium were identified at Rössing, Langer Heinrich, Tubas and Trekkopje, but of these Rössing is the only one which has been brought into production and is today one of the largest uranium mines in the world. Any paper dealing with uranium production in Namibia must therefore concentrate on the Rössing Uranium mine.¹⁵

¹⁴ In Rio Tinto, Reflecting on 40 years of Working for Namibia: The most recent ten years: 2006-2016, <https://www.rossing.com/files/Rossing-40-year-anniversary-Reflections-2006-2016-23-June-2016v2.pdf>, accessed 25 September 2018.

¹⁵ P. Daniel, (Director, Rössing Uranium Limited) International Uranium Production – Namibian Perspective, International Nuclear Conference, Saskatoon, June 3rd-6th, 1984, 1. General Mining and Gold Fields, the South African mining houses, [had] identified ore bodies at Langer Heinrich and Trekkopje respectively. None [was] prepared to commit itself to production before it knows the political future of the territory, (The wealth of Namibia ST 250181 WITS Special Collections).

The uranium mines which came into operation in post-independence Namibia are located in the Erongo Region, one of fourteen regions in Namibia, which is also known as the uranium region of the country. The region is home to four uranium mines which are largely operated by foreign commercial interests.¹⁶ The combined output of these uranium mines places Namibia among the world's top-five uranium producers. All the mines currently in operation were explored due in part to the success of RTZ's operations at Rössing Uranium. The history of Rössing Uranium is thus synonymous with the history of the uranium industry in Namibia. By focusing on Rössing Uranium the study was also able to identify the strategies that were essential to the establishment and operations of the Rössing Uranium mine under colonial rule and decolonisation. These strategies were adopted by Rössing and its parent company RTZ in response to changes in the political and economic environment in Namibia. Rössing Uranium's approach to Namibian independence garnered commercial advantage for the mine and ensured the continuity of its operations in independent Namibia. A study of RTZ's operations at the Rössing Uranium mine is thus also vital to our understanding of the response of big business to the process of decolonisation in Namibia and the continuity of the various mining operations in post-independence Namibia.

Official accounts of the history of uranium mining in Namibia identify three main stages in the pre-production period, each occupying different time frames and representing the converging interests of the different actors involved in Rössing. These stages were: i) the pioneering stage (1928-1965), ii) the exploration stage (1966-1970), and iii) the construction and development stage (1971-1975).¹⁷ For purposes of this dissertation, two additional stages are discussed in addition to the forgoing categorisation. These stages which, along with stages i) ii) and iii), form the focus of this study are iv) the production stage (1976-1984) and v) the rebranding stage (1985-1990). By adding these two stages to the official categorisation the research was able to extend the chronology of events from 1975 to 1990. The two additional stages are also essential to answering the research question which guides this study. The production and rebranding stages were thus added to provide a nuanced understanding of the history of uranium production in Namibia and the strategies that were employed by RTZ to cement its

¹⁶ These are the Rössing Uranium mine, Langer Heinrich, Husab and Trekkopje. Of these Rössing and Husab are currently operated by Chinese companies. World Nuclear Association, Uranium in Namibia, <https://www.world-nuclear.org/information-library/country-profiles/countries-g-n/namibia.aspx>, accessed 15 February 2021.

¹⁷ Rössing Uranium, *The First Ten Years*, (Swakopmund, Rössing Uranium Limited, 1986), 4.

operations at the Rössing Uranium mine during the colonial period and to uphold these operations in independent Namibia.

The pioneering stage which covers the period 1928 to 1965, primarily focuses on ‘the resourceful identification of radio-active pitchblende on the fringe of the Namib Desert [which] ultimately gave birth to the Rössing Uranium Mine of today’.¹⁸ The exploration stage, lasting from 1966 to 1970, constitutes an eventful period in the territory’s political history when British and German interests converged through the economy of joint effort to explore for Namibian uranium. The construction and development stage, lasted from 1971 up until 1975, when RTZ was able to develop the Rössing mine in collusion with the South African regime, which assisted the mine in providing the necessary finance along with the required infrastructure to bring the mine to production. The production stage lasted from 1976 to 1984, a period when Rössing, and the colonial state, vehemently ignored international opposition to mining operations, spurred on by the British government’s collusion in the exploitation of Namibian uranium. The final stage, that is the rebranding stage, lasted from 1985 to 1990, when Rössing Uranium adopted a ‘well-planned public relations strategy’.¹⁹ Rössing Uranium pursued strategies that embraced a commitment to the ‘Working for Namibia’ brand which was adopted by the mine in response to the changing political climate. The five stages in the history of uranium production in Namibia frame the chapters in this thesis. The study also includes a chapter on diplomatic interventions in the Namibia question and the material interests held by the states which initiated these interventions. Here the focus is particularly on the role of the Western Contact Group (WCG) and the interests held by members of the WCG in Rössing Uranium. The study is thus comprised of six substantive chapters which examine the history of uranium production in Namibia.

1.3 Literature Review

Uranium prospecting and mining activities in Namibia were governed under stringent secrecy in accordance with the Atomic Energy Act of South Africa. Official information on Rössing Uranium was thus practically non-existent with most accounts on Rössing published during the

¹⁸ G. Louw, *A Tiger By the Tail: The Story of the Discovery of Rössing Uranium* (Windhoek, John Meinert Printing, 2018), i.

¹⁹ L. Butler, *Copper Empire. Mining and the Colonial State in Northern Rhodesia, c.1930-1964* (Basingstoke, Palgrave Macmillan, 2007), 12.

colonial period pieced together from unofficial sources, forming a picture of the mine which was at best fragmentary and could not be properly verified.²⁰ This was tantamount to state-sanctioned secrecy and it had an immense impact on knowledge production pertaining to uranium mining activities in Namibia. In the 1950s and 1960s, for instance, very little information was known, produced or published on the Rössing deposits. What little information was produced could be classified under scientific or geological studies most of which was sanctioned by the Geological Survey of South Africa. These geological studies were mainly concerned with the mineral composition of various regions in the territory and as such were more interested in uncovering the main ore bodies in which various minerals were embedded. The late 1960s witnessed an upsurge in international political opposition to apartheid in both South Africa and Namibia. The apartheid regime's continued presence in Namibia became illegitimate in the eyes of many people internationally and this had a direct influence on the literature on Namibia and South Africa's occupation of the territory. In the 1970s, the geological studies were replaced by publications that were motivated by the political situation in Namibia and especially the international opposition to South African rule in the territory. The publications of the 1970s therefore began to focus on the exploitation of the territory's natural resources by the South African regime in collusion with multinational corporations such as RTZ. These publications pointed to the collusion between state and big business in the continued occupation of the territory.

Whereas the publications of the 1970s relied on speculative sources, the publications of the 1980s dealt with more precise information on Rössing Uranium's business operations in Namibia. This information was produced by the UN Council for Namibia, with assistance from a wide ranging network of Anti-Apartheid activist platforms, and presented at forums such as the UN Hearings on Namibian Uranium. It was interestingly also during this period that Rössing Uranium began to produce publications on its operations, both as a response to nationalist and international criticism of its mining activities as well as to the impending political change in the territory. Although these earlier works on Rössing Uranium were valuable in locating the historical framework for this study, it is through the more contemporary publications on mining activities in colonial Africa, and more specifically on Rössing Uranium, that this study was able to develop its line of enquiry. This literature review is thus divided into three main periods: the geological period (1950s-1960s), the period of political opposition to

²⁰ B. Rogers. *Namibia's Uranium: Implications for the South African Occupation Regime*, (London, 1975), 7.

the mining and exploitation of Namibian uranium (1970s-1980s) and lastly the contemporary period (which includes all publications produced in the post-independence period).

1.3.1 Geological Surveys

In the 1950s, the Geological Survey of South Africa commissioned studies on the mineral composition of the various geological belts in Namibia. These studies focused on areas with little known geological information such as the areas on the fringes of the Namib Desert near the Swakopmund district. Various geologists produced articles for use in publications produced by the Geological Survey, with the focus on rock formation and mineral composition rather than the economic worth of their findings. It is to this category of publications that the studies produced by state geologists C. M. Schwellmuss, Siegfried Kuschke and Henno Martin, on the occurrence of the uranium-bearing mineral davidite in the Swakopmund district, can be added (see Chapter 2). The earliest academic work on Rössing Uranium was a PhD study by the geologist David Smith, which he completed with the University of the Witwatersrand in the early 1960s. Prior to his PhD studies Smith led Anglo America's prospecting activities on the Rössing deposits between 1956 and 1958, and he based his PhD study on his findings from this period.

Smith's findings were later reproduced in a publication produced by the Geological Survey of South Africa in 1965. The publication focused on the 'geology of the area between the Khan and Swakopmund Rivers situated on the fringe of the Namib Desert'.²¹ In describing the area between the Khan and Swakopmund rivers, as an area of 'geological interest', Smith argued that although it contained a variety of minerals, most were largely of little economic value. This, according to Smith, was 'a good indicator of the limited potentialities of the area.'²² Included in his study were the Louw Claims, which later became known as the Rössing deposits (see Chapter 2), to which the geologist allocated only a paragraph under the subheading *Uranium*. As with the rest of the minerals found in the area, Smith stresses that a large number of uraniferous zones discovered by the Anglo team were deemed to be unpayable. This is a questionable assertion considering RTZ's successful quarrying of the Rössing deposits in the

²¹ D.A.M., Smith, *The Geology of the Area around the Khan and Swakop Rivers in South West Africa*, Memoir 3 South West Africa Series (Pretoria: Geological Survey, 1965), 79.

²² Smith, *The Geology of the Area around the Khan*, 79.

period between 1966 and 1990 that constitutes the focus of this study. As was noted in this present study, however, this was the period of geological studies rather than the prospecting activities that commenced in the ensuing decades.

1.3.2 Mining and Exploitation

The next set of publications on Rössing appear in the early 1970s, inspired by revelations of RTZ's exploitation of uranium resources in Namibia and particularly the perceived defiance of such actions against the 1974 Decree No. 1 on the Protection of the Natural Resources of Namibia, issued by the United Nations Council for Namibia.²³ One of these publications was that of Richard West entitled *River of Tears: The Rise of the Rio Tinto-Zinc Corporation Ltd.*, published in 1972. The book focuses on the political history of RTZ, and the politics of uranium mining. An important part of this publication is that it reveals what at that stage was RTZ's highly secretive plan for mining Namibian uranium in collaboration with the British and South African governments. West particularly stressed the 'trust' status of Namibia echoing General Smuts' assertion that as the mandatory state, South Africa 'should look upon its position as a great trust and honour, not as an office of profit or a position of private advantage for it or its nationals'.²⁴ The establishment of Rössing, according to West, was both an 'office of profit' and a major political triumph for the South African regime in its defiance of the United Nations calls for the granting of independence to Namibia.²⁵ The value of West's publication to this study is in its revelation on the financing structures introduced and adopted by RTZ in establishing its world-wide mining activities. RTZ's preferred method of financing was extended to the operations of Rössing Uranium and, as this study demonstrates, these financing structures were pivotal to cementing Rössing's place on the mining landscape of Namibia (see Chapters 3 and 4).

Roger Murray, et al.'s 1974 publication, *The Role of Foreign Firms in Namibia*, sought to analyse the political implications of foreign capital operating in a disputed territory.²⁶ Additionally, the economic, legal and social implications of these operations are presented as

²³ The United Nations Council for Namibia was established by the United Nations General Assembly in 1967 to act as the official caretaker government for Namibia.

²⁴ General Smuts in League of Nations: A practical System. Published in 1918. Cited by West, *River of Tears*, 56.

²⁵ West, *River of Tears*, 56.

²⁶ R. Murray, J. Morris, J. Dugard and N. Rubin, *The Role of Foreign Firms in Namibia* (London, Africa Publication Trust, 1974).

a central facet of the Namibian situation. Rössing, according to Murray et al., was the largest single focus of foreign investment in Namibia. The authors expose the British government's underhanded approval of the Rössing Contracts to supply Namibian uranium to the United Kingdom Atomic Energy Agency (UKAEA), despite international calls for disinvestment in the territory (see Chapter 5). The political organs of the United Nations had come to recognise the importance of international investments to South Africa's continued occupation of Namibia. It was thus implicit that international investments, such as the British government's investment in Rössing, augmented the South African regime's confidence in its defiance of the international community. Testament to the secrecy surrounding RTZ's operations at the time, the authors could only speculate on the degree of involvement of other actors in the Rössing mine, stating that the Industrial Development Corporation of South Africa (IDC) 'has an undisclosed holding, thought to be at least 10 per cent, in Rössing Uranium Ltd'.²⁷ It would be years before the precise details on the mine's shareholders and customers would become public knowledge and even more years before studies such as this one benefited from declassified government records in Britain and South Africa (see Chapters 3 and 4).

Barbara Rogers' 1975 work, *Namibia's Uranium: Implications for the South African Occupation Regime*, provided a detailed introduction to the history of Rössing Uranium, highlighting RTZ's previous experience with mining operations in South Africa, from which the company drew the expertise to exploit the Rössing deposit. Rogers also located the mining of Namibian uranium in international contexts by stressing the role of international capital in bringing the Rössing mine into operation. It is within this context that horizontal and vertical integration came into play, through the securing of advanced sales contracts and various equity agreements with nuclear energy agencies of countries like France, Iran, Japan, South Africa, the United Kingdom and West Germany (see Chapter 4). But it is also within this context that Rogers identifies those who could be held responsible for the exploitation of the uranium resources of Namibia. Rogers argued that 'the responsibility for the opening and financing of the exploitation of Namibia's Rössing deposits ... rests primarily with the purchasers ...'²⁸ The key purchaser at the onset of the Rössing venture was the British government, through the UKAEA. The detailed reporting on the British government's role in Rössing Uranium made Rogers' publication pivotal to the campaign against the contracts for Namibian uranium (see

²⁷ R. Murray, 'The Namibian Economy: An analysis of the role of foreign investment and the policies of the South African administration' in R. Murray, J. Morris, J. Dugard and N. Rubin, *The Role of Foreign Firms in Namibia* (London, Africa Publication Trust, 1974), 46.

²⁸ Rogers, *Namibia's Uranium*.

Chapter 5). The British government also happened to have been Rogers' former employer. Rogers had served as an official of the Foreign and Commonwealth Office (FCO), resigning from her position in 1970 'on a general disagreement over Southern African policy, of which Namibian uranium was a major part ...'²⁹ It is worth noting that the FCO was among the main British government Offices whose declassified files formed an integral part of this study's writings on the British government's role in the Rössing venture.

Also published in 1975 was Trevor Jepson's report, *Rio Tinto Zinc in Namibia*. Like Rogers, Jepson's focus was on the implications of the British government's investment in the exploitation of Namibian uranium through the UKAEA. The author highlights the combined effects of the 'international status of the territory' in which the Rössing deposits were located, and RTZ's presence in the trust territory 'at a time when political independence [was] under discussion'.³⁰ These effects, according to Jepson, meant that RTZ was fully cognisant of the political sensitivities, at both the national and international levels, and of the implications of its decision to invest in and operate a mine located in a disputed territory. The responsibility for the exploitation of Namibian uranium, according to Jepson, lay, therefore, not only with the British government but also with the British multinational corporation, RTZ.

In 1979, G. Lanning and M. Mueller produced *Africa Undermined: A History of the Mining Companies and the Underdevelopment of Africa* in which the authors sought to identify and analyse the effect of mining companies on the political, economic and social structures of the continent. Lanning and Mueller argued that though territories like Namibia were leading exporters in given minerals, crediting these exports to the territory concealed a disturbing reality. The reality on the ground, according to the authors, was that control over these minerals lay neither with the people of the continent nor with the governments that governed individual territories, but with the giant multinational companies which operated in territories like Namibia. Among these multinationals was RTZ, whose investments in Namibia's mining industry were 'encouraged by the low level of taxation and the generous concession areas offered by the South African government...'³¹ The Rössing Uranium mine, for example, operated for close to a decade before it had paid any taxes to the administration of the territory, a concession which allowed RTZ to regain its initial investment capital in the mining venture (see Chapter 3). Lanning and Mueller thus echoed Jepson's assertion that multinational

²⁹ Hecht, *Being Nuclear*, 100.

³⁰ T. P. Jepson. *Rio Tinto Zinc in Namibia* (London, Christian Concern for Southern Africa CCSA, 1975), 1.

³¹ G. Lanning and M. Mueller, *Africa Undermined: A History of the Mining Companies and the Underdevelopment of Africa* (New York, Penguin Books, 1979), 474.

corporations, like RTZ, could be held as accountable for their operations in territories like Namibia, as the governments which facilitated their investments, such as the British and South African governments. The blame for the exploitation of Namibia's uranium resources was thus equally attributable to all the participating parties as demonstrated in this study.

The publications of the 1980s, on the other hand, moved beyond exposing RTZ to mustering legal arguments for the protection of the territory's natural resources. This was because the veil of secrecy that had governed Rössing Uranium's operations had been lifted through coordinated research efforts. Through these research efforts the details pertaining to the various actors in Rössing Uranium became public knowledge and were widely distributed through publications and seminars. Namibian uranium began to take centre stage as international efforts came to recognise its importance in the continued occupation of the territory by the South African regime. The 1971 advisory opinion of the International Court of Justice (ICJ) had declared South African presence in Namibia 'illegal', which declaration coupled with Decree No.1 became the focus of various authors in their investigations on RTZ's operations in Namibia. In July 1980, for instance, the UN Council for Namibia held the 'Uranium Hearings' with the aim of ascertaining the degree of exploitation at Rössing Uranium (see Chapter 6). The Council heard testimonies from representatives of various organisations on the involvement of specific governments, state-owned entities and power utility companies in the exploitation of Namibian uranium. It was through these hearings that the implications of the Rössing Uranium contracts were established, in light of the UN Council's Decree No. 1.

The Uranium Hearings resulted in the publication of papers such as that of Brian Wood on *the Campaign Against the Namibian Uranium Contract in Britain*, which documents the Anti-Apartheid Movement's campaign against the British government's contracts for Namibian uranium.³² CANUC, as the campaign was known, called for the cancellation of these contracts by the British government, which calls fell on deaf ears. The Japanese involvement in Namibian uranium was also documented by Kitazawa Yoko in *Japan's Namibian Connection: Illegal Japanese Uranium Deals Violate U.N. Resolution*.³³ As in Britain, calls were made for the Japanese government to cancel its contract with Rössing. Unlike its British counterparts, however, the Japanese government heeded these calls and had its uranium deliveries postponed, but not cancelled. In *Japan and Africa: Big Business and Diplomacy*, Jun Morikawa

³² B. Wood. *The Campaign Against the Namibian Uranium Contract in Britain*, in SWAPO 1982 (p.53)

³³ K. Yoko, 'Japan's Namibian Connection: Illegal Japanese Uranium Deals Violate U.N. Resolution'. *AMPO, Japan Asia Quarterly Review* 12, 3 (1980).

explains that the decision to postpone, but not cancel, the Japanese contracts for Namibian uranium was in line with Japan's African policy. According to Morikawa 'one of the major characteristics of Japan's African policy was the pursuit of its national interests while respecting the position of the Western colonial powers which had vital interests in the African continent'.³⁴ Securing a stable supply of uranium was an important national security issue for Japan, especially because of an acceleration in the country's nuclear power plans following the 1973 oil crisis. But, as Morikawa points out, Japan also harboured ambitions of joining the world's most politically powerful states on the international arena. This therefore required a balancing act of remaining in good standing with the former colonial states which controlled the large mass of votes at the UN while respecting the interests of the former colonial powers. The postponement in the delivery of Japan's uranium supplies from the Rössing Uranium mine was thus one such act. The other publications to have come out of the Uranium Hearings focused on the role of Canada, France, West Germany and the United States, linking the roles of these governments in Rössing Uranium to their trade relations with South Africa and the support extended to South Africa's nuclear power programme.³⁵ The UN Council for Namibia also produced publications, listing the various transnational entities invested in the different sectors of the Namibian economy, with specific focus on the mining industry.³⁶

1.3.3 Political and Commercial Strategies

Although the earlier publications, discussed under subsections 1.31 and 1.32, were tremendously beneficial to the writing of this thesis, it was really the more contemporary works, published in the post-independence period and more so those produced at the turn of the 21st century, which framed this study. For an understanding on the intricacies of Rössing Uranium the study turned to Peter Daniel's book titled *Against All Odds: A History of*

³⁴ J. Morikawa, *Japan and Africa. Big Business and Diplomacy*. (Trenton NJ, Africa World Press, 1997), 18.

³⁵ See for example: Taskforce on the Churches and Corporate Responsibility, 'Canada and Namibian Uranium'. *Africa Today* Vol.30 No. ½ Indiana University Press, 1983, pp.33-44. <https://www.jstor.org/stable/4186141>, accessed 12 February 2021. J. Marchand. 'Namibia and Government of France.' *Africa Today*, vol. 30, No. ½, Indiana University Press, 1983, pp. 45-50, <http://www.jstor.org/stable/4186142>, accessed 12 February 2021. R. W. Walters, 'the United States and the South African-Namibian Uranium Option'. *Africa Today*, 1st Qtr.-2nd Qtr. Vol. 30, No. ½ Indiana University Press, 1983, pp.51-59 <https://www.jstor.org/stable/4186143>, accessed 12 February 2021.

³⁶ United Nations Council for Namibia. *Reference Book on Major Transnational Corporations Operating in Namibia* (New York, United Nations, 1985).

Namibia's Rössing, produced in 1995.³⁷ This useful account is extremely difficult to find. I have admittedly never seen a physical copy of Daniel's 'book' as it was given to me on a USB flash drive by Rössing's public relations department during a visit to the mine site in November 2016. There is no public reference of Daniel's book (printed or electronic) in any other literature or in online library catalogues and as such I cannot confirm if the book was ever printed for distribution. The research was, however, able to determine that Peter Daniel was a former director of Rössing Uranium having served through most of the 1980s into the 1990s. In the early 1990s Daniel was commissioned to produce a company history of Rössing Uranium. This text is therefore particularly useful as Daniel had privileged access to key actors in the history of Rössing, which included the members of the Louw Company, RTZ representatives in Johannesburg and the RTZ leadership in London as well as the predominantly British (but also American and Australian) expatriate workforce that took up positions of management in Rössing Uranium. More importantly, Daniel had privileged access to RTZ archives in London and to early correspondences between the varying parties in the establishment of Rössing Uranium. These are archives which this study was unable to access, a restriction reflective of the period understudy and particularly the Cold War dimension. The secretive nature of uranium production during the Cold War has thus created an enduring secrecy in the records.

With this great array of sources Daniel's publication could actually have rendered this study unnecessary. As is likely the case with most commissioned publications, however, Daniel's work is filled with praise for RTZ's establishment of Rössing and the mine's subsequent contributions to the Namibian economy. It contains very little critique on, for instance, the collusion of the multinational corporation with the South African regime or an analysis of the measures that were adopted by the company in response to impending political change in Namibia. While recognising the opposition to Rössing's operations in Namibia and the debate on the legality of mining and exporting uranium from Namibia Daniel argued that 'to have sold [RTZ's] interests would not have helped towards independence. A buyer for Rössing would have been a South African company with policies less favourable to the workforce than became the case under RTZ'.³⁸ Daniel's critique over South African policies and governance over the territory does not, however, nullify the political support extended to Rössing by the colonial

³⁷ P. Daniel, *Against All Odds: A History of Namibia's Rössing*. (Windhoek: Rössing Uranium Ltd., 1995), 20.

³⁸ Daniel, *Against All Odds*, 17.

administration. These factors, thus, combine to validate a study on how Rössing Uranium was able to survive Namibian independence unscathed.

The premise of this thesis begins with Siba N'Zatioula Grovogui's assertion, in *Sovereigns, Quasi Sovereigns, and Africans*, that the territory of Namibia was treated as 'an instrument of free trade' through which the ownership of the territory's natural resources was exploited through a partnership between the South African regime, Western multinational corporations and their governments.³⁹ This assertion is further stressed in Gabrielle Hecht's publication, *Being Nuclear: Africans and the Global Uranium Trade*, in which the author challenges the statement of conventional narratives of 'the nuclear age' that the splitting of the atom promulgated a new world order that replaced imperialism with the nuclear bomb. Hecht not only argues for the centrality of empire in nuclear geographies but writes that colonialism had remained central to the nuclear age.⁴⁰ This, according to Hecht, was especially evident in the history of uranium production and in the mining of uranium in colonial territories like Namibia.

Empire along with the bonds it produced had been exploited by countries such as the United Kingdom, its war-time nuclear programme ally, the United States of America and Canada in a desperate bid to not only monopolise uranium deposits but also to attain security of supply. The bid to monopolise is stressed by Jonathan E. Helmreich in *Gathering Rare Ores: The Diplomacy of Uranium Acquisition, 1943-1954*, writing that a premise of paucity had undergirded the efforts of the aforementioned countries to monopolise uranium supplies.⁴¹ The inter-imperial bonds were exploited in this pursuit as demonstrated by the development of the uranium mining industry in South Africa and the continuity of especially British and Canadian investments in the production of uranium in Namibia. Hecht, for instance, points out that in order for RTZ to secure capital for their Namibian uranium venture, they needed to prove that the mine could sell what it produced. The British government provided the necessary contracts for RTZ to secure the capital and in so doing established an arrangement for the supply of Namibian uranium. The Rössing mine was an ideal source in that RTZ was a British company and for the British government, this was as close as it 'would come to controlling its own uranium supply'.⁴²

³⁹ S. N. Grovogui, *Sovereigns, Quasi Sovereigns, and Africans. Borderlines*, Vol. 3 (Minneapolis, University of Minnesota Press, 1996), 141.

⁴⁰ Hecht, *Being Nuclear*, 23.

⁴¹ J. E. Helmreich, *Gathering Rare Ores: The Diplomacy of Uranium Acquisition, 1943-1954*. (Princeton, Princeton University Press, 1986), xii.

⁴² Hecht, *Being Nuclear*, 97.

Supplies of uranium from Namibia also represented ‘privileged access’, for as Hecht reveals, the South African government was ‘happy to waive end-use restrictions for Britain, as long as Namibia remained governed by South Africa’.⁴³ The South African regime gladly approved the export of Namibian uranium in exchange for British support for its continued occupation of Namibia. British support for South Africa’s continued presence in Namibia played out in the diplomatic arena, as demonstrated by the diplomatic efforts of the 1970s which culminated in the formation of the Western Contact Group (WCG). The WCG, according to Grovogui, was a policy that was employed by the members of the Group to weaken any opposition to western control over the process of decolonisation in Namibia.⁴⁴ Grovogui’s argument is echoed in Victor Moukambi’s unpublished PhD thesis on the relations between South Africa and France.⁴⁵ Moukambi writes that the WCG’s diplomatic efforts ‘had hindered rather than helped the UN in its search for a just solution to the Namibian problem’.⁴⁶ This hindrance, according to Moukambi, was designed to serve the immediate economic interests of the members of the WCG. Key among these economic interests was Namibia’s uranium deposits, for as this study demonstrates all the members of the WCG were invested in one way or another in Rössing Uranium (see Chapter 6).⁴⁷

The Rössing deposits were also a strategic trading commodity in the South African regime’s relations with countries like Iran and Japan (see Chapter 4). Economic relations between Iran and South Africa, for instance, were prompted by calls at the UN for an oil embargo against the South African regime as Iran was a major oil producer. According to Houchang Chehabi, in *South Africa and Iran in the Apartheid Era*, oil and uranium occupied a central position in Iran-South African relations.⁴⁸ Chehabi also writes that the head of the South African Atomic Energy Board (AEB), Dr A.J.A. Roux, had played a key role in the establishment of nuclear cooperation between the two countries.⁴⁹ Apart from the export of oil to South Africa and the

⁴³ Hecht, *Being Nuclear*, 97.

⁴⁴ Grovogui, *Sovereigns, Quasi Sovereigns*, 171.

⁴⁵ V. Moukambi, ‘Relations Between South Africa and France with Special Reference to Military Matters, 1960-1990’, PhD Dissertation, University of Stellenbosch, 2008.

⁴⁶ Moukambi, ‘Relations Between South Africa and France’, 219.

⁴⁷ Moukambi, ‘Relations Between South Africa and France’, 222.

⁴⁸ H.E. Chehabi, ‘South Africa and Iran in the Apartheid Era’, *Journal of Southern African Studies*, 42:4, 2016, 687-709, 697. David Albright writes that ‘Roux should be considered the father of nuclear development in South Africa’ for his role in the development of a South African nuclear research development program. D. Albright ‘Revisiting South Africa’s Nuclear Weapons Program: Its History, Dismantlement and Lessons for Today’, 28 June 2016. Institute for Science and International Security. <https://core.ac.uk/download/pdf/45464539.pdf>, accessed 21 October 2021.

⁴⁹ Chehabi, *South Africa and Iran*, 697. David Albright writes that ‘Roux should be considered the father of nuclear development in South Africa’ for his role in the development of a South African nuclear research development program. D. Albright ‘Revisiting South Africa’s Nuclear Weapons Program: Its History, Dismantlement and

import of uranium into Iran, the trade relations had also facilitated Iran's acquisition of shares in Rössing Uranium. Interestingly, Dr Roux was the common denominator in both these events as he had also overseen the approval of RTZ's application for a mining licence to exploit Namibia's uranium deposits. Iran's participation in the exploitation of Namibian uranium thus had direct links to the South African regime's attempts to circumvent the oil embargo and calls for sanctions, calls which members of the WCG, and particularly Britain, had also sought to dispel.

The edited volume by Patrick Salmon, *The Challenge of Apartheid: UK-South African Relations, 1985-1986*, was particularly valuable for understanding British policy in relation to Namibia.⁵⁰ The volume itself was directed at documenting the British government's response to the challenge of apartheid in the period between 1985 and 1986, but it was also appropriate for providing a clear understanding on the overarching British policy in the region. Of relevance to this study, was the British government's primary interest in maintaining its trade and economic interests in the region, and secondly, 'in doing what we can to promote a process of peaceful change', in Namibia, through its participation in the diplomatic initiatives for Namibian independence.⁵¹ For purposes of this study, the British government's role in the diplomatic deliberations for a peaceful solution to the Question of Namibia are examined from the perspective of that government's desire to uphold its national and security interests (see Chapter 5). The 1982 Constitutional Principles put forward by the WCG, for example, ensured protection of private property and weakened calls for 'nationalisation' which would have affected British interests in Namibia as represented by companies like RTZ's operations at Rössing (see Chapter 6).⁵²

More importantly, in *Namibia by Resolutions: A legal analysis of international organisations' attempts at decolonisation*, Tunguru Huaraka writes that because 'the question of Namibia in time and substance covers the whole spectrum of decolonisation' the final analysis of the question should therefore also be of decolonisation.⁵³ Keeping in mind Huaraka's assertion,

Lessons for Today', 28 June 2016. Institute for Science and International Security. <https://core.ac.uk/download/pdf/45464539.pdf>, accessed 21 October 2021.

⁵⁰ P. Salmon, *The Challenge of Apartheid: UK-South African Relations, 1985-1986*, Documents on British Policy Overseas Series III, Volume IX. (London, Oxon, 2017).

⁵¹ Salmon, *The Challenge of Apartheid*, xxi.

⁵² United Nations Security Council. Principles concerning the Constituent Assembly and the Constitution for an Independent Namibia. <https://peacemaker.un.org/namibia-constituent-assembly82>, accessed 12 July 2018.

⁵³ T. Huaraka, 'Namibia by Resolutions: A legal analysis of international organisations' attempts at decolonisation' (PhD Thesis, Institute Universitaire de Hautes Etudes Internationales – Université de Geneve, Geneva) 1.

this study seeks to examine the response of big business to the process of decolonisation in Namibia. In *Corporate Profit and Race in Central African Copper Mining, 1946-1958*, Ian Phimister points out that ‘the motives of and the roles played by big business in processes of decolonisation’ have been extensively debated, with a particular focus on the political outcomes of such interventions.⁵⁴ Phimister, however, argues that this focus on political outcomes has caused the subject’s literature to overlook occasions when business turned impending political change to economic advantage.⁵⁵ These occasions were on display at Rössing Uranium, as the corporate strategies which were adopted in the face of impending political change in Namibia garnered both commercial advantage and the staying power that ensured the continuity of the mine’s operations in independent Namibia. A key example of one such occasion, according to Hecht, was Rössing Uranium’s use of impending political change as a marketing tool to secure new contracts under the guise of ‘Working for Namibia’ (see Chapter 7).⁵⁶

In *Mining and Colonial State in Northern Rhodesia, c.1930-1964* and in *Mining, Nationalism and Decolonization in Zambia 1945-1964* L. J. Butler argues that businesses in colonial territories were not ‘passive observers of decolonisation’ but that they were indeed ‘capable not only of reacting to political change, but devising strategies designed to cushion them from the consequences of colonial independence’.⁵⁷ To this Stephanie Decker, in *Building up Goodwill: British Business, Development and Economic Nationalism in Ghana and Nigeria, 1945–1977*, adds that these strategies were devised to manage ‘two very important stakeholder groups: government (colonial administration, first independent republics, and the military regimes that followed) and labour (black African and white expatriate workforce)’.⁵⁸ In the case of Namibia this study would propose a third stakeholder group, namely the international community as represented by the UN, and to an extent the Western Contact Group, for their role in negotiating and supervising the transition to Namibian independence. In the decade leading up to Namibian independence, Rössing Uranium actively pursued strategies aimed at

⁵⁴ I.R. Phimister, ‘Corporate Profit and Race in Central African Copper Mining, 1946-1958’, *Business History Review*, 85, 4 (2011), 749-74. L. Butler, *Mining, Nationalism and Decolonization in Zambia*.

⁵⁵ Phimister, *Corporate Profit and Race*, 749.

⁵⁶ Hecht, *Being Nuclear*, 293.

⁵⁷ L.J. Butler, *Copper Empire*, 10. Also see L. Butler, *Mining, Nationalism and Decolonization in Zambia 1945-1964*. XIV International Economic History Congress, Session 94: Foreign Companies and Economic Nationalism in the Developing World after World War II; and R. Moody and A. Whitmore. *Taming the Mining Masters*. *Multinational Monitor* May 1994, 21.

⁵⁸ Stephanie Decker, *Building up Goodwill: British Business, Development and Economic Nationalism in Ghana and Nigeria, 1945–1977*, 4.

http://muse.jhu.edu/login?auth=0&type=summary&url=/journals/enterprise_and_society/v009/9.4.decker.html, accessed 10 February 2021.

managing the incoming administration, improving labour relations and making a case to the international community on the value of the mine to the country's economy. Rössing Uranium, as this study demonstrates, was thus not a passive observer of the process of decolonisation in Namibia. Moreover the strategies that were adopted by the mine provided the cushioning effect described by Butler (see Chapter 7).

The literature on big business and decolonisation has identified a clear set of measures that were designed to provide a cushioning effect against impending political change on the continent. In her exploration of the responses of British business to colonial political change in Ghana, for instance, Sarah Stockwell, argued that to secure their interests in the territory British businesses adjusted their activities.⁵⁹ This adjustment in activities speaks to the strategies that were adopted by big business. This study draws parallels between the strategies identified in the literature on particularly the approach of British businesses to decolonisation on the African continent and to those that were adopted by RTZ's Rössing Uranium mine in the face of impending political change in Namibia. RTZ's British heritage made it a fitting case for drawing parallels between the strategies that were adopted by Rössing Uranium to those of the British businesses on the continent.

Key among these strategies was the formulation of corporate public relations exercises and community outreach programmes. In *'Cultivating the African': Barclays DCO and the Decolonisation of Business Strategy in Kenya, 1950–78*, James Morris states that these strategies were vital to presenting British business 'in the best possible light to nationalist politicians and local customers'.⁶⁰ The aim was to part with the colonial image of big business and to reinvent the role of big business through the fostering of connections with the emerging independent governments. These specific strategies were adopted by British businesses in the various parts of the continent including Rössing Uranium. The design of a public relations exercise, as this study demonstrates, was the first step in Rössing's arsenal of strategies aimed at reinventing the image of the mine and presenting the mine in what Morris described as the best possible light (see Chapter 7).

Beyond the public relation exercise, Andrew Cohen, in *Business and Decolonisation in Central Africa Reconsidered*, points to acts of political subversion as one of the strategies that were

⁵⁹ S. Stockwell, 'Political strategies of British business during decolonization: The case of the Gold Coast/Ghana, 1945–57', *The Journal of Imperial and Commonwealth History*, 23, 2 (1995), 277–300, 287.

⁶⁰ J. Morris, 'Cultivating the African': Barclays DCO and the Decolonisation of Business Strategy in Kenya, 1950–78', *The Journal of Imperial and Commonwealth History*, 44:4 (2016), 649–671, 650.

designed by big business to withstand political change.⁶¹ In the case of the Central African Federation, political subversion, according to Cohen, manifested through discreet financial contributions to the federal government and through an initial resistance by companies like Anglo American to court and engage with African nationalists.⁶² It was, as Cohen writes, only when it became abundantly ‘clear that the dissolution of the Federation was inevitable’, that Anglo American saw the need to engage with emergent African nationalists.⁶³ This study identified a similar approach in the case of Rössing Uranium, where the mine’s management willingly dealt with the interim government established in the 1980s by the South African regime (which was denounced by the international community) and went as far as suggesting to the British government that supporting the interim government would be in the best interest of British investments in Namibia. As diplomatic negotiations for Namibian independence progressed, however, it became clear that a settlement plan without SWAPO participation would be futile. It was at this point that Rössing Uranium deemed it fit to court the leadership of the nationalist movement (see Chapter 7). The argument that British businesses prepared strategies in response to a changing political landscape and in an attempt to secure their place in post-colonial Africa is thus, as this study demonstrates, generalizable to Rössing Uranium’s activities in Namibia.

Furthermore, Chibuike Uche, in *Lonrho in Africa: The Unacceptable Face of Capitalism or the Ugly Face of Neo-Colonialism?*, challenged the notion that ‘the British government did not work “in concert” with British businesses in Africa once political independence became imminent’.⁶⁴ This view was put forward by, amongst others, Nicholas White, *The Business and the Politics of Decolonization: The British Experience in the Twentieth Century*, who pointed to the failure of ‘British governments to protect British commercial interests from the predatory instincts of determined post-war economic nationalists’ as an example of the disconnect between business and politics.⁶⁵ Uche, however, argues that ‘case studies on the relationship between the British government and British businesses in Africa have demonstrated that the British government and British businesses worked “in concert,” with the objective of protecting

⁶¹ A. Cohen, ‘Business and Decolonisation in Central Africa Reconsidered’, *The Journal of Imperial and Commonwealth History*, 36, 4 (2008) 641-58, 643.

⁶² Cohen, *Business and Decolonisation*, 643.

⁶³ Cohen, *Business and Decolonisation*, 653.

⁶⁴ Chibuike Uche, ‘Lonrho in Africa: The Unacceptable Face of Capitalism or the Ugly Face of Neo-Colonialism?’ *Enterprise & Society*, Volume 16, Number 2, June 2015, pp. 354-380, 354.

⁶⁵ Nicholas White, *The Business and the Politics of Decolonization: The British Experience in the Twentieth Century* *The Economic History Review*, Aug., 2000, New Series, Vol. 53, No. 3 (Aug., 2000), pp. 544-564, 555.

wider British interests in the territories concerned'.⁶⁶ This study argues that although the British government did not heed company suggestions to support the interim government, Rössing Uranium still presents a viable case study in line with Uche's argument. In 1989 British government support for RTZ's mining venture and the need to protect British interests in Namibia culminated in a visit to the mine by none other than the former British Prime Minister Margaret Thatcher. That Thatcher's visit to Namibia, on 'the day the territory's independence process [was] formally implemented', involved a trip to Rössing Uranium is particularly telling (see Chapter 7).⁶⁷

By exploring the case study of Rössing Uranium and particularly the company's approach to decolonisation in Namibia, this study seeks to contribute to the body of literature on big business and decolonisation on the African continent. The significance of the Rössing case study to this body of literature is its demonstration of how the international dimension to the process of decolonisation in Namibia restrained the ability of big business to shape political developments in the territory through, for example, political subversion. International efforts at the UN and the diplomatic negotiations of the 1970s and the 1980s had stressed the importance of an internationally acceptable solution to the Namibia problem.⁶⁸ The international dimension in the process of political change in Namibia is thus worth stressing because there are very few examples on the African continent where the role of the UN was as imperative to the process of decolonisation as it was in Namibia. In the case of Rössing therefore international and political developments shaped company strategy in the face of impending change in the territory. An examination of British business in Namibia is also significant in that Namibia was not a British colony. This study thus demonstrates the possibilities of extending the debate on big business and decolonisation to settings where multinational corporations operated outside the sphere of influence of formal colonialism. The Rössing case is also peculiar both in terms of the timing of Namibian independence, the decade long wait for Namibian independence, and also in terms of the territory's 'last colony' status. If forewarned is forearmed then Rössing Uranium had sufficient time to prepare for the eminent change and to emulate 'best practices' as demonstrated elsewhere on the continent. This is reflected in the strategies that were adopted by Rössing, which no doubt were informed by the

⁶⁶ Uche, 'Lonrho in Africa', 357.

⁶⁷ Mail & Guardian, Maggie to visit Namibia, 31 March 1989. <https://mg.co.za/article/1989-03-31-00-maggie-to-visit-namibia/>, accessed 9 February 2021.

⁶⁸ United Nations General Assembly, Resolution A/RES/42/14[A] A/RES/42/14 (6 Nov. 1987), Question of Namibia: Situation in Namibia Resulting from the Illegal Occupation of the Territory by South Africa <https://digitallibrary.un.org/record/192504?ln=en>, accessed 27 October 2020.

experiences of its parent company in its operations in countries like Zimbabwe and also through the experiences of other British companies on the continent. These included strategies such as the establishment of a corporate foundation through which community outreach programmes, and the provision of educational opportunities to local populations, were facilitated. Where Rössing differed from the strategies adopted elsewhere on the continent is through the provision of shares in the company to the incoming administration. This was a manoeuvre aimed at aligning the commercial interests of the multinational corporation with economic interests of the newly established nation. More generally, therefore, this study contributes to the economic and international dimensions of Namibian decolonisation and to the historiography of the region.

1.4 Sources

This study is based on archival research, focusing on pertinent sources located in several national and international archives. These sources provided valuable insights into the history of uranium production in Namibia and the role of international diplomacy and big business on the Question of Namibia. The emphasis on archive-based research methods was motivated by the existence of the vast archival collection of the Anti-Apartheid Movement in Britain and the Netherlands. This study is greatly indebted to these archival collections as it was able to utilise the work of anti-apartheid researchers who successfully uncovered RTZ's operations in Namibia. The emphasis on archive-based research was also motivated by the relevant government records that have become available in recent years. These are records which were heretofore not available to contemporaneous researchers. This is particularly in reference to the declassified British government records of the Cabinet Office, Foreign and Commonwealth Office (FCO) and Ministry of Defence, which contain information on the British government's policy on Namibia and Namibian uranium.

Archival research is not without its challenges, however, and more so when the archival collections belong to commercial entities. The research, for instance, experienced archival restrictions from RTZ's headquarters in London, whose post-1961 archives, and especially those pertaining to Rössing Uranium, are closed for examination by external researchers. This restriction is reflective of the period understudy and particularly the Cold War dimension. The secretive nature of uranium production during the Cold War has thus created an enduring

secrecy in the records. RTZ's post-1961 restrictions cover the full spectrum of the period understudy and this creates limitations for this study especially in terms of its overall contribution to the literature on big business and decolonisation. Much of the work that has been produced on the role of big business in processes of decolonisation has benefited from an access to primary sources or to recent accessions to collections contained in the archives of businesses. This study has, however, had to rely on a limited amount of primary source material, often reproduced in secondary sources, to, for instance, identify the strategies adopted by RTZ in its endeavour to navigate political change in Namibia.

Moreover, the research also encountered archival restrictions regarding Rössing Uranium records, and especially the Board Meeting Minutes from the 1970s and 1980s, held at the Rössing Uranium Mine archives in Swakopmund, Namibia. RTZ and Rössing Uranium's archival restrictions limited the exploration of the research topic from a company/multi-national corporation perspective. The restricted access to these sources did not, however, cause too great a loss to the diplomatic and political narrative, which the research could access through the available governmental records as well as the records of international organisations such as the United Nations, and more specifically the United Nations Council for Namibia, and those of the Anti-Apartheid Movement. The recently declassified governmental records juxtaposed against the restricted access to commercial records shaped this study and particularly its focus on the interrelationship between international diplomacy and big business in the process of decolonisation in Namibia.

The study also benefited from sources available in various archives and library resources in Britain, Germany, Namibia, Switzerland, South Africa and the Netherlands. The discussion contained within this study has vastly benefited from the conduct of such a wide-ranging archival research, which has proved to be the real strength of this study. The archives in Britain, for example, were comprised of the Anti-Apartheid Movement archives held in the Bodleian libraries at the University of Oxford and the archives of the Foreign and Commonwealth Office (FCO), the United Kingdom Atomic Energy Authority and the Atomic Energy Office at the British National Archives in Kew Gardens, London. The research was able to draw on these materials to document both the politics of decision making pertaining to uranium supplies as well as the opposition to such policy, as demonstrated by the onset of the Campaign Against the Namibian Uranium Contracts (CANUC).

For a company perspective on Rössing Uranium, and how the mine was received by the local community and portrayed in for instance the national media, the study turned to archives and library sources in Namibia. The research in Namibia was conducted at the Namibian National Archives, the Chamber of Mines of Namibia, the SWAPO Party Archive & Research Centre, the Katjavivi Archival Collection at the University of Namibia, the Sam Cohen Library in Swakopmund and the Scientific Society library in Windhoek. The National Archives were pertinent to the discussion on the role of the South West Africa/Namibia administration in the establishment of the Rössing mine. Apart from these official records, the National Archives also contained information on the role of the administration in the construction of the mining town of Arandis as well as the eventual acquisition of shares by the administration in Rössing Uranium. The records of the Chamber of Mines of Namibia not only portray Rössing Uranium's arrival and broader role in the mining industry of the territory, but also the mine's role in the joint efforts by which the mining industry sought to navigate the changing political situation in Namibia. The archives in Swakopmund were relevant to the understanding of Rössing's early days and the impact of the mine on the town of Swakopmund. The Sam Cohen Library, for instance, contained a comprehensive collection on the Rössing mine. This included material produced by the mine itself, such as Rössing Uranium's weekly newsletter 'Rössing News' which was produced by the mine since the mid-1970s. Rössing News was particularly valuable to this study's examination of the mine's public relations strategy. The majority of the photographs reproduced in the later chapters of this study, for instance, were obtained from Rössing News. The SWAPO Party Archive & Research Centre and the Katjavivi Archival Collection at the University of Namibia were crucial to the collection of internationally produced material on the Rössing mine and particularly for information on the nationalist opposition to the mine. Internal memoirs on the nationalist movement's opposition to Rössing Uranium and to the broader operations of the mining industry were particularly important for an understanding of the nationalists' views on mining companies in colonial Namibia.

Further research was conducted in Geneva, Switzerland, which was comprised mainly of the revisiting of secondary literature and the reading of unpublished postgraduate theses at the Graduate Institute for International and Development Studies (IHEID). The most relevant of these studies was the unpublished PhD thesis submitted by Tunguru Huaraka in 1985. The thesis' focus on the process of decolonisation in Namibia as well as the role of the international community in this process informed this study's understanding of the role of natural resources in the process of Namibian decolonisation. International solidarity with Namibian

decolonisation was the theme that came through in the archival collections consulted at the International Institute of Social History in Amsterdam (IISH). The study was able to piece together a broader picture of the global Anti-Apartheid Movement's solidarity with Namibian decolonisation through the archival collections of the Dutch Anti-Apartheid Movement and Werkgroep Kairos held at the IISH. Archival research was also conducted at the Bundesarchiv in Koblenz, Germany, where the German Foreign Office archives pertaining to Namibia and Namibian uranium from the 1960s to the 1980s were examined. The German archives were of particular importance to the understanding of the role of Namibian uranium in the global nuclear trade and particularly the nuclear power programmes of Western European countries.

The final phase of archival research was conducted at the following institutions in South Africa: the National Archives of South Africa in Pretoria, The Wits Historical Papers Archives at the University of Witwatersrand in Johannesburg, The University of Cape Town Archives and Special Collections as well as the Stellenbosch University Library and Archives. The archival material from these institutions was valuable for the discussions on the South African government's role in the governance and exploitation of Namibia's mineral resources and provided primary material on correspondences between the Rössing Uranium mine and the Ministry of Mines during the formative years of the mine.

1.5 Structure of the Thesis

The chapters of this study are framed by the categorisation provided under the five stages in the history of Namibian uranium production (see sub-section 1.2). The discussion is thematically and chronologically structured into six substantive chapters, starting in Chapter 2 and ending in Chapter 7. The pioneering stage, which occupied the period between 1928 and 1965 is dealt with in Chapter 2. This is the stage in which Namibian uranium was discovered and pegged by a South African-British family who settled on the central coast of Namibia, in the town of Swakopmund. The Louw family was formed from events following the First World War, and it was these same events that led the family to settle in the then South West Africa. The Louw family migrated to Swakopmund in the mid-1920s, following the award of the Mandate over the territory to South Africa. The economic hardships of the late 1920s and the 1930s had driven the family into amateur prospecting in the Namib Desert, in an attempt to eke out a living. Their 1928 discovery of radio-active material on the outskirts of the Namib Desert

yielded very little for the Louw family and it was only in the 1950s that they, in co-operation with their South African based friends, reconstituted themselves into a Syndicate and later a Company so as to interest mining companies in their discovery. This was undoubtedly inspired by a change in world events following the end of World War II and the place of strategic importance that came to be occupied by uranium as a result of the Atom Bomb. Chapter 2 argues that the changing political, strategic and economic importance of uranium was significant for the future of uranium production in Namibia. It is to this external context that the Louw Company addressed its outward-facing strategies in order to attract commercial and political interests in their claims. The external context, and the strategies that were devised against this backdrop, can be credited for the sudden interests in the Namibia's uranium resources.

The exploration stage 1966-1970 forms the focus of Chapter 3, which traces the first major investments in the Rössing deposits. The chapter provides an account on the exploration project carried out by RTZ in partnership with the Frankfurt-based Urangesellschaft MbH. Political considerations on the part of the West German government would change the terms of the partnership as government guarantees were withdrawn in light of the changing international status of Namibia. The West German government's withdrawal of support for investments in Namibia led to RTZ's dependence on the South African regime for the development of Rössing Uranium. Chapter 3 argues that the convergence of interests and the interlocking networks between RTZ and the South African government were crucial to the viability of Rössing Uranium and to cementing the mine's presence in Namibia. The partnership between state and company also enabled the South African regime to assert its control over Namibian uranium through the participation of entities like the Industrial Development Corporation of South Africa (IDC) and General Mining and Finance Corporation in the development of Rössing Uranium. The IDC, in particular, replaced Urangesellschaft as RTZ's key partner in the exploration stage. The IDC also ensured access to the much needed loan finance which RTZ had hoped to secure through Urangesellschaft and in so doing ensured that the financial risks involved in the mining venture were distributed between the multi-national corporation and the state owned enterprise. Chapter 3 also brings to the fore the political and economic support extended to the Rössing venture by the South African administration, in terms of road and rail network, electrical and water supplies, as well a generous tax exemption that allowed RTZ to recoup its capital investment in the project.

The construction and development stage, which lasted from 1971 to 1975, is discussed in Chapter 4 of this thesis. Chapter 4 is concerned with what Richard West described as ‘the unusual method of financing developed by Rio Tinto Zinc in establishing its world-wide mining and industrial ventures’.⁶⁹ It examines the financing methods adopted by RTZ in partnership with its British, Canadian, French, Iranian, South African and West German shareholder-customers in order to navigate the risks of developing a mining venture in disputed territory. RTZ’s strategy for financing Rössing Uranium comprised of a dual system of equity and long-term sales contracts which was directed at atomic energy agencies and power utility companies in the aforementioned countries. Chapter 4 argues that by adopting this method of financing RTZ was able to build on the support that had been availed by the South African regime and align its operations with the national interests of its shareholder-customers. This method of financing secured national and international support for RTZ’s operations at Rössing Uranium and it undergirded the multinational corporation’s defiance of international calls to disinvest in, and cease the exploitation of Namibia’s uranium resources.

Chapter 5 provides a discussion on the hurdles faced by the Rössing Uranium mine at the start of its production stage. Structural and technical challenges at the mine site caused delays to the start of production. These challenges had further repercussions on the commencement of uranium deliveries to the mine’s customers. Key among Rössing’s customers was the British Nuclear Fuels (BNF) who replaced the UKAEA. This warranted the presentation of a case study on the role of consecutive British governments in the exploitation of Namibian uranium. Chapter 5 argues that the British government was primarily concerned with the risk of interference with the Rössing contracts, which could have resulted from political change in Namibia. These concerns explain British attempts to control the course of Namibian decolonization and also justified the arguments in defence of the Rössing contracts, arguments which were formulated in response to mounting opposition against the government’s decision not to interfere in the commercial activities of British companies operating in Namibia. The British government’s collusion in the exploitation of Namibian uranium is traced over seven phases starting in 1968. These phases begin with the cover-up of the existence of the contracts and end with the completion of uranium deliveries to Britain during the contract completion phase. The chapter concludes with a discussion on the changing position of the British government in relation to new investments in Namibian uranium.

⁶⁹ West, *River of Tears*, 23.

Chapter 6 deals with the launch of a diplomatic initiative for Namibian independence in the late 1970s and into the 1980s. These initiatives coincided with the commencement of uranium deliveries from the Rössing mine and calls at the UN General Assembly for sanctions against the South African regime. The diplomatic initiatives of the Western Contact Group (WCG) supposedly had the sole aim of producing a settlement plan for Namibian independence. But, as Chapter 6 highlights, they also had the intended purpose of protecting the material interests held by members of the WCG in Namibia and particularly in Rössing Uranium. Chapter 6 argues that the WCG's diplomatic initiatives marked an intentional change of strategy on the part of the nations in the WCG in order to thwart an unfolding path of decolonization that would have endangered their investments in Namibian uranium. The WCG's strategy also weakened opposition to the Group's control over the pace of decolonisation in Namibia. Chapter 6 begins with a discussion on the secret trade in Namibian uranium and it concludes by highlighting the initiatives of the international community aimed at protecting the natural resources, and particularly the uranium resources, of Namibia.

Chapter 7 examines Rössing's strategies vis-à-vis the Decolonisation of Namibia. The chapter is particularly interested in the public relations and rebranding exercise embarked on by Rössing Uranium in the period 1985 to 1990. Rössing Uranium formulated a set of strategies in anticipation of the impending political change in the territory, key among which was the adoption of the 'Working for Namibia' brand. The rebranding stage witnessed the shedding of the veil of secrecy that had surrounded the mine's operations in the previous stages. It is argued here that the new transparent nature of Rössing Uranium's operations was key to its public relations and rebranding exercise. Of particular interest to this chapter is Rössing's open door policy that saw the mine host visits for individuals from various sectors of society, including that all important visit by the British Prime Minister Margaret Thatcher. Chapter 7 is followed by a short concluding chapter summarising and restating the central arguments of this thesis and identifying areas for future research.

Chapter 2: The Pioneering Stage, 1928-1965

2.1 Introduction

According to the historical chronology of the Rössing Uranium mine, prepared by the mine itself, the pioneering stage was the period in which ‘the original prospectors found signs of mineralisation’ in what were initially known as the Louw claims and later the Rössing deposits.⁷⁰ The timespan that characterised the pioneering stage ran from 1928 to 1965, and it can be divided into two main periods. The first period occurred between 1928 and 1955, during which period the resourceful identification of radioactive material in what became known as the Louw claims was carried out by the Louw family. During this initial period, very little commercial or governmental attention was paid to the Louw discovery, apart that is from the occasional geological study of the area sanctioned by the Geological Survey of South Africa. The first period in the pioneering stage is contextualised herein to demonstrate how the interest in Namibia’s uranium deposits changed and the importance of studying uranium mining in relation to decolonisation.⁷¹

In the mid-20th century, the political, strategic and economic importance of uranium changed. This chapter argues that the changing importance of uranium was significant for the future of uranium production in Namibia. The presence of uranium at Rössing was known for decades before mining began and the geological facts of these deposits did not change over the 20th century. The external context of uranium, and particularly its place in global relations, had however radically changed. This was marked by international cooperation and competition in the Cold War context of the 1940s and the 1950s which culminated in the production of the first atom bomb and fuelled the belief that uranium deposits were scarce. The premise of paucity, according to Helmreich, led to a diplomatic campaign to gain control over global uranium deposits, including in countries like South Africa.⁷² It was during this shift in the external context that the second period in the pioneering stage occurred, between 1955 and 1966. It was during this second period that the Louw Company was established and the first flickers of interest in the Louw discovery became visible.

⁷⁰ Rössing Uranium. *The First Ten Years*. (Windhoek: Rössing Uranium Ltd., 1986), 4.

⁷¹ See Hecht, *Being Nuclear*.

⁷² Helmreich, *Gathering Rare Ores*, xii.

The second period of the pioneering stage coincided with the commencement of uranium production as a by-product of the gold mines in South Africa. Uranium production in South Africa proved to be a profitable venture for the mining companies involved and the South African government. The Louw Company drew inspiration from events in South Africa and positioned themselves to reproduce the success stories of uranium production in South Africa within the territory. The Louw Company, as this chapter demonstrates, devised strategies to secure commercial and political interests in their claims. These strategies, set against the vastly changed importance of uranium in the 20th century, explain why entities, other than the Louw Syndicate, started paying attention to the Rössing deposits when they did. Examining the history of the Louw Company against the external context of uranium and particularly the onset of uranium production in South Africa is thus essential to an understanding of the connection between the Louw family's role in the pioneering stage and the larger narrative on uranium production in Namibia and the importance of studying this narrative in relation to the process of decolonisation.

Much of the background reading on the pioneering stage was obtained from Graham Louw's 'A Tiger by the Tail: the story of the Discovery of Rössing Uranium'. The book is based largely on the Louw family's role in the discovery of the Rössing deposits, and in the crucial years that characterised the pioneering stage. The patriarch of the Louw family, Petrus Schabort Louw (known as Peter Louw), was a South African national who first arrived on the shores of Walvis Bay on the south-western coast of Namibia, in January 1915 with the South African Expeditionary Forces.⁷³ Louw, along with other military personnel, was later repatriated to South Africa following the defeat of the German colonial forces in July 1915.⁷⁴ His return to Swakopmund, years later in the 1920s, not only established the Louw family roots in Namibia but also set into motion the history of the Rössing Uranium mine. Graham Louw's book is invaluable for an understanding of what Jonathan Helmreich described as the 'other strands' to nuclear histories, strands which official histories are not able to fully cover.⁷⁵ Included in these other strands are 'the activities of private entrepreneurs and business firms [which] cannot be

⁷³ Louw, *A Tiger by the Tail*, 2.

⁷⁴ 'Captain Peter Louw was born in Stellenbosch, South Africa in 1886. He joined the Imperial Light Horse Brigade, aged twenty-eight, and fought against the German army in the First World War, when South Africa invaded German South West Africa at the behest of His Majesty's Government. He served under General Louis Botha, who with General Smuts, landed their troops at Swakopmund and Lüderitz Bay. The landing in Swakopmund influenced Captain Louw's decision to settle in the small coastal town in the 1920s.' Daniel, *Against All Odds*, 20.

⁷⁵ Helmreich, *Gathering Rare Ores*, xii.

easily traced, not to mention the feverish searches of individual prospectors'.⁷⁶ An account of the pioneering stage is thus invaluable to the history of uranium production in Namibia, in that it documents the transition from the 'feverish searches' of the original prospectors to big business and international diplomacy.

As is always the case in narratives of mineral exploration in Africa, however, Louw's account overlooks the role of indigenous Namibians in the discovery of the Rössing deposits. This is particularly in reference to the role of indigenous labour in the feverish searches and eventual pegging of the Louw claims. Considering the prevalence of the contract labour system in the colonial economy of Namibia, it is difficult to believe that the Louw family did all the work on their own. It is also difficult to believe that the learned individuals who surveyed the region on behalf of the Geological Survey of South Africa did not make use of indigenous labour. This neglected strand in the narrative has contributed to the geographic isolation of uranium production from the rest of the colonial economy as well as to the outward focus on the external context which was significant to the establishment of the uranium industry in Namibia, as argued in this chapter.

The chapter begins with the background to the pioneering stage, before locating this history in the greater context of uranium production in South Africa. Both the history of Rössing Uranium and that of uranium production in South Africa have to be understood in the wider context of the greatly increased importance of uranium primarily due to the Cold War as well as the technological developments that made uranium an essential component of new weapons of mass destruction. The background to the local context is thus examined all while keeping in mind the global context of uranium production. The chapter continues with a discussion on the signing of the option agreement between Anglo-American and the Louw Company which saw an extensive study carried out on the Louw claims. The chapter concludes with a brief introduction on the 1966 RTZ – Louw Company agreement which set into motion the history of the Rössing Uranium.

⁷⁶ Helmreich, *Gathering Rare Ores*, xii.

2.2 Amateur Prospecting and Private Entrepreneurship

Peter Louw returned to Namibia in the early 1920s, lured back by adventure and prospects of wealth on the diamond fields of Lüderitzbucht. It is presumably here that he came into the funds for an onward trip to England, where he met and married Annie Margery Burns (Margery Louw after marriage) in 1923.⁷⁷ The Burns family had seen their fair share of tragedy, with Margery having lost both her parents at an early age. She later lost her grandparents, who raised her, in the bombings of the First World War. This series of tragedies had left Margery a trust fund beneficiary of the Burns Trust in the 1920s, administered from the family's hometown of Sunderland.⁷⁸ Peter Louw's marriage proposal and proposition that she migrate with him to Cape Town was thus accepted with a clear conviction of the start of a new life in southern Africa. Following their wedding, they decided to move to Cape Town and later to the small coastal town of Swakopmund in Namibia.

The Burns Trust, and the financial resources it availed, set the Louw family apart from the rest of the families in the district of Swakopmund, where the impact of the Great Depression was being felt. The resultant increase in unemployment rates in the district had led the local inhabitants to seek alternative means of income. Like many of the district's inhabitants, Peter and Margery participated in the amateur prospecting activities and gradually mastered the art of identifying different minerals. Their added advantage was Margery's training in 'electrical treatment, radiography and x-ray at the National Hospital, Queen Square WC and at Guy's Hospital in London during the war years 1915 to 1918'.⁷⁹ Margery's academic and professional experience came in handy when the family was presented with the challenge of identifying the mineral composition of rock samples that had been collected in the desert. The confirmation of radioactive pitchblende in one of the rock samples led to the birth of the Louw venture.⁸⁰

The imperial migratory routes that had brought the family to Swakopmund were revisited in 1929 when the Louw family decided to send rock samples to Margery's hometown of Sunderland for laboratory tests to be conducted. By February 1930, the lab results confirmed the presence of radioactive material in the samples, but not much interest came from it as the

⁷⁷ Margery Burns was born in Sunderland in 1893, she was of Scottish descent. Louw, *A Tiger by the Tail*, 3-4.

⁷⁸ Louw, *A Tiger by the Tail*, 13

⁷⁹ Louw, *A Tiger by the Tail*, 5.

⁸⁰ J. Louw, A glimpse back to the beginning of Rössing mine. http://www.rossing.com_beginning.htm, accessed 5 October 2018. John Louw was the eldest of the Louw sons, his younger brothers were Graham and Alan Louw.

purpose and value of uranium was yet to be determined.⁸¹ Gowing and Arnold write that it was only in 1939 that scientists discovered ‘the effects of splitting an atom of the heavy element, uranium’, a material which up until then was considered to be pretty worthless.⁸² Helmreich further writes that prior to 1939 ‘uranium was not an item which made much impression upon international affairs, world trade, or the public in general.’⁸³ Prospectors in Namibia, for instance, were more interested in discovering copper, diamonds and gold, rather than uranium. The lack of scientific and technological understanding on the value of uranium prior to 1939 thus explains the low commercial and political interest in the Louw discovery at both the local and international level. The lack of interest did not deter the Louw family, however, as they continued their prospecting activities in the Namib Desert, with the financial means availed to them by the Burns Trust. It is perhaps these financial resources that explain the industrious persistence of the Louw family in prospecting for mineral resources in the Namib Desert for over four decades, albeit with very little success.



Figure 2-1 Margery and Peter Louw

⁸¹ Louw, *A Tiger by the Tail*, 12.

⁸² M. Gowing and L. Arnold, *The Atomic Bomb* (London: Butterworths, 1979).

⁸³ ‘Radium, with which [uranium] is usually associated when mined, was far better known for its use in scientific research and medical facilities.’ Helmreich, *Gathering Rare Ores*, 3.

⁸⁴ In *Rio Tinto, Reflecting on 40 years of Working for Namibia: The most recent ten years: 2006-2016*, <https://www.rossing.com/files/Rossing-40-year-anniversary-Reflections-2006-2016-23-June-2016v2.pdf>, accessed 5 October 2018.

In 1939, the Louw family's prospecting activities were disrupted by the outbreak of the Second World War. Peter Louw once again donned the South African armed forces uniform to fight in the war. Figure 2.1 above depicts portraits of Margery and Peter Louw, with Peter dressed in his military attire. This time his military tour took him from the district of Swakopmund to the Horn of Africa and onward to North Africa, where he led a reconnaissance team and from which role he would emerge as Captain Peter Louw.⁸⁵ The end of the war demonstrated to the Louw family that their discovery could potentially be more than what they had initially understood. The Japanese cities of Hiroshima and Nagasaki were destroyed by atomic bombs, created under the Manhattan Project, during the final stages of the Second World War. Uranium supplies required for the initial atomic weapons, including the two bombs dropped on Japan, were obtained from the Shinkolobwe mine in southwest Congo, then under Belgian colonial rule.⁸⁶ The atom bomb, and nuclear power in general, became absolutely central to the strategy of world powers. This made uranium a highly sought after mineral during and after the Second World War, especially because the mineral was believed to be scarce. Inspired by these events, Captain Peter Louw, who 'was duly demobbed and had returned home to civilian life in Swakopmund' at the end of the war, resumed his family's prospecting adventures in the Namib (joined by his sons John and Graham Louw).⁸⁷

In 1949, the Louw family submitted the lab results from their 1928 discovery to the Department of Mines, following which a study of the area was commissioned by the Geological Survey of South Africa. The new flicker of interest showed in the Louw discovery by the South African authorities could be explained by the uranium exploration projects which were simultaneously being carried out in South Africa. The exploration projects in South Africa were carried out in collaboration with the Combined Development Agency, established in 1944 through a diplomatic effort between the United States and Britain (and later Canada). The CDA was established with the aim of identifying and securing complete control over the world's uranium supplies.⁸⁸ It was also the responsibility of the CDA 'to enter into contracts for the purchase of the greatly increased quantities of uranium needed for the expanding plants in America and

⁸⁵ 'Peter Louw volunteered with the South African troops, fighting Italian forces in North Africa. He was placed in command of an armed reconnaissance unit, earning the rank of Captain through his service.' Louw, *A Tiger by the Tail*, 15.

⁸⁶ Helmreich, *Gathering Rare Ores*, 6. R. R. Johnson, 'Romancing the Atom: Uranium Prospecting, Once and Again', *The New Atlantis*, 25 (2009), 116-121, 117.

⁸⁷ Louw, *A Tiger by the Tail*, 16.

⁸⁸ M. Gowing, *Britain and Atomic Energy 1939-1945*, (London: Macmillan, 1964); the Combined Development Agency began as the Combined Development Trust, established in June 1944 by the United Kingdom and the United States.

Britain at which atomic weapons were being manufactured'.⁸⁹ According to Helmreich, the search for monopoly was, in retrospect, a wild-goose chase especially when one considers how plentiful uranium was.⁹⁰ This was, however, not known in the 1940s so the situation was such that if 'one nation could establish hegemony over the greatest destructive and constructive power source the world has known, then it was better to be that nation rather than not.'⁹¹

In their search for monopoly, the members of the CDA turned their attention to South Africa, which was considered a potential source of uranium deposits. These efforts culminated in the production of uranium as a by-product of the gold mines in South Africa by the 1950s. These post-war events in South Africa's mining industry were a motivating factor for the extension of geological studies to various areas in Namibia, including the Swakopmund district. The geological study was carried out by state geologists C. M. Schwellmuss and Siegfried Kuschke.⁹² Schwellmuss and Kuschke confirmed the presence of the uranium-bearing mineral davidite, and their findings were later confirmed by the geologist Dr Henno Martin in 1951. Both studies confirmed the presence of davidite in the vicinity of the Rössing Mountain, some 60 km from Swakopmund. Dr Martin would, however, conclude that 'the [uranium] reserves were insignificant' as they did not occur 'in economic quantity.'⁹³ This discouraged any further studies of the area, but somehow the Louw family remained convinced that they could uncover a significant deposit.⁹⁴ The seeds of hope had been sown and there had been conversations with a few confidants of the family. These conversations led to the formation of Syndicate and brought in new funding and expertise.

⁸⁹ Hagart, 'Aspects of the Uranium Industry', 445.

⁹⁰ Helmreich, *Gathering Rare Ores*, xxi.

⁹¹ Helmreich, *Gathering Rare Ores*, xxi.

⁹² Daniel, *Against All Odds*, 20. Siegfried Kuschke not only went on to head the Industrial Development Commission of South Africa but also served as the first chairman of Rössing Uranium when the company was established in 1970. Clive Algar, *Arandis – Newest town in the oldest Desert*, in *SWA 1981 Annual*, Windhoek.

⁹³ Dr. Henno Martin (April 1951), cited in Louw, *A Tiger by the Tail*, 17.

⁹⁴ Smith, *The Geology of the Area around the Khan*, 84.

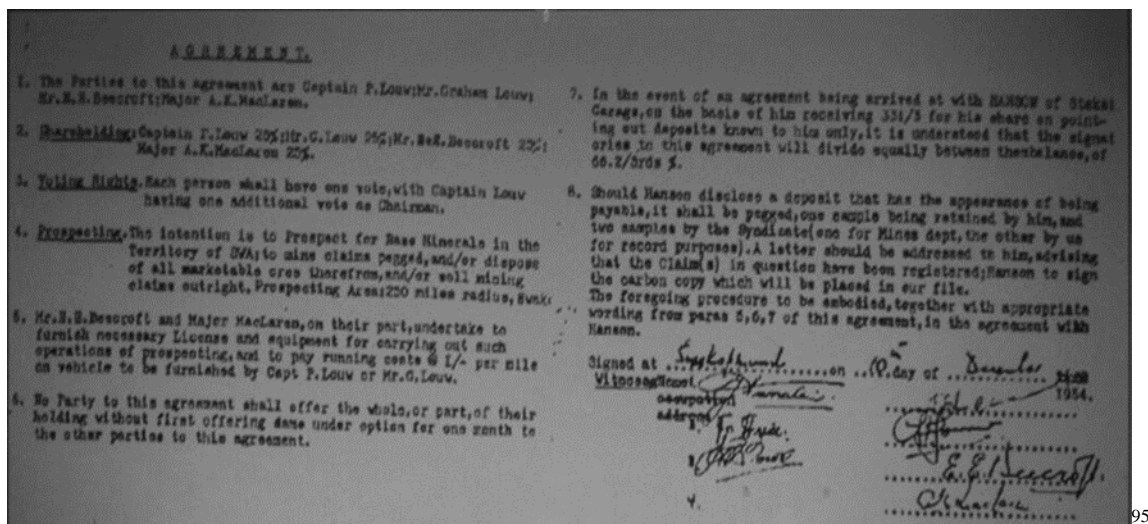


Figure 2-2: The 1954 Louw Syndicate Agreement

The family friends Edwin Beecroft and Major Archie MacLaren, who were military friends of Captain Peter Louw, travelled to Swakopmund from Cape Town to enter into discussions with the Louw men. The result was the signing of ‘a basic Syndicate Agreement’ for the prospecting of minerals in the Namib with Peter and his son Graham Louw (see Figure 2.2 above). The Louw Syndicate, as it became known, was established on 10 December 1954 with an equal shareholding for each Syndicate member. The Syndicate’s main ‘intention was to prospect for materials within a 250 mile [402 km] radius of Swakopmund.’⁹⁶ The eldest of the Louw sons, John Louw, had been studying and working in Cape Town at the time of the signing of the Syndicate Agreement. He returned to Swakopmund in the following year and was then drafted into the Syndicate’s pursuit. The Syndicate members also ‘approached Hymer Anderson who had been digging for beryl in the Erongo Mountains, to pool his labour resources and a compressor, to blast trenches across the finds’ in exchange for shares in the Syndicate.⁹⁷ The Louw claims, which had been registered with the Department of Mines under G.P. (Graham Peter) Louw, were then relinquished to the Louw Syndicate upon its formation.⁹⁸

⁹⁵ Image of the Louw Syndicate Agreement, reproduced from Daniel, Against All Odds, 22.

⁹⁶ Daniel, Against All Odds, 22.

⁹⁷ Rio Tinto. Reflecting on 40 years of Working for Namibia: The first 10 years 1976-1986. 20 June 2016. www.rossing.com, accessed 26 November 2020.

⁹⁸ Louw, A Tiger by the Tail, 22.

2.3 Uranium Production in South Africa and the Louw Claims

Unbeknown to the Louw Syndicate, their prospecting activity and all information pertaining to their claims in the territory were governed under the South African Atomic Energy Act of 1948. The South African regime had continued to govern the territory even after the official demise of the League of Nations, under whose Mandate the regime claimed the territory. South African laws thus continued to be applicable to the territory, which meant that the legislative regulations pertaining to prescribed materials in South Africa were also applicable in Namibia. The 1948 Act was the product of South Africa's post-Second World War uranium production programme and it was the legal parameter prepared by the State 'to provide the necessary security, powers and machinery to control what had by then become one of the world's most important strategic minerals.'⁹⁹

According to Prof L. Taverner, 'the first notification that the Rand gold ores contain radioactive substances dates from 1915 and is attributed to Dr. A. Rogers, Director of the Geological Survey of the Union of South Africa at that time.'¹⁰⁰ The discovery of the definitive occurrence of radio-active material, 'in association with certain gold-bearing ores', on the Witwatersrand in South Africa is however credited to Mr. R. A. Cooper, whose conclusions were confirmed in 1923.¹⁰¹ Apart from scientific reports on the presence of uranium in South Africa, however, 'no interest was displayed in its exploitation as it was not at the time a commercial proposition.'¹⁰² R.B. Hagart writes that South Africa's uranium deposits 'did not become significant until 1944, when, as a result of research in Britain and in America into the use of uranium ... it became vital to the military purposes of the Western Powers that all potential sources of uranium should be explored and tested.'¹⁰³ The use of uranium deposits in Belgian Congo to construct weapons in the Manhattan Project had also focused attention on other

⁹⁹ J.G. van Graan, Inspection Report on The Atomic Energy Board, Pretoria, 28.10.1957. Public Service Commission, Department of Mines, National Archives and Records Service of South Africa (hereafter NARSSA), TES 5/191/32936, 3.

¹⁰⁰ L. Taverner, 'An Historical Review of the Events and Developments Culminating in the Construction of Plants for the Recovery of Uranium from Gold Ore Residues', in Uranium in South Africa 1946-1956 Vol. I (Johannesburg: the Associated Scientific & Technical Societies of South Africa, 1957), 1.

¹⁰¹ A.J.R. van Rhijn (Minister of Mines), The Story of South Africa's First Uranium Production Plant. West Rand Consolidated Mines Limited, Krugersdorp. (8 October 1952). Special Collections, University of Cape Town BAP 622.34932 STOR. R.B. Hagart, Aspects of the Uranium Industry, in Uranium in South Africa: 1946-1956 Vol.I (Johannesburg: the Associated Scientific & Technical Societies of South Africa, 1957), 444.

¹⁰² van Rhijn, 'The Story of South Africa's First Uranium Production Plant', 4.

¹⁰³ Hagart, 'Aspects of the Uranium Industry', 444.

potential sources on the continent. It was therefore only in 1945, when the potentialities of uranium deposits became apparent, that South African uranium resources were revisited.¹⁰⁴

When it was established ‘that the ore reserves of some of the gold mines carried uranium in sufficient quantity for its extraction to be economically possible’, the South African government ‘took energetic steps to initiate and finance a comprehensive programme of investigation and research in order to establish the extent of the uranium enrichment’ and to develop a method to economically extract uranium from the gold ores.¹⁰⁵ The problem of economic extraction had required an intensive research campaign, characterised by the construction of pilot plants on four different mine sites. The research ‘was undertaken jointly and with complete co-operation by the Massachusetts Institute of Technology Laboratory in the United States of America, the Chemical Research Laboratory, Great Britain, the Bureau of Mines of Laboratory, Ottawa, and the Government Metallurgical Laboratory in the Union [of South Africa].’¹⁰⁶ The research was thus a collaborative effort between the South African government and the governments represented through the CDA. As such, the ‘delivery of large tonnages of steel and other raw materials’ necessary for the design and construction of pilot plants was availed to the South African government’s metallurgical laboratory by these governments.¹⁰⁷ This degree of international co-operation with South Africa is telling, highlighting as it does the interests of major powers in the region’s uranium industry and how far back the uranium links between like South Africa, Britain and Canada went. There was thus already nuclear collaboration between these countries many years before the Rössing Mine was established and this is essential to an understanding of the continuity of these nuclear links in the production of uranium in Namibia.

The post-Second World War interest in South African uranium explains the promulgation of the Atomic Energy Act in 1948, which came into operation on 1st January, 1949.¹⁰⁸ The Act defined ‘uranium, thorium and any other material or substance which contains uranium or thorium in specified quantities or concentrations [as] “prescribed material”, ownership of all

¹⁰⁴ ‘The birth of the uranium mining industry in South Africa can be said to have occurred in 1945 when the geologists, Drs. C.F. Davidson and G.W. Bain, visited [South Africa].’ Both geologists were associated with the CDA and particularly with the atomic authorities of their respective countries (Britain and the USA). van Rhijn, ‘The Story of South Africa’s First Uranium Production Plant’, 7.

¹⁰⁵ R.B. Hagart, ‘Aspects of the Uranium Industry’, 444. van Rhijn, ‘The Story of South Africa’s First Uranium Production Plant’, 4.

¹⁰⁶ Taverner, ‘An Historical Review of the Events’, 1.

¹⁰⁷ van Rhijn, ‘The Story of South Africa’s First Uranium Production Plant’, 7.

¹⁰⁸ Hagart, ‘Aspects of the Uranium Industry’, 444.

of which was appropriated to the State.’¹⁰⁹ By law, therefore, ‘the sole right to search, prospect or mine such material, as also ownership of all prescribed material mined, extracted or isolated and the exclusive right to produce atomic energy, was vested in the State.’¹¹⁰ The Atomic Energy Act also established the Atomic Energy Board (AEB), whose powers were ‘considerable since it acts for the State in the ownership and disposal of all prescribed material.’¹¹¹ Ownership of prescribed materials was thus vested in the AEB, on behalf of the State. The Act ‘gave the Minister of Mines power to authorise persons or companies to prospect for and mine such materials on his behalf’ but ‘once mined and separated the uranium oxide becomes the property of the [Atomic Energy] Board.’¹¹²

In October 1950 ‘the South African Government invited a Joint Mission representing the United States and Britain, to visit the Union for the purpose of negotiating a contract for the supply of uranium.’¹¹³ According to Hagart, the negotiations were carried out by the CDA, which was set up as a joint purchasing agency by British and American authorities. The negotiations with the CDA were finalised at the end of November 1950, ‘regarding the heads of an agreement to supply uranium from a limited number of mines over a 10 year period’.¹¹⁴ The 10 year delivery period commenced on ‘the date of full production’ which meant that ‘some mines commenced full production on 1st January, 1954, and their contracts expire on 31st December, 1963. Other mines entered the scheme at later dates, and date of expiry of the latest contracts hitherto accepted is 31st December, 1966.’¹¹⁵ In 1952 the West Rand Consolidated Mines became the first mine in South Africa, and indeed in the world, to produce uranium as a by-product of gold ‘on an economic and commercial basis.’¹¹⁶ Its uranium output was purchased by the CDA under the 1950 agreement, upon the mines’ attainment of full production in 1954.¹¹⁷

¹⁰⁹ van Graan, Inspection Report, NARSSA TES 5/191/32936, 3.

¹¹⁰ van Graan, Inspection Report, NARSSA TES 5/191/32936, 3.

¹¹¹ Hagart, ‘Aspects of the Uranium Industry’, 445.

¹¹² van Graan, Inspection Report, NARSSA TES 5/191/32936, 3.

¹¹³ Taverner, ‘An Historical Review of Events’, 7.

¹¹⁴ Van Rhijn, ‘The Story of South Africa’s First Uranium Production Plant’, 8.

¹¹⁵ Hagart, ‘Aspects of the Uranium Industry’, 447.

¹¹⁶ van Rhijn, ‘The Story of South Africa’s First Uranium Production Plant’, 7.

¹¹⁷ Hagart writes that ‘at the outset of the discussions [with the CDA] certain difficulties at once became apparent. First, there was no established market and thus no established market price for uranium. The CDA was in effect the sole buyer ... and the Agency was prepared to negotiate only on the basis of a price determined primarily by the cost of production, the amortisation of capital and a margin of profit [and not a fixed price as the South African government had hoped]. The Agency’s argument was that, since mining was in progress anyway for the production of gold, uranium would be a by-product. Hagart, ‘Aspects of the Uranium Industry’, 445.

The achievements of the West Rand Consolidated Mines, and indeed that of the other three uranium producing mines, were considered to be of ‘immense significance to the economic structure of the Union.’¹¹⁸ John Louw argued that this was because, ‘by the mid-1950s, the energy potential of a peaceful application of nuclear power was fully recognised [and] the first nuclear reactors for the production of electricity were taking shape. This, in turn, led to a growing need for an adequate and reliable supply of uranium.’¹¹⁹ The non-peaceful application of uranium – the construction of nuclear weapons - was arguably more important in the 1950s. But as Gowing and Arnold note, ‘atomic energy was indeed to prove dual purpose.’¹²⁰ The South African government was thus able to accrue benefits from the production of uranium as a by-product of gold production through various means. These included means such as the amendment of the Income Tax Act, the additional demand for electrical power and various chemicals required by the uranium processing plants, as well as through the foreign exchange earned on uranium exports.¹²¹ The amendment to the Income Tax Act, for instance, stated that ‘there should be included with the taxable profits from gold any profits made from the simultaneous production of uranium, thus making uranium subject to the differential higher rate of tax levied on gold mining.’¹²² As the pioneer in uranium production in South Africa, the West Rand Consolidated Mines was the first mine to be affected by the change in the Income Tax Act. The peculiarity of the West Rand Consolidated Mines was that it was controlled by the General Mining and Finance Corporation Limited, who later became shareholders in the Rössing venture (see Chapter 3).

The Louw Syndicate’s prospecting activities fell within the realm of what the Atomic Energy Act stipulated as ‘prescribed’ or ‘source’ materials. In order to lay claim to their discovery the Louw Syndicate had to obtain the approval of the Minister of Mines and the AEB. In adhering to this requirement, the Louw Syndicate drew the attention of the South African authorities to the possibility of an economically viable deposit in an area that had been dismissed in previous geological studies. Moreover, if the Louw Syndicate’s endeavours were to result in uranium mining activities then the South African government would be able to accrue benefits from the territory in terms of taxation, the demand for products and services and the foreign exchange.

¹¹⁸ A.J.R. van Rhijn, *Forward to Uranium in South Africa, v. Blyvooruitzicht, Daggafontein, Western Reefs and West Rand Consolidated* were the four mines who formed the pioneers of uranium production in South Africa. Hagart, ‘Aspects of the Uranium Industry’, 446.

¹¹⁹ Louw, *A glimpse back*.

¹²⁰ Gowing and Arnold, *The Atomic Bomb*, 3.

¹²¹ Hagart, ‘Aspects of the Uranium Industry’, 448.

¹²² Hagart, ‘Aspects of the Uranium Industry’, 446.

In July 1955, amidst the onset of uranium production in South Africa, the Minister of Mines, Dr. van Rijn, awarded exclusive prospecting rights to the Louw Syndicate under the Mining Grant M. 4/4/105 under Section 58 (1) of Ordinance 26 of 1954.¹²³ The prospecting rights were further accompanied by a Search Permit A.E.B 30/159, issued by the AEB to the Louw Syndicate for a period of 12 months.¹²⁴ The Louw Company had thus acquired the permission of the South African authorities to further their search for prescribed materials and to interest buyers in their find.

The administration of the various provisions of the Atomic Energy Act was the prerogative of the AEB. This included provisions which prohibited entities from disclosing any information related ‘to reserves of ore containing prescribed material, the annual output of such material, the price paid, and the extraction processes’.¹²⁵ So the Louw Syndicate’s attempts to interest mining houses in their discovery would have to be handled discreetly. On hindsight, Graham Louw writes, it was ‘clear that the South African Government’s interest was allied to all possible sources of uranium, whether in South Africa or South West Africa. This was to our advantage. Our timing was right’.¹²⁶ With supposed perfect timing, governmental support and a mining licence in hand, the Syndicate members agreed to transform themselves into a registered Company so as to enable themselves ‘to negotiate as an entity with interested mining groups’.¹²⁷ The move was encouraged by the lawyer Eric Kinsman, who along with the accountant Des Bowie (both of Swakopmund) had acquired the interest of Edwin Beecroft in the Louw Syndicate. The acquisition of shares happened in November 1955, and in the same year the Louw Syndicate was registered as G.P. Louw (Proprietary) Ltd.¹²⁸

2.4 The Option Agreement: Anglo-American and the Louw Deposits

Following the formation of the Company, the members of the Louw Company began the search for interested investors. Naturally, the Louw Company looked to mining houses in South Africa, where uranium mining had commenced in the course of the 1950s. The Johannesburg-based Anglo American Corporation was the first to show interest in the Louw finds. This led

¹²³ Louw, *A Tiger by the Tail*, 23.

¹²⁴ *Ibid.*

¹²⁵ Hagart, ‘Aspects of the Uranium Industry’, 445.

¹²⁶ Louw, *A Tiger by the Tail*, 25.

¹²⁷ Daniel, *Against All Odds*, 23.

¹²⁸ *Ibid.*

to the signing of an Option Agreement between the two parties, which permitted Anglo to conduct prospecting operations in the reserved area of the Louw Company.¹²⁹ The Option Agreement was for the duration of two years, dating from December 1955 to December 1957, with the possibility of extension subject to the findings of the Anglo team.¹³⁰ Work started almost immediately following the set-up of an exploration camp close to the Louw claims. The team at the desert site consisted of ‘geologists in charge of radiometric, mapping, drilling and general field work [to investigate] the entire reserved territory’.¹³¹ The senior geologist on site was David Smith and he led the Anglo team as they ‘swung into action, drilling ... boreholes and sample tunnels’ through the Louw claims.¹³² Large sums were spent prospecting the Louw claims, with large volumes of low grade ore unearthed for analysis.

In February 1956 the Louw Company formally ceded its claim under option to Anglo, paving the way for Anglo to acquire 75 per cent of the Louw Company at a cost of £250 000.¹³³ It was at this point that the Option Agreement with Anglo was extended to February 1958, causing mounting excitement for the members of the former Syndicate, as well as their new partners.¹³⁴ The Louw Company members would finally earn dividends from their endeavour. As the Anglo team collected and collated their findings, the need for a name for the venture arose. The ‘Rössing Venture’ was the name coined by the team, derived from the bordering Rössing Mountain where the geologists Schwellmuss, Kuschke and Martin had discovered the uranium-bearing davidite.¹³⁵ Figure 2.3 below is a picture of the Rössing Mountain whose name would ‘in time become immortalized with [the] Rössing Uranium mine.’¹³⁶

¹²⁹ Louw, *A Tiger by the Tail*, 26.

¹³⁰ P. Daniel, *Against All Odds*, 25.

¹³¹ Louw, *A Tiger by the Tail*, 26.

¹³² Hecht, *Being Nuclear*, 367. Daniel, *Against All Odds*, 23. In 1965, David Smith wrote his PhD based on his work with the Anglo-American Prospecting Company titled: *The Geology of the Area around the Khan and Swakop Rivers in South West Africa*, which was reproduced by the Geological Survey (Pretoria).

¹³³ Smith, *The Geology of the Area around the Khan*, 85. Also see Daniel, *Against All Odds*, 23.

¹³⁴ Daniel, *Against All Odds*, 25.

¹³⁵ Daniel, *Against All Odds*, 20. The mountain, in turn, derives its name from the railway siding known as Rössing. The railway siding was named after Lieutenant General Nounus Freiherr von Rössing, the Commanding Officer of the Prussian Railway Brigade, which was responsible for the construction of the railway line from Swakopmund to the inland. Freiherr von Rössing had interestingly never stepped foot in German South West Africa, but the admiration from his brigade led them to request that a railway siding and the adjacent mountain be named after him. The request was logged with the German Government in 1892, after which the mountain and the railway siding located close to the mountain were named Rössing. Rössing News, ‘Rössings visit Rössing: Shed new light on our namesake.’ The weekly newspaper of Rössing Uranium Limited. Vol 5. No. 9 22.7.1983. Also see J. Kinahan, ‘The Story of Rössing Mountain.’ (Rössing Uranium: Windhoek, 1988).

¹³⁶ Louw, *A Tiger by the Tail*, 27.



Figure 2-3: The Rössing Mountain

With a newly minted venture, Anglo's geological team had their hands full. Graham Louw writes that the team had made new discoveries within the Louw area, and 'as activities intensified, many high anomalies were being located, with the largest being designated as the S.J. orebody. An aerial radiometric survey was flown over the entire area, to be followed by a drilling programme as top priority.'¹³⁸ Geological reports on the S.J. orebody were produced as hopes ran high. This was at least until late 1957 when the drilling came to an end just as quickly as it had started.¹³⁹ The stoppage resulted from geological reports which concluded that the ore deposits were of a low grade and were therefore unpayable.¹⁴⁰ The Anglo team saw no justifiable reason to continue their investigations on the Louw claims. In more descriptive terms, Anglo's Dr H.C.M. Whiteside declared that the Louw claims were of '...no value whatsoever [for] it is like a poor man's rice pudding. It hasn't got enough raisins in it.'¹⁴¹ Anglo also acknowledged that they had neither the technical expertise nor the up-front capital to exploit low-grade ore.¹⁴² The Option Agreement, along with the purchase of 75 per cent of the Louw Company, was thus not renewed beyond February 1958.¹⁴³ The success of their venture plus the monetary return on their investment, thus, continued to elude the Louw Company members.

¹³⁷ 'The Rössing Mountain' in Rössing Uranium Limited. 2010 Report to Stakeholders. https://www.rossing.com/files/rossing_stakeholder_report2010.pdf, accessed 27 August 2020.

¹³⁸ Louw, *A Tiger by the Tail*, 28.

¹³⁹ Louw, *A Tiger by the Tail*, 29.

¹⁴⁰ Smith, *The Geology of the Area around the Khan*, 85.

¹⁴¹ Anglo American Co. 1959 cited in P. Daniel, *Against All Odds*, 25.

¹⁴² Hecht, *Being Nuclear*, footnote 44, 367.

¹⁴³ Daniel, *Against All Odds*, 25.

Struck down but not destroyed, the Louw Company took comfort in that they firstly still held the mineral rights to their deposit and secondly ‘as a precaution, and before [their] final withdrawal, [Anglo] had pegged and registered the S.J. orebody on behalf’ of G.P. Louw.¹⁴⁴ This was of great significance to the Louw Company for it was now known that ‘the bulk of the radiation within the Grant territory was largely confined to the Alaskites of the S.J. area’.¹⁴⁵ Lastly, Anglo’s withdrawal in 1958 had left the Louw Company with ‘all information and data gained during the two year prospecting operations,’ including all ‘expenditure on relevant fieldwork, assays, radiometric and borehole results.’¹⁴⁶ The mineral rights, pegged orebody and comprehensive information package would all prove invaluable to the Louw Company’s future marketing endeavours and would indeed yield results for the Company, albeit a decade later.¹⁴⁷

2.5 South African Bureaucracy and the Louw Claims

While saddled with the burden of marketing their venture, the Louw Company also had to manage the bureaucratic challenges of renewing their mining grant. In March 1958 the Louw Company turned its focus to ensuring that they obtained the permission of the Department of Mines to retain their prospecting and mining grant, which was due for renewal in 1959. The exploratory studies carried out by the Anglo team had proven to the Louw Company that theirs was a grant worth holding on to. An application was once again submitted to the Department of Mines, and after weeks of waiting, the Louw Company was issued with Mining Grant M/4/4105, which covered an area of 1200 square miles, including the S.J. orebody discovered by Anglo’s geological team.¹⁴⁸ From 1958, and well into the early 1960s, the Louw Company continued to petition the Anglo team to reconsider their decision. During this period, attempts were also made to interest other mining companies such as the Rio Tinto Management Services (RTMS), based in Johannesburg, but to no avail.

Years passed and it was 1963. Five years had lapsed since the issuing of the last grant in 1959 and the Louw Company had until January 1964 to renew their mining and prospecting grant.

¹⁴⁴ Louw, *A Tiger by the Tail*, 33.

¹⁴⁵ Louw, *A Tiger by the Tail*, 38.

¹⁴⁶ Louw, *A Tiger by the Tail*, 33.

¹⁴⁷ Graham Peter Louw writes that ‘on one of my visits to Piet Henderson the Inspector of Mines, with a hand on my shoulder, empathised that “within ten years or so, things are bound to swing back again”. I was humbled and horrified. No, I could never wait so long. But he was right, and I was to learn that life is about patience and cycles; there are no short cuts. Louw, *A Tiger by the Tail*, 36.

¹⁴⁸ Louw, *A Tiger by the Tail*, 35.

The application for a renewal of the mining grant was submitted in November 1963 and by January 1964 the Louw Company was informed by the Department of Mines that their application had been dismissed.¹⁴⁹ The Louw Company's failure to interest major mining companies in the find appears to have motivated the decision by the Ministry of Mines. According to Sue Southworth, the application by the Louw Company had been dismissed because 'at that stage, the Ministry of Mines in South Africa took over control of exploration for prescribed materials in South West Africa...'¹⁵⁰ It is not clear whether the South African authorities had intended to secure investment in the Rössing claims through similar means as the negotiations with the CDA. The only option for the Louw Company, therefore, was a direct petition to the Minister of Mines in South Africa for the reinstatement of their mining and prospecting rights.

Caroline (Carlie) Anderson, Hymer Anderson's wife and the only other woman (apart from Margery Louw) to have played a major role in the Louw claims, was instrumental in petitioning the Ministry of Mines. According to Daniel, Carlie 'had some excellent connections in Pretoria and through them approached the AEB to restore the company's right to prospect for prescribed material'.¹⁵¹ Following a period of protracted negotiations the prospecting rights were reinstated to the Louw Company, in 1965, albeit with major alterations to the size of the prospecting and mining area.¹⁵² The original 1200 sq. miles issued under Grant M/4/4/105 were reduced to a mere 400 sq. miles under the new Prospecting Grant Area, M 46/3/327.¹⁵³ The exact demarcation of the boundaries of these 400 sq. miles was left to the Louw Company. The added knowledge acquired from Anglo American's geological reports informed their decision to concentrate the 400 sq. miles around the S.J. orebody. With their decision approved and the mining grant awarded, the members of the Louw Company learned that 'you may inherit the earth, but ... you have to fight for the Mineral Rights' and fight they did.¹⁵⁴

With the mining grant secured, the Louw Company persisted in its mission to identify mining companies that would partner with them in the gainful exploitation of the Rössing deposits.

¹⁴⁹ Louw, *A Tiger by the Tail*, 36.

¹⁵⁰ Sue Southworth, Captain Peter Louw: The Discoverer of the Rössing orebody. *Rössing News*, December 1999, reproduced in *e-Rössing Bulletin*, 30 Year Special Edition 1976-2006, 15. www.rossing.com, accessed 11 November 2020.

¹⁵¹ Daniel, *Against All Odds*, 27. Carlie Anderson continued to assist the Louw Company to secure all subsequent extensions of the mining grant, which lapsed after the initial one year period and was later extend to an additional three years 'with an option for a further three years.' In return for her services to the Louw Company, Carlie obtained shares and became a co-director with her husband in the Louw Company.

¹⁵² Southworth, Captain Peter Louw, 15.

¹⁵³ Daniel, *Against All Odds*, 27.

¹⁵⁴ Louw, *A Tiger by the Tail*, 37.

The main challenge in convincing mining companies to consider the Rössing venture was that news had spread throughout the mining industry in South Africa that Anglo American had explored the venture and found it to be unpayable. The report of a reputable mining company was thus sufficient to deter investment in the Rössing claims. What the members of the Louw Company needed was ‘someone who would listen’ in spite of the reports and ‘someone with foresight’, for indeed times were changing and uranium was proving to be as valuable an energy source as it was for nuclear weapons.¹⁵⁵ The times had indeed changed and the added challenge of maintaining their mining grant made securing an investor all the more urgent.

2.6 Foresight: RTZ and the Rössing Deposits

In the early 1950s, the Rio Tinto Group initiated an exploration programme in the southern African region in search of major mineral deposits such as the discovery of Nickel at the Empress Nickel mine in Zimbabwe and the discovery of copper at the Palabora Copper mine in South Africa.¹⁵⁶ To coordinate its exploration programme, RTZ established a subsidiary company called Mineral Search of Africa, based in Johannesburg. The exploration programme was, however, brought to a halt in 1959 due to a drop in metal prices in the international markets. It was during this period of a reduction in exploration activities that RTZ was initially approached by the Louw Company to interest them in the Louw claims. The Louw Company’s only request was that the geologist with Mineral Search of Africa examine Anglo’s reports for themselves, for it was then and then only that they would see that they were being presented with a ‘world-class deposit’.¹⁵⁷ Unsurprisingly, RTZ showed no interest in the Louw claims, citing a limited exploration budget. The report from Anglo-American on the Louw finds could also have influenced RTZ’s rebuff of the Louw Company’s initial approach, considering the two mining houses were partners in the copper mine operations at the Palabora mine.

Six years later, in 1965, ‘the investment climate improved’ and a new company Rio Tinto Exploration (RTX) was formed and an ‘aggressive exploration policy’, similar to that of the

¹⁵⁵ Louw, *A Tiger by the Tail*, 35.

¹⁵⁶ J. Berning, *The road to Rössing – via Rio Tinto*. Rössing News Christmas Edition, December 1999, 3. Reproduced in *e-Rössing Bulletin*, 30 Year Special Edition 1976-2006, 3. www.rossing.com, accessed 11 November 2020. C. Herbert, ‘Palabora.’ *Mining Magazine*, 116, 1 (1 January 1967), 4. RTZ owned the Palabora copper mine in South Africa and it was there that RTZ mastered the art of extracting uranium from low grade ores. This technical expertise were later transferred to the Rössing Uranium Mine.

¹⁵⁷ *Supply of Uranium, Occurrence of Uranium and History of Extraction*, Annex II, The National Archives of Britain (hereafter TNA), AB 48/152, 1.

1950s, was adopted.¹⁵⁸ It is in RTX that the Louw Company finally found that ‘someone with foresight’ who would consider their proposal years after Anglo American had declared the Rössing deposits unpayable. In January 1966, the Louw Company revisited the RTZ offices in Johannesburg.¹⁵⁹ What was meant to be a courtesy call turned into a twist in the tale, as the RTZ team agreed to examine the data produced by Anglo American on the Rössing deposits. In addition to the raw data, the Louw Company offered RTZ ‘a free option for three years, plus the choice of another three years at a nominal rate’.¹⁶⁰ The RTZ team in turn asked for time to review the Louw file and to prepare for a physical visit to the Louw site.

Judging by the drill work done by Anglo’s geologists, the RTX team found that the problem with the Louw claims was not low-grade ore per se but rather the means by which Anglo-American had intended to mine the orebody. Low-grade ore, as RTZ had learned from the Palabora copper mine, was best mined on a large scale through an open-cast mine, rather than the underground operation which Anglo-American had envisioned.¹⁶¹ Whereas Anglo sought higher grade ore through traditional means of mining, RTZ recognised ‘the value of a large low-grade’ orebody, which they now sought to establish through newer mining technologies.¹⁶² The creation of the Rössing mine could thus partially be credited to the technological changes in mining, as open-cast mining was relatively new to the southern African region.

¹⁵⁸ Berning, *The road to Rössing*, 3.

¹⁵⁹ Louw, *A Tiger by the Tail*, 39.

¹⁶⁰ Louw, *A Tiger by the Tail*, 40.

¹⁶¹ Daniel, *Against All Odds*, 26.

¹⁶² Louw, *A Tiger by the Tail*, 40.



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Figure 2-4: A Historical photograph of Captain Peter Louw standing in front of the abandoned AAC [Anglo American Corporation] tunnel to the S.J. ore body.

In 1966, RTZ London authorised the Johannesburg office to enter into negotiations with the Louw Company. The negotiations comprised of further site inspections and discussions between the two entities. The picture of Peter Louw (Figure 2.4 above) was taken in 1966 during one of the site inspections. An option agreement was accordingly signed on 5th August 1966 and it provided for the appointment of RTMS in Johannesburg as the agent of the G.P. Louw Company in prospecting their claims for source material, for a period of six years between 1966 and 1971.¹⁶⁴ The option agreement also made provision for RTMS to acquire a majority shareholding in the Louw Company. The majority shareholding amounted to 75 per cent of the issued share capital of G.P. Louw, (later increased to 90 per cent). RTMS acquired the 75 per cent shareholding at the sum of R600 000 South African Rand, which was significantly higher than the £250 000 pounds previously offered by Anglo-American.¹⁶⁵ The remaining percentile of the share capital would be held by the Louw Company under the understanding that RTZ would have the right of first refusal. The signing of the option agreement was symbolic of what Helmreich described as the other strands of nuclear histories

¹⁶³ In Louw, *A Tiger by the Tail*, 29. Peter Louw died in 1978 (aged 92), two years after production had begun at the Rössing Mine.

¹⁶⁴ Daniel, *Against All Odds*, 31.

¹⁶⁵ Berning, *The road to Rössing*, 4. Daniel, *Against All Odds*, 29.

which cannot be easily traced, strands which document the activities of private entrepreneurs and business firms.¹⁶⁶ The historic photograph of the members of the Louw Company and the two representatives of RTZ (see Figure 2.5 below) not only encapsulates these other strands of nuclear histories but also the shift from private entrepreneurship to big business in the production of uranium in Namibia.



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Figure 2-5: A historical photograph of the members of the Louw Company photographed with John Berning and Robert Cooke of RTZ

2.7 Conclusion

The focus of this study is on the history of the Rössing Uranium mine, which mine came into operation in 1966. The pioneering stage thus constitutes a period outside the primary focus of this study. It is, however, presented herein to demonstrate the external context that was significant to the establishment of a uranium industry in Namibia. It is against this backdrop that a shift occurred from entrepreneurial and prospecting activities to the onset of foreign interest in Namibia's uranium deposits. The external context is best illustrated through the CDA's investment in uranium production activities in South Africa and, ultimately, RTZ's

¹⁶⁶ Helmreich, *Gathering Rare Ores*, xii.

¹⁶⁷ The picture was taken following the signing of the 1966 option agreement between RTZ and the Louw Company. From left Bert Viljoen, John Berning (RTZ), Major MacLaren, Graham Louw, Hymer Anderson, Captain Peter Louw, Carlie Anderson, Eric Kinsman and Des Bowie. Rössing News of 25 May 1979 in Rössing-40-year-anniversary-Reflections 2006-2016, 11 <http://www.rossing.com>, accessed 23 June 2016.

investment in Rössing Uranium. The pioneering stage occurred between 1928 and 1966 and it is discussed herein under two main periods: the period of discovery and the period of commercial interests in the discovery of the Rössing deposits. The period of discovery, which began in 1928, witnessed the identification of radioactive material by the Louw family and the establishment of the mineral value of the discovery. The period is characterised by the establishment of a Syndicate turned Company, by the Louw family and their associates. During this period very little attention was paid to the uranium deposits of South West Africa/Namibia by the South African authorities, or any other commercial or politically established entities. The Louw Syndicate had also experienced relative ease in acquiring the necessary licensing to lay claim to their discovery, compared to for instance the later period of the pioneering stage.

The changing situation on the South African mining scene, with the commencement of uranium production in the 1950s, coupled with the newly acquired global knowledge on the economic and strategic value of uranium resources, would however lead to ‘foreign’ interests in Namibian uranium. These new commercial and political interests in the Louw claims led to the second period in the pioneering stage which commenced in 1955. The period is characterised by the signing of option agreements, first with the Anglo American Corporation and later with Rio Tinto Zinc. The signing of the option agreement with Anglo American was particularly valuable to the endeavours of the Louw Company in that the partnership produced geological information on the location (and consequently the value) of the large low grade ore body which constituted the Rössing deposits. The second period in the pioneering stage was also characterised by the continual engagement with the South African government as represented by the Atomic Energy Board and the Minister of Mines. The Atomic Energy Act of 1948 governed the prospecting and production of what the Act described as prescribed material, and it is the provisions of this Act that brought the aspirations of the Louw Company in line with the procedures of the South African government.

The pioneering stage, as was argued herein, illustrates decades of non-interest in the Namibia’s uranium resources. The changing attitude towards these uranium resources, both in terms of the political and commercial interests were thus motivated by the changing importance of uranium in the 1940s and the 1950, as well as by the commencement of uranium production across the border, in South Africa. The success of mines such as the West Rand Consolidated mine informed not only the prospecting projects of Anglo American and later RTZ but also motivated the political interests of the South African government which had accrued direct and indirect benefits from uranium mining activities since the 1950s. By 1966, when the Louw

Company signed an option agreement with RTZ, the history of the Rössing mine had come a long way from when Peter and Margery Louw first discovered the pitchblende in the rock samples that were presented to them in 1928. It is because of this context that this study has been able to better appreciate the political and commercial links that framed the pioneering stage in the history of Rössing Uranium and the importance of studying this history in relation to decolonisation.

Chapter 3: Rössing Uranium's Exploration Stage: Importance of South African Capital, 1966-1970

3.1 Introduction

Chapter 3 examines the first major investment in the Rössing deposit. Of particular importance to the chapter is the convergence of interests which resulted in an agreement between RTZ and Urangesellschaft MbH of Frankfurt am Main, as well as the agreement between RTZ and the South African government, as represented by the Industrial Development Corporation of South Africa (IDC). It is argued here that the convergence of interests and the interlocking networks between RTZ and the South African government were crucial to the viability of Rössing Uranium and to cementing the mine's presence in Namibia. This is because Namibia's disputed international status had meant that other governments were reluctant to support investments in RTZ's Namibian venture. This reluctance is best illustrated by the West German government's withdrawal of support to Urangesellschaft.

More importantly, in the 1960s the international community condemned South Africa's apartheid policy and pursued a deliberate and successful course of action aimed at isolating the regime. This policy of isolation, along with the disputed status of the territory, contributed to the withdrawal of support for investments in Namibia. It is these events that explain how RTZ came to depend on the IDC for the development of Rössing and why South African support was crucial for the viability of the mine. The partnership between state and company, which was aimed at securing commercial, political and operational interests in the Rössing venture, frames the focus of the discussion in this chapter. The degree of involvement by a state entity in a mining venture like Rössing Uranium was unprecedented in the history of the Namibian mining industry. It is therefore this partnership that explains the support, especially in terms of the loan financing, infrastructure and tax exemption, availed to RTZ by the South African administration.

RTZ's acquisition of an exploration concession from the Louw Company set into motion what became known as the exploration stage in the Rössing venture. This was followed by an application to, and meetings with, the Minister of Mines of South Africa, for the licence to mine the Rössing deposits. RTZ also sought the approval of the Atomic Energy Board of South Africa (AEB), in order to share information on the Rössing deposits with potential investors and customers. The prospect of a 'foreign' ownership of Namibia's natural resources had,

however, not been well received by the South African regime.¹⁶⁸ It is noteworthy that prior to the 1950s when uranium had little practical application, the South African administration had paid no attention to Namibian uranium. By the 1960s, however, uranium was not only the world's most strategic mineral in terms of nuclear weapons but was also highly sought after for nuclear energy programmes. Moreover, in the 1960s Namibia's international status and the increased opposition to South Africa's policy of apartheid had resulted in diplomatic and legal statutes from the UN General Assembly, as well as at the UN Security Council, which sought to protect the territory's people and its natural resources. These forces combined to galvanise the South African administration's resolve to preserve its control over the territory and its natural resources.

Chapter 3 begins with a discussion on the South African government's exercise of oversight on Rössing Uranium following RTZ's acquisition of the exploration concession from the G.P. Louw Company. This is followed by a discussion of the convergence of British and German interests in Namibian uranium through the partnership between RTZ and Urangesellschaft. The influence of events at the UN on the West German government's support of the RTZ-Urangesellschaft partnership resulted in the South African administration's achievement of the control it sought over Namibian uranium. Chapter 3 concludes with an examination of the support accorded to RTZ by the South African state in its establishment of Rössing Uranium Ltd., established in 1970.

3.2 South African control over Namibian uranium

In August 1966 RTZ reached an exploration concession agreement with the Louw Company. Much like Anglo America, RTZ swung into immediate action in September 1966, a month after the signing of the option agreement. RTZ's exploration team began with an intensive programme of geological and geophysical fieldwork, diamond drilling and laboratory tests. The sampling test work was aimed at establishing the optimum extractive processes to be pursued by the RTZ team as they picked up 'where Anglo American had left off almost a decade earlier'.¹⁶⁹ The agreement with the Louw Company, as well as the subsequent prospecting activity embarked on by RTZ, had been subjected to 'multiple discussions held in

¹⁶⁸ South African control, operational or otherwise, over the Rössing deposits would itself have constituted foreign ownership. But this was not so, for a regime which viewed Namibia as its fifth province.

¹⁶⁹ Daniel, *Against All Odds*, 31.

[South African] government circles [which] formed an essential part of the intricate terms and conditions as required by Cabinet and the Atomic Energy Act of 1948'.¹⁷⁰ A paramount hurdle in the exploration stage of the Rössing venture was acquiring the dual approval of the Minister of Mines and that of the AEB, in whom the ownership of prescribed material was vested, on behalf of the state (see Chapter 2). The Minister of Mines, as discussed in Chapter 2, issued the mining and prospecting grants required for securing the claims to a grant area. The prescribed material which RTZ sought to mine at the Rössing site, fell under the ambit of the AEB, as authorised by the Atomic Energy Act (amended in 1967). A dual approval was thus required if RTZ were to commence exploration of the Rössing deposits.

The AEB was established to serve as 'the de jure handling agent of prescribed materials for the State'.¹⁷¹ This meant that the AEB would represent the state in RTZ's envisioned exploration of the Rössing deposits. In its perusal of RTZ's application, the AEB explicitly stated its concerns regarding the 'foreign' ownership of Rössing and the dissemination of information on the Rössing deposits (which was prohibited by the Act). The AEB's concerns were baffling to RTZ, but the Chairman of the AEB, Dr A.J.A. Roux, was not a particularly easy character to deal with.¹⁷² Dr Roux had served as the director of research for the South African nuclear research programme since 1956, before being promoted to Chairman of the AEB.¹⁷³ He had thus been closely linked with the establishment of the nuclear industry in South Africa. Figure 3.1 below is a photograph of Dr Roux proudly studying an AEB publication titled Nuclear Active. The picture was taken in 1969, two years after Roux had been appointed as Chairman of the ABE and, the year in which the AEB and RTZ were finalising the terms for the exploitation of Namibia's uranium resources.

¹⁷⁰ Louw, *A Tiger by the Tail*, 41.

¹⁷¹ Graan, TES 5/191/32936 936.

¹⁷² Daniel, *Against All Odds*, 38.

¹⁷³ Dr Roux had served as a senior official at the Council for Scientific and Industrial Research (CSIR) before he was appointed at the Research Director of the AEB. Later his title was changed to Director General and in 1967 he was appointed Chairman (later renamed President) of the AEB, a position until then reserved for the Minister of Mines'. Albright, *Revisiting South Africa's Nuclear Weapons Program*, 3.



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Figure 3-1: The Chairman of the Board, Dr. A.J.A. Roux, examines the first issue of the Boards new publication 'Nuclear Active' 1969.

Daniel explains that there were two main factors which caused difficulties for RTZ's dealings with Dr Roux:

Firstly he was intensely loyal to his own country and disliked the idea of a foreign company developing the resources of South Africa or Namibia. Secondly the new South Africa Atomic Energy Act had come into force in June 1967 and was still subject to interpretation by the Government. This made it difficult for [the AEB] to make decisions affecting Rössing's future.¹⁷⁵

Dr Roux's concerns were plausible, especially in the light of South Africa's ambitions to develop its uranium mining industry and 'derive additional benefit from its position as a major uranium producer'.¹⁷⁶ A foreign company developing the natural resources of South Africa or Namibia was not a new phenomenon, however, for historically most of South Africa's mines and indeed those of Namibia were developed by foreign multinational corporations. In fact, RTZ's envisioned operations in Namibia were not a peculiar phenomenon on the southern African mining scene, because the British multinational corporation already operated mines in South Africa and Zimbabwe. The main concern for the AEB, however, was the exclusive control by a foreign company of the uranium resources of Namibia, without South African

¹⁷⁴ Printed in the Atomic Energy Board Republic of South Africa. Thirteenth Annual Report 1969, 46.

¹⁷⁵ Daniel, *Against All Odds*, 38. The name Namibia was adopted by the United Nations at the request of Namibian nationalist in 1968.

¹⁷⁶ Albright, *Revisiting South Africa's Nuclear Weapons Program*, 3.

participation in the venture. The South African regime's position on Namibia's natural resources, and particularly the ideas about who the natural resources belonged to, stood in stark contrast to that of the UN (see Chapter 4). The AEB's concerns over the exclusive control of this strategic resource by a 'foreign company', should also be understood from the perspective that this foreign company represented British capital in a period that witnessed a lingering hostility to the dominance of British capital in South Africa's economy (and by extension, Namibia). Such hostility was especially felt from the ruling National Party whose aim it was to build up Afrikaner capital and to see such capital occupy the place of dominance which was historically enjoyed by British capital. It is against this background that the AEB's Chairman sought to address the exclusivity secured through RTZ's 90 per cent equity in the Louw Company.

Moreover, the AEB required an expedited interpretation of the 1967 amendments to the Atomic Energy Act in order to effect change on the future of the Rössing deposits. What the 1967 amendments required was the formulation of specific policy, by the line Ministry, on foreign investment and control over uranium production in South Africa and, by extension Namibia. RTZ's exclusive control combined with the absence of such policy troubled the Chairman of the AEB, who argued that 'unfettered control by a foreign company of so large and significant a deposit might prove to be detrimental to the interests of South West Africa [Namibia] and the Republic of South Africa'.¹⁷⁷ By 'interests' was meant the financial interests of the South African administration and more importantly the geopolitical gains accruable from these uranium sources for South Africa.

On the financial side, it is worth reiterating that uranium mining in South Africa commenced in the early 1950s, when the mineral was produced as a by-product of the gold deposits of the Witwatersrand mines (see Chapter 2). In the 1950s and the 1960s, the tax revenue accrued from the profits of uranium production on the gold mines, and the foreign exchange earned on the export of uranium, had generated additional revenue for the South African state. In addition to this, the South African government had since the 1950s anticipated major demand for uranium supplies that would be used for peaceful purposes, such as the generation of electricity. The government had paid particular attention to developments in the United Kingdom where the first nuclear power reactor was erected at Calder Hall in 1956.¹⁷⁸ The events in the United Kingdom were not only viewed as leading 'the way into the nuclear age' but it was also hoped

¹⁷⁷ Dr. A.J.A Roux, Chairman of the AEB, cited in Hecht, *Being Nuclear*, 88.

¹⁷⁸ Hagart, 'Aspects of the Uranium Industry', 452.

that these new developments would result in a rapid demand for uranium and with it an established uranium market.¹⁷⁹

The geopolitical gains, secured through interlocking interests with Western nations, were meant to offset the intensifying international pressure for Namibian decolonisation, and more broadly the growing opposition to the policy of apartheid and the international community's isolation of the South African regime. Hecht writes that 'as international pressure to end the Namibian occupation intensified, the risk emerged that Rössing's precious product might escape South African control'.¹⁸⁰ Growing anti-apartheid sentiments and the calls for Namibian independence thus necessitated the formulation of policy related to the foreign investment and control of uranium production in Namibia. Such policy was deemed to be essential for securing South African interests. These financial and geopolitical gains, combined with an apprehension of British capital, explain the Chairman of the AEB's desire to secure control of uranium resources in Namibia which, once they were brought into production in the 1970s, could potentially be sold at an established market price on the emerging uranium market.

The need to secure control over the Rössing deposits also explains the stringent secrecy imposed by the AEB on RTZ under the pretext of the Atomic Energy Act. The AEB was particularly reluctant to grant RTZ permission to disclose information relating to the Rössing deposits with potential customers, which potential customers the AEB had hoped to secure themselves. RTZ had however, according to Hecht, planned to raise funds from 'international financiers' who required as collateral 'bankable long term contracts' which a state agency could not provide.¹⁸¹ The financial viability of the project not only depended on RTZ's ability to share information with potential investors and customers, but also to arrange site visits for these investors and customers. The AEB's reluctance to allow site visits to Rössing was particularly frustrating for the RTZ team who were unable to fathom how it was that Dr Roux 'found it difficult to understand that customers were not prepared to place contracts until they were satisfied by their own assessment of the project that security and continuity of supply was

¹⁷⁹ Hagart, 'Aspects of the Uranium Industry', 452.

¹⁸⁰ Hecht, *Being Nuclear*, 88.

¹⁸¹ Hecht, *Being Nuclear*, 89. Hecht further writes that 'in 1967, a revised Atomic Energy Act transferred rights to the industry, giving uranium the same status as other minerals. A consortium of mines, the Nuclear Fuels Corporation of South Africa (NUFCOR), was formed to coordinate the uranium output ... and market the product overseas. Although contracts still required government approval [from the AEB], NUFCOR enjoyed great autonomy as the commercial face of South African uranium, generating forecasts, managing production, and negotiating with clients to become the nation's uranium market maker.' The AEB thus required RTZ to negotiate with NUFCOR to secure potential customers, a proposition which RTZ declined. Hecht, *Being Nuclear*, 68.

assured'.¹⁸² These divergent views between the government and the multinational corporation had thus meant that RTZ's role in the exploitation of Namibian uranium could only result from a process of negotiations with the South African state.

In a series of meetings held in April 1968 with representatives of the G.P. Louw Company, and RTZ's representatives of both the Johannesburg and London offices, Dr Roux informed the team that 'the developing company would have to be South African-controlled' and that 'a mining grant would not be considered until the composition of the developing company complied with the conditions of South African control'.¹⁸³ Asked what South African control entailed, Dr. Roux clarified that the developing company would have to be composed of 'a majority of South African directors and control through shareholdings'.¹⁸⁴ This alarmed the RTZ team for whom South African control was interpreted as giving 'something away which had been found through RTZ's efforts and expertise'.¹⁸⁵ The historical record would somewhat disagree with RTZ's contention, for the Rössing deposits had technically been found through the efforts and tenacity of the Louw family and their partners in the G.P. Louw Company. But in their role as agent of the Louw Company, RTZ had expressed the concerns of both parties in relation to the notion of South African control. Their concerns were, however, placated when Dr Roux assured the RTZ team that what the AEB sought was not 'equity control but it could mean some form of control through the issue of preference shares'.¹⁸⁶

After a period of deliberations the RTZ team agreed to 'issue preference shares to the [AEB] which would have special voting rights so that the Board could out-vote and veto any proposal that fell within a list of reserve subjects'.¹⁸⁷ In return for preference shares, RTZ would maintain 'technical, operational and financial management' of the mining venture, as well as the authority to 'dispose of the ordinary share capital of the company'.¹⁸⁸ The quid pro quo resolved the apprehension in the issuing of the mining grant to RTZ by the South African authorities and gave the parties room to deliberate on the precise details of how and through which public entity South African control in the Rössing venture would be achieved. RTZ was yet to establish a company through which its Rössing venture would be operated. It was however clear that once such a company was established, the South African government would

¹⁸² Daniel, *Against All Odds*, 42.

¹⁸³ Daniel, *Against All Odds*, 38.

¹⁸⁴ *Ibid.*

¹⁸⁵ *Ibid.*

¹⁸⁶ *Ibid.*

¹⁸⁷ Daniel, *Against All Odds*, 39.

¹⁸⁸ *Ibid.*

appoint the entity through which it would be a shareholder and a controlling partner in the Rössing venture. It is noteworthy that these deliberations over the control and development of the Rössing mine did not take into consideration the views of the Namibian people. The uranium resources which were to be exploited by a foreign multinational corporation in collusion with the colonial state were after all Namibian.

3.3 The Exploration Partnership: RTZ and Urangesellschaft

In 1968, the RTZ team were still carrying out exploration work on the Rössing deposit. Realising that financing the entire project by themselves ‘would [be] unthinkable’ the RTZ London office entered into talks with Urangesellschaft mbH & Co., a West German company, to jointly carry out the required prospecting work on the Rössing deposit.¹⁸⁹ A joint partnership was seen as a sure means of raising the required loan finances for the project while spreading the financial risk involved in the undertaking. Urangesellschaft was identified as the ideal partner because in the 1960s the government of the Federal Republic of Germany had adopted an energy policy with the objective of deriving 20-25 per cent of its power supplies from atomic energy by 1980.¹⁹⁰ The energy policy, along with the energy industry it produced, was met with the immediate challenge of securing uranium supplies. Notwithstanding the limited supply options of uranium in the 1960s and the 1970s, West Germany’s nuclear power ambitions were confronted with the lack of deposits in its own territory.¹⁹¹ In exploring various options of obtaining uranium supplies, the West German government encouraged the direct participation of German companies in the exploration and mining of uranium deposits by offering an incentive. This incentive was the commitment on the part of the West German government to subsidise 75 per cent of the exploration cost incurred by German companies.¹⁹²

Urangesellschaft MbH was a private company which was constituted in 1967 as a direct result of the West German government’s nuclear energy objective and the incentive provided under

¹⁸⁹ Daniel, *Against All Odds*, 42.

¹⁹⁰ Referred to as West Germany or the West German government, from hereon. Bundesarchiv Koblenz (BAK) B/196/33620 W. Hoffmann, ‘Droht ein zweites Caborra Bassa? Deutsche Firmen erhalten Zugang zu einem der größten Uran-Vorkommen der Welt.’ *Zeit Nr.41*, Freitag, den 9 Oktober 1970, 31.

¹⁹¹ According to the World Nuclear Association, a small uranium mine was operated in West Germany between 1960 and 1989. Much of the produce from this mine was used for research purposes in nuclear research centres in West Germany. <http://www.world-nuclear.org/infromation-library/country-profiles-g-n/germany.aspx>, accessed 17 August 2020.

¹⁹² Hoffmann, ‘Droht ein zweites Caborra Bassa’, 31.

this objective.¹⁹³ Urangesellschaft was incorporated with a share capital vested in a syndicate comprising three German companies.¹⁹⁴ According to Rogers, the West German government ‘has a 40 per cent shareholding in Veba AG, a company which controls Urangesellschaft in a consortium with Metallgesellschaft AG and Steinkohle-Elektrizitäts AG’.¹⁹⁵ Several exploration projects were targeted in the uranium producing regions of Africa, Australia and Canada but with minimal success.¹⁹⁶ The Rössing project was presented to Urangesellschaft as an opportunity for expansion for both companies. What RTZ required from the partnership with Urangesellschaft was essentially the loan finance to conduct exploratory work on the Rössing project. The stated objective of this exploratory work was the production of an evaluation report proving the economic viability of Rössing. For this reason, RTZ’s exploration team, based at the RTMS office in South Africa, compiled reports with estimates of the expenditure for the Rössing project which were made available to Urangesellschaft, through the RTZ headquarters in London.

In September 1969 Urangesellschaft engaged the Bundesministerium für Wissenschaftliche Forschung (Federal Ministry for Scientific Research) for guarantees from the West German government that would enable them to secure the capital for participation in RTZ’s Rössing venture. Urangesellschaft’s application to the Federal Ministry was accompanied by the detailed reports on the Rössing project that were made available by RTZ without the knowledge of the South African authorities. The reports summarised not only the geology and mineralogy of the Rössing deposit but also the estimated expenditure associated with the exploration phase of the project. Urangesellschaft had hoped that a decision on the confirmation of government guarantees from the Federal Ministry would be communicated by November 1969, in order for the company executives to conclude their negotiations with RTZ.¹⁹⁷ What transpired, however, was a series of inter-ministerial discussions, in Bonn, on the political challenges posed specifically by the international status of the territory in which the Rössing project was located. Once the extent of these political challenges was established, the question of Urangesellschaft’s participation in the Rössing project was put before Cabinet.¹⁹⁸ A Cabinet decision was,

¹⁹³ Murray, et.al, *The Role of Foreign Firms*, 91.

¹⁹⁴ *Ibid.*

¹⁹⁵ Rogers, *Namibia’s Uranium*, 3.

¹⁹⁶ In Africa, several projects were explored in countries like Somalia, Tanzania, Ghana and Togo, none of which yielded positive results for the German companies. BAK B/196/33620, Sigurd Illing.

¹⁹⁷ BAK, B/196/33619 Herr Keinlein (Urangesellschaft mbH) to Herr Dr. Schmidt-Küster (Bundesministerium für Wissenschaftliche Forschung), ‘Antrag auf Förderungsmaßnahmen des Bundes im Zusammenhang mit dem Projekt Rössing’, 26 September 1969, 2.

¹⁹⁸ BAK, B/196/33620, Langfristige Uranversorgung der Bundesrepublik Deutschland; hier: Bedeutung des Projektes Rössing, Bonn, den 23 Oktober 1970, 2.

however, set aside to allow the West German government time to observe as international developments at the United Nations, with direct bearing on investments in Namibia, unfolded. These developments included the United Nations Security Council's resolutions on Namibia as well as a request for an advisory opinion from the International Court of Justice (ICJ).

In the meantime RTZ's application to the South African authorities for the establishment of the company through which it would exploit the Rössing deposits was approved. This was confirmed in May 1969 when the Minister of Mines, Dr C. de Wet, announced through a media release that a company would be formed to exploit the uranium deposits in Namibia, which had been under investigation by RTMS for a period of two years.¹⁹⁹ Rössing Uranium Limited (RUL) was established and registered in South Africa in July 1969 as a subsidiary of Rio Tinto Zinc Limited. The press release from the Minister of Mines stated that RTZ were the majority equity holders in Rössing Uranium Limited and would act as the technical, administrative, commercial and financial managers of the mining venture.²⁰⁰ In September 1970, the Minister of Mines issued RTZ's subsidiary, Rössing Uranium Limited, with Mining Grant M.46/4/5.²⁰¹ The mining rights were 'granted in terms of Section 61 of the Mines, Works and Minerals Ordinance, 1968 (Ordinance 20 of 1968 of South West Africa)' which was the controlling mineral legislation of the territory.²⁰² As the operating company and majority equity holder in Rössing Uranium, RTZ would control the day-to-day operations at Rössing Uranium. E.W. Hunt, also known as Mr Palabora for his role in the development of RTZ's Palabora mine, was appointed as the managing director of Rössing Uranium, deputised by M.L. Fitzgerald.²⁰³ John Berning, the Deputy Chief Geologist at RTMS and the man who had been contacted by the Louw Company to interest RTZ in their deposit, was appointed to the position of General Manager, as illustrated below:

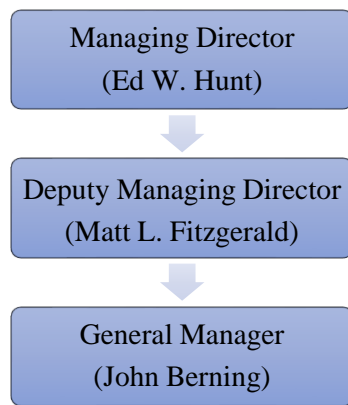
¹⁹⁹ TNA, AB 48/1913 Dr. C. de Wet (Minister of Mines, Planning and Health), S.W. African Uranium Venture. Extract from Mining Journal, 2 May 1969. RTZ obtained the satisfactory assurance of the Minister of Mines, that mining rights would be granted, on the 28th April 1969 and on the 8th May 1969, the option agreement with G.P. Louw was exercised. BAK, B/196/ 33619, 26 September 1969.

²⁰⁰ TNA, AB 48/1913, 2 May 1969.

²⁰¹ Daniel, *Against All Odds*, 42.

²⁰² NARSSA, BAO 3/3760 A12/1/1/3/576/1, Issued by Minister Carel de Wet 25 September 1970.

²⁰³ Daniel, *Against All Odds*. BAK B/196/ 33619, 26 September 1969, 2.



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Figure 3-2: Rössing Uranium's Organization Chart 1970.

Following the establishment of the new company, RTZ and Urangesellschaft concluded an agreement on 26 March 1970.²⁰⁵ Urangesellschaft was evidently confident that they would receive the necessary political backing to participate in the Rössing venture, this despite the fact that the approval of the application for government guarantees was still pending. The agreement between the two entities was described as ‘a package deal covering exploration, feasibility studies, financing and supply of U₃O₈’.²⁰⁶ The Heads of Agreement reveal that Urangesellschaft ‘undertook to provide in excess of 2.5 million dollars in the form of an unsecured loan’.²⁰⁷ German government sources confirm that Urangesellschaft’s participation in Rössing Uranium came at a cost of 6 million DM (Deutsch Mark) which was secured through government funding.²⁰⁸ The unsecured loan was paid out to Rössing Uranium over a period of two years between 1970 and 1971 at DM 3 million per annum. RTZ’s deputy chief executive, Roy Wright, stated that if a conclusion had been reached that the deposits were not worth exploring and a decision was taken not to bring Rössing Uranium into production then Urangesellschaft would have forfeited the ‘unsecured loan’.²⁰⁹

In addition to the above, Urangesellschaft also undertook to broker ‘a proportion of the very substantial loan finance required to bring the mine into operation’.²¹⁰ The proportion of the

²⁰⁴ BAK, B/196/33619, 26 September 1969.

²⁰⁵ Urangesellschaft’s application to the Federal Ministry had requested for the granting of a subsidy of up to 75 per cent of its total expenditure on the Rössing project. BAK, B/196/33619, 26 September 1969, 2.

²⁰⁶ TNA, AB 48/1278, ‘R.W. Wright, Deputy Chairman and Deputy Chief Executive of RTZ in a letter to E.J.S. Clarke, UKAEA,’ 19 January 1973, 1.

²⁰⁷ TNA, AB 48/1278, 19 January 1973, 1.

²⁰⁸ 2.5 million dollars appeared to have been equivalent to 6 million Deutsch Mark. BAK B/196/33620, 23 October 1970, 2.

²⁰⁹ TNA, AB 48/1278, 19 January 1978, 1.

²¹⁰ *Ibid.*

loan finance which Urangesellschaft had hoped to secure through government guarantees, was estimated at 70 million DM (£8 million).²¹¹ Under the Heads of Agreement, Urangesellschaft also committed to purchase 6,000 tonnes of uranium ore from Rössing, with an annual delivery of 750 tonnes between 1976 and 1983.²¹² The Heads of Agreement signed allowed for a flexible date of delivery that started later than the 1st of January 1977 and ended on 31st December 1985, with an option to increase the annual tonnage to an additional 250 tonnes (1,000 tonnes annually).²¹³ The 6,000 tonnes of uranium ore was to be made available to Urangesellschaft at a price cheaper than the world market price.²¹⁴ In return for its undertakings, RTZ offered Urangesellschaft an option to acquire 10 per cent equity in Rössing Uranium. The equity percentage was made available to Urangesellschaft at a price of 11.5 million DM, which option Urangesellschaft was required to exercise by 1972.²¹⁵

Because of the agreement with Urangesellschaft, which the Heads of Agreement described as having been entered into ‘in a spirit of partnership and goodwill’, RTZ was able to produce a feasibility study of the Rössing deposits which proved that the project was indeed viable.²¹⁶ Once the viability of the project was established, Rössing Uranium reimbursed Urangesellschaft’s ‘unsecured loan’ of 6 million DM. The loan, coupled with Urangesellschaft’s 11.5 million DM buy-in into Rössing Uranium, and the potential loan finance of 70 million DM, made the West German entity a valuable partner for RTZ. Urangesellschaft’s undertakings were considered of vital importance to Rössing Uranium, for as Roy Wright noted ‘no other country or customer in the world would have contemplated it ... bearing in mind all the circumstances of Rössing’.²¹⁷ By ‘country’ and ‘customer’, Roy Wright was referring to West Germany and Urangesellschaft and their role in the exploration phase of the Rössing venture.

The ‘circumstances of Rössing’ were, however, contemplated in Bonn, where the West German government’s focus was especially on the ‘political challenges’ posed by the project in relation

²¹¹ BAK, B/196/33620, Uranlagerstätte Rössing, Dr Mohrhauer in a letter to the Bundesminister für wirtschaftliche Zusammenarbeit, 13 May 1971. TNA, AB44/263, ‘Uranium in South-West Africa’, Sophia J. Lambert in a letter to John E. C. Macrae, ‘Uranium in South-West Africa’, 15 October 1970, 1.

²¹² BAK, B/196/33619, Antrag auf Risikobeteiligung des Bundes an unseren Uranabnahmeverträgen mit den Firmen Somair, Niger, und Rössing, Südwestafrika, Urangesellschaft mbH in a letter to Bundesministerium für Bildung Forshung, 27 October 1969, 1.

²¹³ BAK, B/196/33619, Heads of Agreement between Rio Tinto Management Services South Africa, Rössing Mining Company and Urangesellschaft, Draft Part B – Sale of Uranium B.3. Commencement date and quantity, 8.

²¹⁴ Hoffmann, ‘Droht ein zweites Caborra Bassa’, 31.

²¹⁵ BAK B/196/33619, 27 October 1969, 12. BAK B/196/33620, 31 May 1971.

²¹⁶ BAK B/196/33619, 27 October 1969, 12.

²¹⁷ TNA, AB 48/1278, 19 January 1978, 2.

to the international responsibility towards the territory in which the project was located. Prior experience with investments in infrastructural projects on the African continent had led the West German government to approach Urangesellschaft's involvement in Rössing Uranium with caution. This experience stemmed from the West German government's 1969 investments, in partnership with a consortium of British, Portuguese and South African companies, in the Cabora Bassa Hydroelectric Dam.²¹⁸ The Dam which was located in central Mozambique was designed to primarily supply electricity to apartheid South Africa and this generated criticism for the parties involved.²¹⁹ The 1960s had witnessed changing dynamics at the UN as a result of the process of decolonisation witnessed on for instance the African continent. Jochen Prantl writes that 'decolonization resulted in in a significant increase in membership that shifted governance in the General Assembly and the Security Council'.²²⁰ The admission of post-colonial states resulted in the creation of a majority bloc, especially within the UN General Assembly. It is from within this majority bloc that criticism was levelled against German investment in the Cabora Bassa project. The West German government, therefore, anticipated that the international status of Namibia would pose a similar if not greater challenge at the UN.

This was especially in light of UN Security Council resolutions which called on UN member states to disinvest in Namibia (see Chapter 4) and 'to withhold from their nationals or companies of their nationality not under direct governmental control, government loans, credit guarantees and other forms of financial support that would be used to facilitate trade or commerce with Namibia'.²²¹ Security Council resolution 283 (of July 1970) called on UN member states to cease all investment in Namibia and to encourage individuals and companies of their nationality to 'cease all dealings with respect to commercial or industrial enterprises or concessions in Namibia'.²²² Urangesellschaft's request for government guarantees from the West German government, and the incentives provided under the West German government's nuclear energy objectives, fell under the realm of resolution 283. The subsequent advisory opinion of the International Court of Justice (see Chapter 4) also gave further impetus to the

²¹⁸ Hoffmann, 'Droht ein zweites Caborra Bassa', 31.

²¹⁹ *Ibid.*

²²⁰ J. Prantl. *The UN Security Council and Informal Groups of States: Complementing or Competing for Governance?* (Oxford: Oxford Press, 2006), 96.

²²¹ United Nations Security Council Resolution 283 (1970), Namibia, of 29 July 1970. www.digitallibrary.un.org, accessed 17 November 2020.

²²² Security Council, Resolution 283, 3.

West German government's consideration of Urangesellschaft's participation in Rössing Uranium.

In January 1971, the West German government decided to withdraw government guarantees for the application for loan finance submitted by Urangesellschaft. The decision to withdraw support from Urangesellschaft was announced in both the German and English press, with the precise details of what the government guarantees would have amounted to.²²³ The official reason for withdrawing support from the RTZ-Urangesellschaft partnership, according to the West German government, was the availability of alternative supplies of uranium, namely from Australia and Canada. These alternative sources of uranium meant that the West German government did not need to depend on uranium supplies from the Rössing mine.²²⁴ The other, not so official reason cited for the withdrawal of support was the 'political background' associated with the source from which the uranium under the RTZ-Urangesellschaft partnership would have been obtained. Following newspaper reports on the West German government's withdrawal of support from the Rössing project, a British Labour Party parliamentarian noted that 'there is no doubt that the political background was the controversy about South Africa's occupation of Namibia'.²²⁵ This confirmed that what RTZ had described as a 'package deal' had the West German government's approval only in as far as the exploration and feasibility studies were concerned (See section 4.4 of Chapter 4). The millions worth of loan finance, which Urangesellschaft had undertaken to provide, was thus considered a 'political' step too far for Bonn. Political considerations had thus trumped economic and strategic considerations for the West German government.

3.4 Rössing Uranium's South African Partners

In 1969 RTZ established Rössing Uranium Ltd, the subsidiary through which the multinational corporation would develop the Rössing deposits. The South African government had, however, granted prospecting and mining rights to RTZ on condition that the control over Rössing Uranium would be held by a South African entity.²²⁶ The chosen enterprise for South African

²²³ TNA AB 48/1278 The Daily Telegraph, 'Bonn Drops £8m S. African Ore Project', Monday, January 11, 1971.

²²⁴ Rogers, Namibia's Uranium, 3.

²²⁵ Hansard, Uranium Purchases from Namibia, (20 October 1975 HL Deb vol 364 cc1226-34) <https://api.parliament.uk/historic-hansard/lords/1975/oct/20/uranium-purchases-from-namibia>, accessed 08 June 2020.

²²⁶ TNA AB 48/1913, 2 May 1969.

control was the state-owned Industrial Development Corporation of South Africa (IDC). The IDC was established ‘in terms of the Industrial Development Act (No.22 of 1940)’ and it was ‘designed to provide a mechanism for financing the promotion, through private enterprise, of soundly based industrial development’ and to ‘assist in the financing of new industries and industrial undertakings’.²²⁷ Its primary purpose therefore was to assist private initiatives in accessing financing for new or established ventures. The financing capacity of the IDC made it the perfect medium through which South African control and investment in Rössing would be exercised.

The Minister’s announcement was confirmed in May 1971 through a press release issued by RTZ under the heading ‘Rössing Uranium to Develop Open Cast Uranium Mine’.²²⁸ The press release not only announced RTZ’s intention to develop a mining operation in Namibia but it also revealed that the necessary finance to develop the mine would be acquired through the IDC. The West German government’s rebuff of Urangesellschaft’s involvement in Rössing meant that RTZ had required a new partner to help secure the necessary loan finance and shoulder the economic risk involved in the venture. It was then that the partnership between RTZ and the IDC was formalised. As a state-owned enterprise, the IDC not only had the political backing of the South African government but it was also well positioned to take on Urangesellschaft’s commitment to broker a proportion of the loan finance that was required to bring Rössing into production.²²⁹ The IDC was also immune to political pressure from the growing international anti-apartheid movement, unlike the West German government.

²²⁷ G.S.J. Kuschke, ‘South Africa: the basic philosophy on which her economic prosperity has been built’ (Johannesburg: Industrial Development Corporation of South Africa Limited, 1966), 5.

²²⁸ TNA AB 48/1278, Press release: Rössing Uranium to Develop Open Cast Uranium Mine, Rio Tinto-Zinc Corporation Limited Wednesday, 19 May 1971, London.

²²⁹ TNA AB 48/1278, 19 May 1971.



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Figure 3-3: G.S.J. Kuschke, General Manager of the Industrial Development Corporation of South Africa.

The IDC's General Manager, pictured in Figure 3.3 above, was the geologist Siegfried Kuschke who had carried out geological studies on the Rössing deposits for the geological survey of South Africa in 1949 and was therefore well acquainted with the area. Moreover, Daniel writes that 'fortunately Siegfried Kuschke was on good terms with Roy Wright [the Chairman of RTZ] and had a healthy respect for RTZ following the success of Palabora. He was on the Board of Palabora and was anxious that Rössing should also succeed'.²³¹ Kuschke's geological work on the Rössing deposits and the IDC's mandate to contribute to the industrial development of South Africa undoubtedly contributed to the decision to invest in Rössing Uranium. According to Eric Rosenthal, the IDC's role was to 'play its part in the industrial expansion of the Union [of South Africa] to whatever extent it is called upon to do so'.²³² The Rössing mine might not have been located in Union territory but it represented the 'extent' to which the IDC was willing to go for the good of South Africa, after all, the IDC had no geographical limitations to the attainment of its objectives.²³³ The move also represented a good example of how the South African state sought to harness Namibian resources to fuel its own industrial development and to counter the dominance of British capital.

²³⁰ In E Rosenthal, *Industrial Development Corporation of South Africa Limited 1940-1960: The Story of the First Twenty Years*. (Durban: IDC, 1960), 12.

²³¹ The IDC had also invested in RTZ's Palabora Copper mine and therefore had an established relationship with RTZ.

²³² Rosenthal, *Industrial Development Corporation*, 29.

²³³ *Industrial Development Corporation of South Africa. SESA v.6 Cape Town, 1972.*

The loan finance that was furnished to Rössing Uranium by the IDC was worth £30 million and it was channelled to the mine through two main sources.²³⁴ The first lender of finance was Navik (Proprietary) Limited, with whom Rössing Uranium signed a concession agreement in 1971, in which the mine consented to assign rights to Navik as security for the loan finance that would be furnished to the mining venture.²³⁵ Navik was a wholly-owned subsidiary of the IDC.²³⁶ The second source of finance came through a British bank, Schroder Wagg that entered into a financial agreement with the IDC, in 1971, primarily for the exploitation of the Rössing deposits.²³⁷ Schroder Wagg's financial agreement with the IDC came to light when the bank applied for a Line of Credit from the Export Credits Guarantee Department (ECGD), a department of the British government. Schroder Wagg had, prior to the agreement with the IDC, already applied for credit guarantees on exports to South Africa. In 1971 Schroder Wagg sought to get the loan finance provided to the Industrial Development Corporation included in its initial application for credit guarantees on exports to South Africa. Although the application for the Line of Credit was approved in the same year, it only came into effect in April of 1974.²³⁸ Whether or not the delayed approval was influenced by the 1971 advisory opinion of the ICJ or the resolutions of the UN Security Council is not clear.

Whereas RTZ had offered Urangesellschaft 10 per cent equity, the IDC obtained 13.2 per cent equity in Rössing Uranium. Compared to RTZ's 46 per cent share in Rössing, however, the IDC's 13.2 per cent equity seemed substantially smaller. The IDC, nevertheless, held effective control of Rössing Uranium both because voting rights on the Rössing Board were separated from equity through the different categories of shares and because of the South African government, and particularly the Atomic Energy Board's, control over uranium resources in the territory under the Atomic Energy Act.²³⁹ The AEB had especially sought to ensure that they exercised oversight on uranium production in Namibia, so as to uphold South African

²³⁴ Hansard, Uranium Purchases from Namibia, 20 October 1975.

²³⁵ TNA EG 7/139, D.F. Sims (The Legal Adviser, United Kingdom Atomic Energy Authority) in a letter to P.H. Dean (Legal Advisor, RTZ), Uranium Sales Agreements dated 29 April 1968 and 26 March 1970, 1 September 1971.

²³⁶ TNA EG 7/139, B.C.J. Lloyd, (Marketing Manager Rössing Uranium Limited) in a letter to F.A. Ticehurst (UKAEA), Uranium Sales Agreements, 26 August 1971.

²³⁷ TNA EG 7/139V.I. Chapman (Export and Credits Guarantee Department) in a letter to P.M. Foster, (Central and Southern Africa Department Foreign & Commonwealth Office), Namibia: Rössing Uranium Mine, 31 May 1974, 1.

²³⁸ Schroder Wagg had obtained a Line of Credit from the Export Credits Guarantee Department for the export of goods to South Africa in September of 1970. Schroder Wagg later applied for the Line of Credit to be amended to cover a contract involving sales to a company to be set up in 1971 to exploit a uranium deposit in Namibia (Rössing Uranium), which was to be jointly owned by the IDC and by RTZ. This amendment of the Line of Credit was approved by the Department in 1971 and it came into effect in 1974.

²³⁹ Atomic Energy Act of South Africa, 1948 (as amended in Act 90 of 1967).

interest in the territory.²⁴⁰ The IDC's minority holding in the company thus enabled the South African government to exercise a controlling influence in Rössing Uranium, even if production remained the domain of RTZ.²⁴¹ The effect of the loan financing availed through the IDC was thus to give ultimate voting control to South African interests.

Alongside the IDC RTZ also partnered with the South African mining company, the General Mining & Finance Corporation Limited. General Mining's participation in Rössing Uranium was announced through a press release in June 1970 following media speculation that the mining finance house had been lined up to replace Urangesellschaft as RTZ's prospecting partner.²⁴² In the 1950s, General Mining became South Africa's first mining company to produce uranium as a by-product of its gold mine and by the 1960s was South Africa's leading uranium producer accounting for more than a third of the country's uranium output.²⁴³ The corporation's experience with uranium mining and the close links it enjoyed to the ruling Afrikaner power bloc is said to have expedited the granting of equity in Rössing Uranium. A statement by the Chairman of General Mining confirmed their estimated contribution to Rössing Uranium's expenses for the pilot programme as having been R1,100,000 (South African Rand).²⁴⁴ What General Mining paid for the share capital requirements that were in proportion to their 6.8 per cent equity holding in Rössing Uranium was not revealed except that their 'investment could conceivably yield a few more million'.²⁴⁵

General Mining's participation in the Rössing venture was quite significant in that it represented the aspiration of Afrikaner nationalists to match Afrikaner capital with that of British capital in South Africa's mining industry. General Mining was a gold mining company that was purchased by the Federale Mynbou Beperk in 1963.²⁴⁶ The Federale Mynbou Beperk was founded and controlled by two companies. The first was the Federale Volksbeleggings, an industrial and mining investment house founded by the Broederbond which spearheaded Afrikaner investment in major sectors of the South African economy, and the second was SANLAM, the largest Afrikaner insurance company, founded in 1914 to channel Afrikaner

²⁴⁰ Hecht, *Being Nuclear*, 88.

²⁴¹ TNA EG 7/139, Namibia: Uranium Supplies – Revised October 1974, 1.

²⁴² TNA AB 48/1278, Daily Telegraph, 'General Mining forecasts bigger earnings', 27 June 1970. TNA FCO 96/414, The Africa Bureau, 'Rössing Contract' Namibia News, May 1973.

²⁴³ In 1980 General Mining merged with Finance Corporation and the Union Corporation to become General Mining Union Corporation Ltd. (Gencor). Gencor Ltd., Company Profile, History. www.refrenceforbusiness.com/Gencor, accessed 02 November 2020.

²⁴⁴ TNA AB 48/1278, Financial Times 'General Mining and Mining Finance Corporation Limited – Statement by the Chairman Mr. W.W. Coetzer', 23 June 1970.

²⁴⁵ TNA AB 48/1278, 27 June 1970.

²⁴⁶ Lanning and Mueller, *Africa Undermined*, 315.

savings into Afrikaner businesses.²⁴⁷ The acquisition of General Mining by the Federale Mynbou Beperk was, therefore, part of a policy to enable Afrikaner business interests to gain a foothold in South Africa's mining industry, dominated as it was by British capital. General Mining was thus the first major mining company controlled by Afrikaner capital and it would, through its investment in the Rössing project, represent Afrikaner interests in the mining industry of Namibia. General Mining's acquisition of equity in Rössing Uranium further served to entrench South African interest in the Rössing venture.²⁴⁸

3.5 Tax Exemptions and Infrastructural Support for Rössing

Once the South African interests and control in Rössing were secured, the South African government, and its administration in Namibia, presented RTZ with what was described by the local press as 'one of the best deals ever granted by a government to any foreign company'.²⁴⁹ The first part of the deal had to do with the duration of the mineral grant period, which according to the issued mining grant 'shall endure until such time as the minerals which are the subject of this grant and which can be profitably mined have become exhausted...'²⁵⁰ RTZ was permitted to exploit the Rössing deposits 'for a period with no fixed limit,' in other words, the estimated life span of the mine.²⁵¹ The second part of the deal dealt with the rental rate that had to be paid to the Ministry of Mines by Rössing Uranium. The mine had to pay 'a rental calculated at the rate of two Rand per annum per hectare or portion of a hectare contained in the grant area' to the Mining Commissioner in Windhoek 'with effect from the 29th April, 1969'.²⁵² The reduced mining grant area acquired from the Louw Company by RTZ placed the grant area at roughly 2980 ha, bringing the annual rental fee to R5, 960. According to RTZ records, this amount was rounded off to a licence fee of R6, 000 per annum.²⁵³

²⁴⁷ Federale Mynbou Beperk became the second-largest South African mining house through its 51 per cent control of General Mining Union Corp. SANLAM owns 47 per cent of Federale Volksbeleggings and 46 per cent of Federale Mynbou. People for Southern Africa Forum, 'Profile: Southern Africa Forum', June 1982. Available at: <http://kora.matrix.msu.edu/files/50/304/32-130-1E3E-84-psaf%20profile.pdf>, accessed 2 November 2020.

²⁴⁸ TNA AB 48/1278, 23 June 1970.

²⁴⁹ Windhoek Observer, 'Rössing – Blessing or Curse of Exploitation', 8 August 1981, 22.

²⁵⁰ NARSSA BAO 3/3760 A12/1/1/1/3/576/1, Mining Grant M.46/4/5 Granted in Terms of Section 61 of the Mines, Works and Minerals Ordinance 1968 (Ordinance 20 of 1968 of South West Africa).

²⁵¹ TNA AB 48/1913, R.F. Lethbridge, 'Rössing Project – Notes on Contract Position', 20 June 1969.

²⁵² NARSSA BAO 3/3760 A12/1/1/1/3/576/1 Mining Grant M.46/4/5.

²⁵³ TNA AB 48/1913, 20 June 1969.

Lastly, and certainly the most important aspect of this deal was that the South African government exempted Rössing Uranium from paying direct taxes until such a time when RTZ had redeemed its capital investment in the Rössing project.²⁵⁴ This was provided for ‘under the terms of the South African Income Tax Act of 1963’, which allowed companies to ‘write off all their capitalized pre-production expenditures against their taxation liability’.²⁵⁵ RTZ’s capital investment in Rössing Uranium amounted to R350 million which had to be amortised to the multinational corporation before it could pay any taxes to the South African government and its administration in Namibia.²⁵⁶ This presumably explains why RTZ were willing to give the IDC greater voting rights than their equity participation. Newspaper reports from 1981 confirmed that RTZ was yet to redeem its capital investment in Rössing Uranium and had up until that point not paid any taxes to the South African administration.²⁵⁷

This was an extraordinary level of tax exemption, considering that in the 1960s companies operating in Namibia had to pay an annual tax of 30 per cent.²⁵⁸ The annual tax rate that had to be paid by mining companies in Namibia was however comparably lower to that paid by their counterparts in South Africa. Mining companies in South Africa paid taxes which amounted to 42.5 per cent, 12.5 per cent more than their Namibian counterparts.²⁵⁹ There is a possibility that the decision to allow RTZ to first redeem its capital investment in Rössing Uranium, before the payment of taxes could be applied, was applicable to the IDC and the General Mining and Finance Corporation as well. This would ensure that South African interests would themselves have redeemed their capital investment and loan financing toward Rössing Uranium. The tax exemption brought the sum total of revenue accrued from the Rössing mine to the South African administration of the territory to a mere R6, 000 per annum. Calculate this over a period of twenty-four years, from the establishment of Rössing Uranium in 1966 to the granting of independence in 1990, and RTZ would only have paid R144, 000 to the colonial administration. The tax exemption thus not only illustrates of how little the territory benefited from the exploitation of its uranium resources but it also explains the mutually beneficial nature of the deal between RTZ and the South African government.

²⁵⁴ Windhoek Observer, ‘Rössing – Blessing or Curse’, 22.

²⁵⁵ Report of the United Nations Council for Namibia, 16.

²⁵⁶ TNA AB 48/1913, 20 June 1969.

²⁵⁷ Windhoek Observer, ‘Rössing – Blessing or Curse’, 17.

²⁵⁸ Windhoek Observer, ‘Rössing – Blessing or Curse’, 22.

²⁵⁹ *Ibid.*

The Rössing mine, by virtue of its location on ‘State Lands, South of the Swakopmund-Usakos tarred road, near Arandis Siding, in the District of Swakopmund’, also benefited from the provision of state and municipal services, such as the supply of electrical power to the mine site, the extension of rail and road infrastructure to the mine site, as well as the provision of water to the mine ‘all at State’s expense’.²⁶⁰ Spatially, Rössing Uranium’s mine site was located close to the existing transport network as well as the local electrical power supply line. Work on the transport network thus only required the construction of an additional rail and road link from the mine to the Usakos-Swakopmund railway line and road network, which was paid for by the colonial administration. The main infrastructural challenge for Rössing Uranium, arising from its location on the fringes of a desert, was access to water. During the exploration stage of the Rössing project, fresh water was transported by road to the mine site from the town of Swakopmund. Rössing Uranium’s average water needs were, however, exceeded once the actual construction of the mine, and the construction of the main plant under the construction and development stage, commenced. The water was needed for Rössing’s mining and processing operations and this prompted the South African Department of Water Affairs to advertise a tender for the manufacturing and supply of water pipes that would resolve mine’s future water needs. In 1973 the contract for the supply of the water pipes was awarded to an American company, Interspace Inc., and in 1974 the pipes, which drew water from Swakopmund to Rössing, were laid by the Lock Joint Pipe Co. Ltd of Johannesburg, which costs were defrayed through state coffers.²⁶¹ The water supply to the mine was facilitated by the Department of Water Affairs from reservoirs built for the Rössing mine, while the electric power to the mine was supplied by SWAWEK (South West Africa Water and Electricity Corporation).²⁶² This degree of state investment in the physical requirements of the Rössing project was indicative of the importance of Rössing to the South Africa government.

²⁶⁰ NARSSA BAO 3/3760 A12/1/1/3/576/, John Berning, Annexure ‘A’ Special Power of Attorney, 26 August 1975. Windhoek Observer, ‘Rössing – Blessing or Curse’, 22.

²⁶¹ TNA FCO 96/414, May 1973.

²⁶² The South West Africa Water and Electricity Corporation (SWAWEK) was formed on 19 December 1964 as a private and fully affiliated company of the Industrial Development Corporation (IDC) of the Republic of South Africa. <https://www.nampower.com.na/About.aspx>, accessed 8 June 2020.

3.6 Conclusion

Rio Tinto Zinc's exploration of the Rössing deposits commenced almost immediately after the multinational corporation had acquired the exploration concessions from the Louw Company in August 1966. Thereafter RTZ sought to secure first the mining rights to the Rössing deposits from the South African government and secondly the necessary loan finance to commence with the exploration of the Rössing deposits. The 'foreign' status of RTZ, and its representation of British capital, was met with a degree of hostility by South African authorities and particularly the Atomic Energy Board of South Africa. The AEB was particularly hesitant about the granting of exclusive rights to the uranium deposits of Namibia, which the entity felt would be to the disadvantage of the South African government. The hostility was, however, quickly replaced by a close and lucrative relationship between state and firm. The South African government acquired control over the decision-making process within Rössing through a shareholding arrangement that would allow for representation and voting control on the Rössing Board. South African investment in Rössing was channelled through the Industrial Development Corporation of South Africa (IDC) and the General Mining and Finance Corporation. This illustrated the interlocking networks between mining companies and the state in South Africa. These interlocking networks were not only extended to RTZ but were also crucial for the development of Rössing Uranium. This was especially in light of the territory's disputed international status and international campaign to isolate the South African regime. These events informed the West German government's decision to withdraw support for Urangesellschaft's participation in Rössing Uranium and resulted in RTZ's dependence on South African support. In as far as investment in Rössing was concerned, the IDC was more immune to the political considerations which outweighed economic interests in West Germany. Moreover, South African support for the Rössing project was not only limited to the loan financing but it also came in the form of infrastructural projects such as the rail and road network and the provision of water and electrical power to the mine. RTZ, on the other hand, were able to secure the day-to-day operational control over the Rössing project. The partnership also guaranteed a tax exemption which allowed RTZ to regain its capital investment in the Rössing project. In partnering with the South African government, RTZ were thus guaranteed the financial and political support the company needed to get the Rössing project off the ground. South African capital and governmental support was thus important to facilitating Rössing Uranium's presence on the Namibian mining scene.

Chapter 4: The Construction and Development Stage: Rössing vis-à-vis Rio Tinto Zinc's Investment, 1971-1975

4.1 Introduction

Rössing Uranium's exploration stage was brought to a successful conclusion in 1971 and 'after a long programme of geological surveys, drilling and evaluation, it was decided to proceed with the construction of the mine in 1973'.²⁶³ The mine's location in a previously uninhabited area, on the fringes of the Namib Desert, was not without its challenges. The RTZ team was, however, committed to establishing a multifaceted, state of the art, mining venture and it would be:

...much more than a hole in the ground, hewn out of the rock in a remote location. There would be not only a mine but a vast and complex processing plant, maintenance workshops for plants and mine equipment, a means of supplying water and disposing of tailings, an electricity supply with sub-station, administrative offices and computer bureau, clinic, fire-station, railway sidings, training centre, catering facilities, laboratories – and people.²⁶⁴

This required the British multinational corporation to secure the necessary finance to develop this vast and complex venture. Services such as the electrical, rail, road and water connections were secured through the extensive support availed to Rössing by the South African administration (see Chapter 3). RTZ, however, anticipated that there would be considerable challenges associated with this next phase, challenges that required solutions far beyond the support availed by the South African authorities. The financial aspects related to the development of the mining complex were the predominant concern for RTZ. But so too were the diplomatic and political challenges posed by the international status of the territory in which the company intended to establish its operations. Daniel writes that the final decision for developing the mine would rest with RTZ's 'Capital Expenditures Committee in London' and 'their decision would bring in other considerations. For instance was the political situation in Namibia such that it presented an unacceptable risk?'²⁶⁵

²⁶³ The Star's Africa News Service, 'Mine boost for SWA economy', The Star 15 May 1978.

²⁶⁴ Rössing Uranium Limited, *An Introduction to Rössing: the largest uranium mine in the world*. BAP338.274932 INTRO Special Collections, University of Cape Town.

²⁶⁵ Daniel, *Against All Odds*, 48.

The question of Namibian independence became acute in the late 1960s and by the early 1970s the South African administration of the territory had been declared illegal.²⁶⁶ To navigate the risks of developing a mining venture in disputed territory, RTZ adopted a strategy of financing Rössing Uranium through a dual system of equity and long-term sales contracts. This strategy was directed at atomic energy agencies and power utility companies in countries such as Britain, Canada, France, Japan and West Germany. The main argument of Chapter 4 is that by adopting this method of financing RTZ was able to build on the support that had been availed by the South African regime and to align its operations with the national interests of the aforementioned countries. This method of financing secured national and international support for RTZ's operations at Rössing Uranium.

In return RTZ offered its partners privileged access to a secure source of uranium for their nuclear power programmes. This was particularly important in the context of the oil crisis of the early-1970s which 'heightened concerns about the dangers of Western dependence on Third World resources' (see Chapter 4).²⁶⁷ These concerns shaped the energy policies of Western countries as they sought to diversify their energy sources. The expansion of nuclear power programmes was one such response and it required a secure supply of uranium. Privileged access to sources like the Rössing deposits was thus desirable, particularly for British government officials (see Chapter 5) who stressed that 'a nuclear energy programme is impossible without guaranteed supplies of uranium' and it is these supplies that RTZ sought to guarantee.²⁶⁸ The strategy was also essential to providing RTZ a buffer against international calls to disinvest in Namibia, a buffer which RTZ's partners were well placed to maintain. After all, two of RTZ's partners were permanent members of the UN Security Council (Britain and France) and two others served as non-permanent members of the Security Council (Canada and Japan) in the period under study. In addition, companies in the United States (another permanent member of the Security Council) did business with Rössing Uranium.

Chapter 4 begins with an examination of the process of constructing the mine and its accompanying facilities. The opening section also examines the negotiations and collaboration between the Rössing Uranium management and the South African authorities pertaining to the

²⁶⁶ International Court of Justice, Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa). Notwithstanding Security Council Resolution 276 (1970). Press Communiqué. No. 70/7, 6 August 1970 <http://www.icj-cij.org/files/case-related/53/11447.pdf>, accessed 11 April 2018.

²⁶⁷ D. S. Painter, 'Oil and Geopolitics: The Oil Crises of the 1970s and the Cold War.' *Historical Social Research / Historische Sozialforschung*, 2014, Vol. 39, No. 4 (150), Special Issue: The Energy Crises of the 1970s: Anticipations and Reactions in the Industrialized World (2014), pp. 186-208, 187.

²⁶⁸ TNA AB 44/264 G.W. Thynne Department of Energy to E.J.S Clarke, UKAEA 23 May 1974.

provision of housing and other facilities for the mine's workforce. The chapter then moves away from the mine site to RTZ's offices in Johannesburg and London where the strategy of financing is brought into operation in order to secure capital for Rössing Uranium. While remaining in the international arena, the chapter concludes with an examination of the international community's response to the exploitation of the natural resources of Namibia and RTZ's position on the international community's actions.

4.2 Rössing Uranium: Housing and Construction

In 1971, it was decided that the management contract for the detailed engineering and construction of the plant be awarded to 'an international consortium with a proven record in the design of uranium and large tonnage plants'.²⁶⁹ A tender was accordingly advertised and a consortium formed out of a partnership between Western Knapp (USA) and Davy Power Gas (UK) was 'appointed as principal design and construction managers in 1971'.²⁷⁰ The timing of their appointment coincided with the development of the pilot plant operation at Rössing and this granted the American-British consortium the opportunity to fully understand the type of plant that would be required.²⁷¹ According to a Rössing publication, the 'skilled labour, materials and equipment' for the design and construction of the pilot plant 'came mainly from the United States and South Africa'.²⁷² The assistance from South Africa came mainly through the Atomic Energy Board of South Africa (AEB) whose Annual Report of 1971 noted that 'a close association was maintained with all aspects of the work at Rössing and valuable assistance was given in the design and operation of the pilot plant'.²⁷³ The close association between the AEB and Rössing was cemented a year later when the Chairman of Rössing

²⁶⁹ BAK, B/196/33619, 26 September 1969.

²⁷⁰ Rössing Uranium, *Reflecting on 40 years*, 2. The participation of an American company in the construction of the mine's plant operations was the reason for initial speculations that American power utilities had invested in Rössing Uranium. The Power Gas-Western Knapp contract was worth approximately £32 million. TNA AB 44/264 Central and Southern African Department, Annex D – Namibia: Rössing Uranium Mine, 16 April 1974, 1.

²⁷¹ Daniel, *Against All Odds*, 48. Rogers, *Namibia's Uranium*, 5.

²⁷² Rössing Uranium, *Reflecting on 40 years*, 2.

²⁷³ Atomic Energy Board, Republic of South Africa, *Fifteenth Annual Report, 1971* G68ES(ATOM) s.92/35 Special Collections, University of Cape Town

Uranium, Dr. P.E. Rousseau, was appointed to the Atomic Energy Board on 1st March, 1972 and to the AEB's Executive Committee on 23rd June 1972.²⁷⁴

Following the 'successful pilot operations in 1971/1972 testing ore samples and recovery processes, orders for main equipment and contracts for civil work were placed in 1973'.²⁷⁵ While awaiting the deliveries of the equipment and the commencement of civil works, Rössing Uranium constructed a pre-production camp to house the first group of Rössing employees and construction workers. The camp was divided into three campsites, as illustrated by the map in Figure 4.1 below, which were constructed in respect of Whites (also referred to Europeans as in the map), Coloureds (individuals of mixed race) and Blacks (also referred to as Natives or Bantu in certain colonial records). The separation of the campsites along racial lines was in adherence to the policy of segregation under the apartheid regime and would later be adopted in the company's policy of providing permanent housing to its workforce. Separate campsites had meant the construction and provision of separate dining and recreational facilities for the different racial groups that constituted Rössing's workforce.²⁷⁶ The proximity of the sewage ponds to the campsite for the black workers, as compared to that of the white workers, as indicated in Figure 4.1 below, is particularly telling of the racial hierarchy that governed labour relations in the period under study.

²⁷⁴ Dr. P.E. Rousseau replaced Dr. G.S.J. Kuschke (Deceased on 27th July, 1971) as Chairman of Rössing. Dr. Rousseau was later appointed to the Executive Committee of the ABE (appointed on 23rd June, 1972). Atomic Energy Board Republic of South Africa, Sixteenth Annual Report 1972.

²⁷⁵ TNA AB 44/264, 16 April 1974, 1.

²⁷⁶ NARSSA BAO 3/3760 A12/1/1/1/3/S76/1, Annexure B: Applicant's Representations.

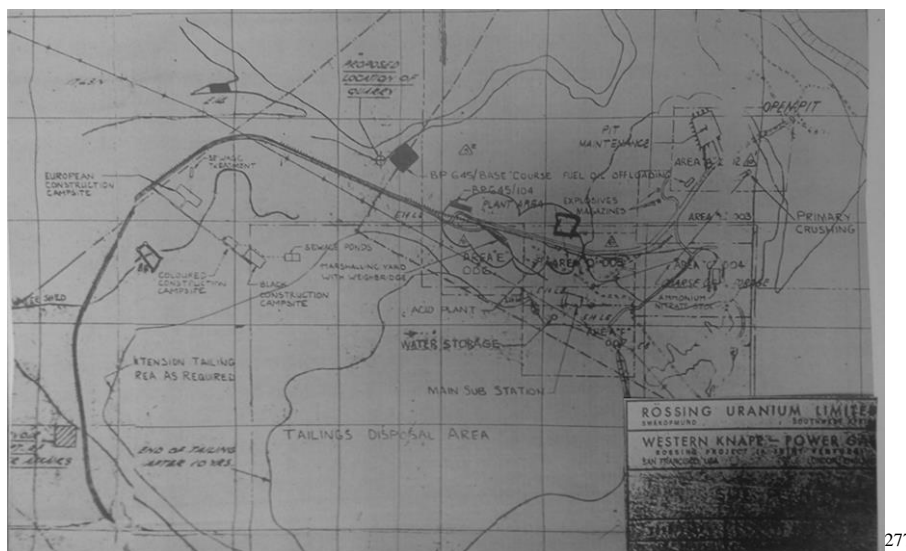


Figure 4-1: Plan of the Rössing Mine, indicating the segregated construction campsites for Black, Coloured and European workers.

The campsites were only a temporary situation purposed for the construction of the mine's operational facilities. On the question of permanent housing, the Rössing management held discussions with the territory's administration in May 1970 'on the question of how and where to provide housing for the future employees of the uranium mine'.²⁷⁸ The result of these discussions was the establishment of 'a committee consisting of representatives of government departments, nearby municipalities [Swakopmund and Usakos] and of Rössing'.²⁷⁹ In February 1971 the committee recommended that the existing town of Swakopmund was suitable for housing some employees, but that a new town should be established near Arandis railway siding in Damaraland, 12 kilometres from the Rössing mine, to house the unskilled and lower levels of semi-skilled employees'.²⁸⁰ By 'some employees' was therefore meant that the skilled 'White' workforce would be housed in Swakopmund, along with the upper levels of semi-skilled (who too were predominantly White, with some Coloured workers and an even smaller number of Black workers). The unskilled 'black' workforce would thus be separately accommodated at the newly established mining town of Arandis, whose proximity to the mine site would later raise concerns over the health of this workforce.²⁸¹ To attract the indigenous

²⁷⁷ Published by the United Nations in *Plunder of Namibian Uranium: Major Findings of the Hearings on Namibian Uranium Held by the United Nations Council for Namibia in July 1980*. (New York: UCN, 1982).

²⁷⁸ National Archives of Namibia (hereafter NAN) JX-0012, C. Algar, 'Arandis: the newest town in the oldest Desert', SWA Annual 1981, 45.

²⁷⁹ NAN JX-0012 Algar, 'Arandis', 45.

²⁸⁰ NAN JX-0012 Algar, 'Arandis', 45.

²⁸¹ See G. Hecht, *Hopes for the Radiated Body: Uranium Miners and Transnational Technopolitics in Namibia*. *The Journal of African History* Vol. 51, No.2 (2010).

Namibian labour, which would constitute the semi-skilled and unskilled workforce, the South African administration distributed calls for work through the district magistrate's offices, demonstrating once again the state's willingness to see Rössing's operations come to fruition.

In 1974, Rössing Uranium awarded a contract to the civil engineering associate company of the Anglo-American Corporation of South Africa for the construction of 234 houses in the town of Swakopmund.²⁸² The houses were constructed in two newly established neighbourhoods. The neighbourhood of Venita was used to accommodate Rössing's White workforce, while Rössing's semi-skilled workforce (composed predominantly of its Coloured workforce, with some Black workers) were accommodated in the neighbourhood of Tamariskia.²⁸³ The provision of housing was especially used to attract the skilled White labour from the mining communities within the southern African region. To provide accommodation to its unskilled workforce RTZ reached an agreement with the South African administration for the construction of the Arandis settlement.

According to the agreement Rössing would construct an initial 600 houses to house both married and single employees and the company would provide electricity, water, sewerage, roads and storm-water drains, along with other services and amenities such as schools, public building and health facilities.²⁸⁴ In return, the South African administration 'undertook to refund the full cost of [Rössing's infrastructural investment] and to pay R3 000 towards the cost of each house. Rössing in turn agreed to pay the additional housing costs, which were in fact also R3 000 per house [each house thus cost R6 000 to construct, a cost which was split in half between the company and the government.]²⁸⁵ The photograph in Figure 4.2 below was taken at the official opening of Arandis Town in June 1979. Officiating on this occasion were Rössing's Managing Director and former Chairman. The picture omits the South African administration's role in the construction of Arandis. The construction of the settlement for the housing of the unskilled and lower levels of semi-skilled workers was however, as the cost distribution indicates, a joint venture between state and company.

²⁸² TNA FCO 96/414, May 1973.

²⁸³ TNA EG 7/216RTZ, Fact Sheet No.2 – Some Aspects of Rössing Uranium, 20 May 1975, 1.

²⁸⁴ NAN JX-0012 Algar, 'Arandis', 46.

²⁸⁵ *Ibid.*

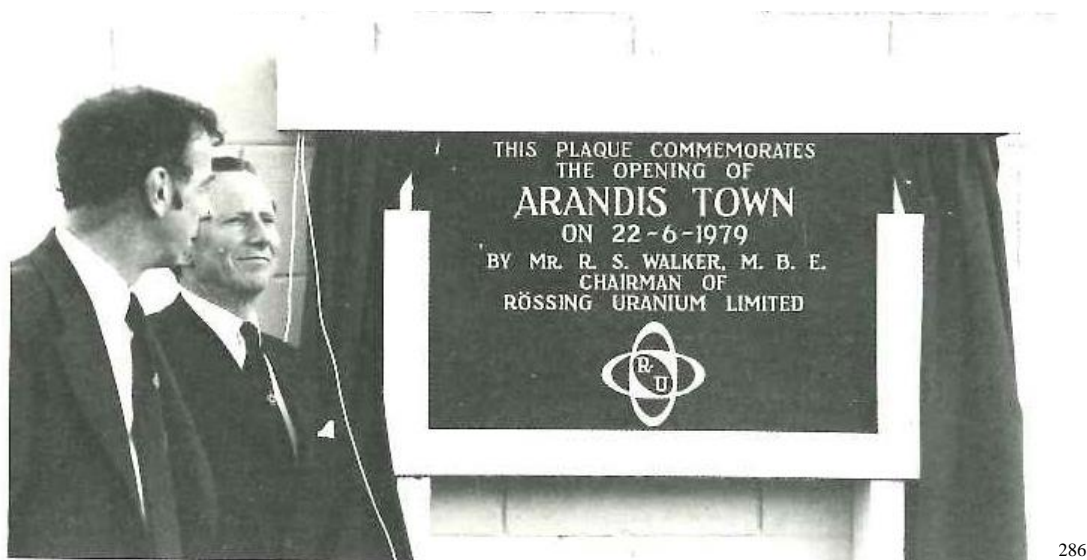


Figure 4-2: Craig Gibson (former Managing Director of Rössing Uranium) and Ronnie Walker (former Chairman of Rössing Uranium) at the opening of Arandis town in 1979.

The final major infrastructural projects embarked on by Rössing Uranium were the extension of the railway line to the mine site and the construction of an airport near the Rössing mine (see Figure 4.3 below). The railway line allowed for the delivery of material required in the construction of the mine and the solvents required in the extraction plant. The airstrip, on the other hand, was constructed to allow Rössing Uranium to operate ‘its own airport and aircraft, in order to make business travel more efficient and, on occasion, for emergency medical flights as a service to the whole community’.²⁸⁷ The airport and aircraft facilitated ease of travel for the Rössing management team, initially from RTZ’s Johannesburg offices, and later from Rössing Uranium’s Head Office in Windhoek. The airstrip was also used to facilitate ease of travel for Rössing’s international visitors and potential investors, who were predominantly officials from Urangesellschaft, the UKAEA, the Foreign and Commonwealth Office, Rio Algom (Canada), Japan, as well the management from RTZ’s London headquarters.²⁸⁸ The details pertaining to these ‘international visitors’ are discussed in further detail in the ensuing sections.

²⁸⁶ Rössing Uranium, *The First Ten Years*, 19.

²⁸⁷ C. Marais. *Rössing: The mine, the flora* illustrations by Christine Marais. (Windhoek: 1987), 42.

²⁸⁸ Rössing Uranium. *Rössing*, 3.



Figure 4-3: Rössing Uranium Mine.

4.3 Foreign Commitments to Rössing Uranium

As with the exploration stage, RTZ decided to pursue a partnership-orientated approach to the development of the Rössing mine. This according to RTZ, was ‘partly because of the enormous costs involved’ which warranted ‘the modern pattern of mining development’ to be ‘based on joint ventures’.²⁹⁰ RTZ’s joint venture approach resembled the pattern of uranium

²⁸⁹ NASA Earth Observatory image by Jesse Allen and Robert Simmon, using EO-1 ALI data, 23 March 2013. <https://earthobservatory.nasa.gov/search?q=Rössing+Uranium>, accessed 11 April 2018.

²⁹⁰ Rössing Uranium, Introduction to Rössing, 2.

specialisation used in the French and South African industries.²⁹¹ According to Guy Martin, in the French and South African models uranium ‘exploration and production are undertaken by a consortium of mining companies, state corporations, and electricity boards from the major capitalist countries with the aim of providing their nuclear-power reactor requirements under long-term supply contracts’.²⁹² A similar pattern was adopted for Rössing Uranium as RTZ had ‘established many of its pit operations as partnerships with other natural resource corporations or with potential customers’, and ‘Rössing was founded on a similar basis.’²⁹³

There were strong commonalities between the international partners of Rössing, the primary one being that they all had a formal relationship with their national governments. These connections were either in the form of state-owned enterprise, as was the case with the UK’s British Nuclear Fuels (BNFL) or through government shareholding, as demonstrated by France’s Total-Compagnie. State participation in these companies had its roots in the oil crisis of the early-1970s. Political events in the Middle East had led to a decision by the Organization of the Petroleum Exporting Countries (OPEC) to limit production volumes in late 1973.²⁹⁴ This resulted in a substantial increase in international oil prices in 1973 and 1974. These events underlined the vulnerability of Western governments to disruptions in their national energy supplies.²⁹⁵ Among the policies that were adopted in response to this vulnerability was the decision to expand the use of nuclear energy and the establishment of entities responsible for purchasing the necessary uranium supplies on behalf of the state. In the case of the oil industry, governments such as that of the UK had been heavily reliant on private enterprise to secure national energy supplies.²⁹⁶ The reliance on private enterprise had left these government’s all the more vulnerable to disruptions in energy supplies. State participation in nuclear power programmes, and in companies such as Rössing’s international partners, was thus viewed ‘as a means through which the Government could take greater control of the nation's energy future’.²⁹⁷

²⁹¹ G. Martin, ‘Uranium: A Case-Study in Franco-African Relations’, *Journal of Modern African Studies*, Dec., 1989, Vol. 27, No.4 pp.624-640, 629.

²⁹² Martin, ‘Uranium: A Case-Study’, 629.

²⁹³ Rössing Uranium, Introduction to Rössing, 2.

²⁹⁴ C. Marx, ‘Failed Solutions to the Energy Crises: Nuclear Power, Coal Conversion, and the Chemical Industry in West Germany since the 1960s.’ *Historical Social Research / Historische Sozialforschung*, 2014, Vol. 39, No. 4 (150), Special Issue: The Energy Crises of the 1970s: Anticipations and Reactions in the Industrialized World (2014), pp. 251-271.

²⁹⁵ J. Kuiken., ‘Caught in Transition: Britain’s Oil Policy in the Face of Impending Crisis.’ *Historical Social Research/Historische Sozialforschung*, 2014, Vol. 39, No. 4 (150), Special Issue: The Energy Crises of the 1970s: Anticipations and Reactions in the Industrialized World (2014), pp. 272-290.

²⁹⁶ Kuiken, Caught in Transition, 279.

²⁹⁷ *Ibid.*

This international context of energy dependency illustrates the importance of a secure energy supply to Western governments. This international context is also vital to our understanding of how economic and strategic interests in Namibian uranium shaped the attitudes of these states towards Namibian independence. In the late 1960s and early 1970s, however, information on Rössing Uranium's partners and customers, along with the mine's operations, were governed under the stringent secrecy mandated by the Atomic Energy Act of South Africa. The Act stipulated that 'no information ... be published or disclosed on the locality, extent, and source material content of ore reserves, on the importance of the production or the price and conditions of acquisition of such material ...'²⁹⁸ Consequently, no official records on Rössing Uranium were released and 'the relative shares of the various interests involved in Rössing Uranium [were] not officially reported'.²⁹⁹

Barbara Rogers, however, argued that although specific information on Rössing Uranium was suppressed 'one thing, however, is known, the raising of the necessary capital was contingent on securing adequate forward purchasing contracts by RTZ'.³⁰⁰ The heading of this section was adopted from Roger's 1975 publication so as to underscore the importance of foreign commitments to the onset of uranium production in Namibia. The need to secure forward purchasing contracts further led Rogers to conclude that 'the responsibility for the opening and financing of the exploitation of Namibia's Rössing deposits rested primarily with the purchaser, notably the [United Kingdom] UK'.³⁰¹ The UK did indeed provide the first major forward purchasing contract but it could not be held solely responsible for the successful establishment and financing of the Rössing Uranium mine. British officials, for instance, noted that 'RTZ have used our contract which is about equal to that which Urangesellschaft have with Rössing but smaller than that which the Japanese have, as one of their main securities for getting the loans on which the contract is based'.³⁰² If the British contract was equivalent to that of West Germany and less than that of Japan then the responsibility for the opening and financing of the mine must rest on all the purchasers including France, Japan, Iran and West Germany.

RTZ also engaged natural resource corporations and atomic energy agencies from the aforementioned countries (including Canada) to acquire a minor percentage of equity participation in Rössing Uranium. The combination of equity and forward purchasing contracts

²⁹⁸ Kawana, 'The Political Economy', 99.

²⁹⁹ Rogers, *Namibia's Uranium*, 4.

³⁰⁰ *Ibid.*

³⁰¹ *Ibid.*

³⁰² TNA AB 48/1278E.S.J Clarke in a letter to T. Ticehurst, Rössing, 2 February 1973.

for the supply of Namibian uranium ensured that parties other than RTZ, and the South African entities discussed in Chapter 3, had vested interests in Namibian uranium. This, as the chapter argues, not only anchored RTZ's operations at the Rössing mine through the provision of financial security but it also provided a buffer against international opposition to its operations in Namibia. An attempt is made to provide greater detail on the foreign commitment to Rössing Uranium in the ensuing subsections, looking at the role of the individual countries in turn and their commitments in terms of equity and forward purchasing contracts.

4.3.1 West Germany: Urangesellschaft

As discussed under section 2.4 of Chapter 2, RTZ entered into an exploration partnership with the West German firm Urangesellschaft in 1969. The intended purpose of the partnership was for Urangesellschaft to secure loan financing for the Rössing venture through government guarantees. When Urangesellschaft failed to secure government guarantees from the West German government, it was supplanted by the Industrial Development Corporation of South Africa and the General Mining and Finance Corporation, whose partnership with RTZ commenced in 1970. It is important to note here that, despite the position of the West German government, Urangesellschaft did not eliminate themselves from participation in Rössing. According to a report of the UN Council for Namibia, 'until 1972, Urangesellschaft did preparatory research with RTZ on Rössing', and 'about 75 per cent of the research costs of Urangesellschaft (DM 6 million out of a total of DM 8 million) was borne by the Government of the Federal Republic of Germany'.³⁰³ The West German government's support for the preparatory research, and for Urangesellschaft's continued participation in the Rössing venture, however, stopped in 1972.³⁰⁴

For its contribution to the exploration stage, RTZ rewarded Urangesellschaft with an option to acquire 10 per cent offtake rights to the annual production at Rössing Uranium. Urangesellschaft privately exercised this option and committed to purchase 6,000 tonnes of uranium from Rössing.³⁰⁵ The 6,000 tonnes of uranium would be delivered annually in 750 ton

³⁰³ Report of the United Nations Council for Namibia. Volume III. General Assembly. Official Records: Thirty-Fifth Session. Supplement No. 24, 1980, 15. <https://www.jstor.org/stable/10.2307/al.sff.document.puun1980006vol3>, accessed 08 June 2021.

³⁰⁴ Report of the United Nations Council for Namibia, 15.

³⁰⁵ BAK B/196/33619, Heads of Agreement, 12.

deliveries between 1976 and 1982.³⁰⁶ For the delivery of the first 5,000 tonnes of its contracted 6,140 tonnes of uranium ore from the Rössing mine Urangesellschaft paid \$7.15 per pound of uranium oxide (U₃O₈ or yellowcake).³⁰⁷ Moreover, RTZ committed to reimburse Urangesellschaft in the event that the uranium market price rose above the agreed price of \$7.15 per pound of yellowcake.³⁰⁸ Additionally, because of the financial security guaranteed to Rössing Uranium through the commitment of countries such as the UK and Japan, Urangesellschaft was able to withdraw from its commitment to broker the loan-finance of 70 million DM which it had hoped to secure through West German government guarantees. Instead Urangesellschaft was only required to raise 11.5 Million DM for its 10 per cent equity in Rössing Uranium, which it managed to privately secure on the financial market.³⁰⁹ It was under these financial conditions that Urangesellschaft's contract with RTZ for the supply of uranium ore to West Germany was viewed as being favourable among government circles in Bonn, from whom much of the support for establishing Urangesellschaft had been obtained. Urangesellschaft was established with the purpose of guaranteeing the supply of uranium for West Germany's existing and planned nuclear power plants. Included among these nuclear energy companies was Veba AG, one of three companies that hold the entire share capital of Urangesellschaft mbH.³¹⁰ The West German government 'holds 40 per cent of the shares of Veba and some 25 per cent of the shares of STEAG are owned by the Gesellschaft für Energie, a majority ownership of which is vested in the Government'.³¹¹ The West German government thus had vested interests in Urangesellschaft and the success of the joint venture between RTZ and Urangesellschaft was thus a favourable for the regime in Bonn. Neither the West German government's role, nor that of Urangesellschaft, in Rössing Uranium was ever officially acknowledged.

³⁰⁶ BAK B/196/33620, 13 May 1971, 2. BAK B/196/33619, Heads of Agreement, 12.

³⁰⁷ BAK B/196/33620 13 May 1971, 2. V. Jabri, *Mediating Conflict: Decision-making and Western Intervention in Namibia*. (Manchester: Manchester University Press, 1990), 56. Triuranium octoxide (U₃O₈) or yellowcake is the natural form supplied by Rössing Uranium.

³⁰⁸ BAK B/196/33620, 13 May 1971, 2.

³⁰⁹ BAK B/196/33620, 13 May 1971, 3.

³¹⁰ 'Control of Urangesellschaft [was] vested in a syndicate comprising Metallgesellschaft (33 per cent), Steinkohlen-Elektrizitäts AG (STEAG) (33 per cent) and Veba AG (33 per cent)'. Report of the United Nations Council for Namibia, 15.

³¹¹ Report of the United Nations Council for Namibia, 15.

4.3.2 Britain: United Kingdom Atomic Energy Agency

The United Kingdom Atomic Energy Agency (UKAEA), and consequently the British Nuclear Fuels Limited (BNFL), was among the first foreign entities to commit to Rössing Uranium's production. The UKAEA signed a sales contract with RTZ in April 1968, details of which only revealed to the British public following the elections in 1970.³¹² Hecht writes that despite the fact that the contract was being signed at such an early stage in the Rössing project (signed in 1968 even before the exploration stage had been completed), the UKAEA was particularly keen to conclude the negotiations with RTZ for uranium supplies from Namibia. This was because RTZ's status as a British company meant that Rössing Uranium 'was as close as the UK would come to controlling its own uranium supply'.³¹³ The agreement between RTZ and the UKAEA was approved by the then Minister of Technology, Anthony Wedgewood Benn, who confirmed the British government's support for the acquisition of uranium supplies from the British-owned mining company.³¹⁴ Under the agreement the UKAEA committed to a forward purchasing contract for the supply of 6,000 tonnes of uranium ore from the Rössing mine. RTZ is said to have required this particular substantial long-term contract in order to convince investors of the future demand for Rössing's uranium deposits. According to Hecht, RTZ's subsequent contract with Urangesellschaft failed to push Rössing Uranium 'past the threshold of profitability, so UKAEA officials, eager to ensure the mine's viability, happily filled the gap with a second contract for 1,500 tons'.³¹⁵ The second contract was signed in 1970 and it brought Britain's total commitment to 7,500 tons. These contracts were used by RTZ as collateral for its international financiers and it is as a direct result of these contracts (as well as the agreements with West Germany) that RTZ was able to ensure the financial viability of Rössing Uranium.

Like West Germany, Britain had no domestic uranium supplies of its own. Securing preferential access to uranium supplies from Rössing was thus of utmost importance for both countries. To this end there appeared to have been some competition between the British and West German officials in ensuring security of supply from the Rössing mine. When the negotiations for the contract with Urangesellschaft began Roy Wright of RTZ wrote a letter to

³¹² The UKAEA-Riofinex agreement was signed on the 29th April 1968. TNA AB 48/1278 UKAEA Assignment of Uranium – Sales Agreement.

³¹³ Hecht, *Being Nuclear*, 97.

³¹⁴ J. Adams, Tony Benn: A Biography (London: Bitebeck Publishing, 2011), 24.

³¹⁵ Hecht, *Being Nuclear*, 97. Also see O. Ogunbadejo, *The International Politics of Africa's Strategic Minerals*. (London: Bloomsbury Academic, 2016).

John Clarke of the UKAEA to inform him that RTZ would soon be entering into talks with potential German customers.³¹⁶ In the letter, Wright felt the need to assure the UKAEA official that ‘while there will undoubtedly be different factors that would have to be taken into account the overall deal will not be more favourable to the Germans than the one you have concluded with us’.³¹⁷ Despite Wright’s assurances, however, Clarke still felt that the terms of sale under the Urangesellschaft deal would undoubtedly be better than the terms put before the UKAEA, and this was because Urangesellschaft had been closely associated with Rössing Uranium’s exploration stage.³¹⁸ His conclusions were not entirely imprecise as the UKAEA paid a slightly higher price (\$8 per pound of yellowcake) for uranium supplies from Rössing Uranium compared to Urangesellschaft (\$7.15 per pound of yellowcake).³¹⁹ The uranium supplies to Britain were scheduled for delivery commencing in 1976.³²⁰

4.3.3 Japan: Kansai Electric

In 1970, RTZ secured a further forward purchasing contract (with no equity participation) with Japan’s second largest electric power company, the Kansai Electric Power Company. According to Jun Morikawa, Japan turned to nuclear power during the period of rapid post-war growth.³²¹ The acceleration in Japan’s nuclear power programme was, however, spurred on by the oil shock of the 1970s.³²² This acceleration resulted in African countries like Namibia, Niger and South Africa being listed among Japan’s important suppliers of uranium.³²³ RTZ’s contract with Kansai Electric was for the supply of 8,200 tonnes of uranium ore (2,200 tonnes more than Urangesellschaft and 700 tonnes more than the UKAEA). Under the agreement, Kansai Electric paid \$7 per pound of yellowcake (\$1 cheaper than the UKAEA, \$0.15 cheaper than Urangesellschaft).³²⁴ The uranium supplies were scheduled for delivery between 1976 and

³¹⁶ Roy W. Wright was the Deputy Chairman and Deputy Chief Executive of Rio Tinto Zinc.

³¹⁷ TNA AB 48/1912, ‘Roy W. Wright (RTZ) in a letter to E.J.S. Clarke (UKAEA),’ 9 March 1968.

³¹⁸ TNA AB 44/264, E.J.S. Clarke CEGB/BNFL/ABA Meeting on U3O8 – Rössing Contract. Paper No. 1/73 23 March 1973 Annex I Main Features of Rössing Contract, 2.

³¹⁹ BAK B/196/33620, 13 May 1971. Jabri, *Mediating Conflict*, 56.

³²⁰ Kawana, ‘The Political Economy’, 152.

³²¹ Morikawa, *Japan and Africa*, 13.

³²² *Ibid.*

³²³ *Ibid.*

³²⁴ BAK B/196/33620, 13 May 1971.

1986 with amounts varying from 500 tonnes in 1977, 600 tonnes in 1979 and 1980 and 1,000 tonnes annually between 1981 and 1986.³²⁵

Japan is said to have initially ‘contracted for ... uranium from South Africa, but then when the Namibian Rössing Mine started production, Japan shifted from its South African contract to Namibia’.³²⁶ Uranium supplies from South Africa would likely have meant that RTZ would secure these supplies from its Palabora mine, a copper mine which produced uranium as a by-product. The switch from South African to Namibian uranium was not without its problems for the Japanese government, however, as ‘Japan ... nurse[d] ambitions of entering the club of the world’s politically powerful states’.³²⁷ Japan had presented its candidature for a non-permanent seat on the United Nations Security Council in the period 1971 to 1972. Revelation of the existence of a contract with Rössing Uranium would have been detrimental to Japan’s attempts to secure ‘the large mass of UN votes controlled by Black African states’, especially in a period when the Security Council had passed Resolution 283 (1970) of 29 July 1970, in which all States were requested to refrain from any relations which implied recognition of the authority of South Africa over Namibia.³²⁸

Consequently, in September 1970, Kansai Electric requested RTZ not to disclose the existence of the contract, which was concluded through an RTZ sales subsidiary based in Zug, Switzerland.³²⁹ RTZ gladly obliged Japan’s request for secrecy, a secrecy made possible by the strategic importance of uranium and a trade that enjoyed a higher level of secrecy than other forms of economic activity. RTZ considered the contract with Japan of vital importance to Rössing Uranium’s future operations and this justified its decision to keep the Japan contract a secret. The strategic importance of uranium combined with the value of the contract was thus used as a convenient excuse to hide the fact that Japan was doing business in Namibia. Despite the attempts to keep the contract a secret, Japan’s commitment to purchasing Namibian uranium was revealed to the British government, with whom the RTZ management in London maintained close links.³³⁰ RTZ did not, however, reveal the precise details of the Japan

³²⁵ Yoko, ‘Japan’s Namibian Connection’, 34.

³²⁶ United Nations Centre on Transnational Corporations, ‘Transnational Corporations in South Africa and Namibia: United Nations Public Hearings.’ Vol. II Verbatim Records. (New York: United Nations, 1986), 253.

³²⁷ Morikawa, Japan and Africa, 15.

³²⁸ The Resolution also called ‘upon all States to ensure that companies and other commercial and industrial enterprises owned by, or under the direct control of, the State cease all dealings with respect to commercial or industrial enterprises or concessions in Namibia.’ United Nations Security Council Resolution 283 (1970), 3.

³²⁹ Morikawa, Japan and Africa, 15. Taskforce on The Churches, Canada and Namibian Uranium, 39. Also see Hecht, *Being Nuclear*, 100.

³³⁰ Hecht, *Being Nuclear*, 86.

contract, most especially those pertaining to pricing. As with Urangesellschaft, British authorities considered Japan a competitor in the supply of uranium ore from the Rössing mine, especially because they were aware that the quantities under the Japanese contract exceeded those of the UKAEA.³³¹

4.3.4 France: Total-Compagnie Française des Pétroles

Total Compagnie Minière et Nucléaire, a wholly-owned subsidiary of Total-Compagnie Française des Pétroles (Total-CFP), also acquired equity in Rössing Uranium in 1970 through a subsidiary, Minatome, S.A.³³² News of Total-CFP's participation in Rössing Uranium only, however, came in 1973 when media outlets such as the Financial Times reported on the French partnership with RTZ.³³³ Total-CFP is a French conglomerate in which the French government 'controls 35 per cent of the share capital ... 40 per cent of the voting rights ... and possesses a right of veto over decisions by the company's management'.³³⁴ As with Japan and West Germany, the French government embarked upon the establishment of a nuclear power programme in the post-war period.³³⁵ Unlike Britain and West Germany, France had uranium deposits within its geographic territory. According to Guy Martin, however, the uranium deposits in France were generally small, and of relatively low grade, and could thus not meet the needs of the French nuclear power programme.³³⁶ In order to meet the needs of the expansionary nuclear programme in France, French mining companies, like Total-CFP, embarked on overseas ventures with the aim of mitigating France's heavy reliance on imported uranium.³³⁷ The French government, for instance, sourced uranium from its former colony Niger, and kept tight control over Niger as a result.³³⁸ The expansion of French companies, like Total-CFP, into uranium production was thus also aimed at 'securing a privileged position as a global player in the uranium market'.³³⁹

³³¹ TNA FCO 96/414 Uranium Supplies from Namibia, M.J. Wilmschurst (Energy Department) to Mr. Garside and Mr Clements, 24 January 1975.

³³² Report of the United Nations Council for Namibia, Vol. III, 74.

³³³ TNA AB/1278 Total in RTZ Uranium Play, Financial Times, Tuesday June 26, 1973.

³³⁴ Report of the United Nations Council for Namibia, Vol. III, 74. O. Ogunbadejo, *The International Politics*, 65.

³³⁵ G. Hecht, *Political Designs: Nuclear Reactors and National Policy in Post-war France. Technology and Culture* vol. 35, No.4 (Oct., 1994), pp.657-685. <https://www.jstor.org>, accessed 05 April 2021.

³³⁶ Martin, 'Uranium: A Case-Study'.

³³⁷ Martin, 'Uranium: A Case-Study', 629.

³³⁸ Martin, 'Uranium: A Case-Study', 630.

³³⁹ Hecht, *Being Nuclear*, 119.

Total-CFP expanded its uranium mining activities into South Africa through its subsidiary Minatome S.A., a company that was established specifically to produce and market uranium.³⁴⁰ Total-CFP held a 50 per cent interest in Minatome with the remaining 50 per cent owned by Pechiney-Ugine Kuhlmann.³⁴¹ Total-CFP's investment in uranium mining activities was extended to Namibia following its acquisition of equity in Rössing Uranium.³⁴² The company obtained a 10 per cent equity share in Rössing Uranium through its subsidiary Minatome S.A. According to Peter Daniel, Total-CFP's equity participation in Rössing came at a cost of £3.8 million, and additional loan of \$10 million was also availed to Rössing.³⁴³ The agreement included a long-term sales contract through which Total-CFP undertook to purchase uranium from the Rössing mine 'with a reduction in the price as a means by which the loan [to Rössing] would be repaid'.³⁴⁴ Throughout the 1970s, and well into the 1980s, references to the total tonnage of uranium under the RTZ-Total-CFP agreement was only recorded as having been 'a substantial amount of all French uranium imports' with no mention of the exact amount.³⁴⁵ This was because the French government, unlike the British government, refused to disclose any information about its contract with Rössing Uranium.

According to Martin, however, the French government was 'one of the beneficiaries of profitable long-term uranium supply contracts' with Rössing Uranium, 'since Total-CFP [was] entitled to 15,000 tonnes of uranium oxide from 1977 to 1990'.³⁴⁶ Martin goes on to say that COMURHEX, a state owned entity and a subsidiary of Pechiney-Ugine-Kuhlmann, was the main beneficiary of this contract, receiving 11,000 tonnes of the 15,000 tonnes contracted for by Total-CFP during the same period.³⁴⁷ Uranium supplies contracted for by Total-CFP exceeded by far those under the Kansai (8,200), UKAEA (7,500) and Urangesellschaft (6,000) agreements. Uranium supplies to France were thus rightly recorded as having been 'substantial'.³⁴⁸

³⁴⁰ United Nations Council for Namibia, Reference Book on Major Transnational Corporations Operating in Namibia, (New York, 1985), 70.

³⁴¹ Report of the United Nations Council for Namibia, Vol. III, 74.

³⁴² TNA AB/1278 Rössing Uranium gets partner and sales deal, E/MJ, August 1973.

³⁴³ Daniel, *Against All Odds*, 67.

³⁴⁴ Daniel, *Against All Odds*, 67. TNA EG 7/139 R. Murray, S.W. African Uranium - A new dilemma for Labour, 1974. Also see Rogers, *Namibia's Uranium*, 3.

³⁴⁵ United Nations Council for Namibia, Reference Book, 70. Ogunbadejo, *The International Politics*, 65.

³⁴⁶ Martin, 'Uranium: A Case-Study', 632.

³⁴⁷ Martin, 'Uranium: A Case-Study', 632. The abbreviation COMURHEX stands for CONversion MÉtal URanium HEXafluorure, or Uranium Hexafluoride Metal Conversion.

³⁴⁸ United Nations Council for Namibia, Reference Book, 70.

4.3.5 Canada: Rio Algom

In 1974 Rio Algom Limited, a Canadian natural resource corporation, was the next to sign a partnership agreement with RTZ. Canada, and indeed the Rio Algom mine, is a major uranium producer, so unlike Britain, France and West Germany, ‘Canadian involvement in Namibian uranium [was] not related to security of supply’.³⁴⁹ The Rio Algom mine is a subsidiary of RTZ, which holds 52.8 per cent share in Rio Algom, and the mine is credited for having launched RTZ’s expansion into uranium mining, including into other parts of the world, such as Namibia.³⁵⁰ In 1968, Rio Algom was availed with an option to acquire equity in Rössing Uranium. This happened during RTZ’s negotiations with the UKAEA, for the supply of Namibian uranium. It was agreed that in the event that RTZ was unable to bring Rössing Uranium to production then the uranium supplies under the UKAEA contract would be obtained from the Rio Algom mine. Rio Algom’s back-up role was revealed in an information circular issued by the company in December 1968 which indicated that in the event that RTZ was unable to fulfil its obligations under the contract with the UKAEA, Rio Algom would ‘deliver 1,000,000 lbs of U₃O₈ per year during the period 1974 to 1981 inclusive, in the place and stead of Riofinex [Rio Tinto Finance & Exploration Limited] and on substantially the same terms.’³⁵¹ This was further confirmed by an official of RTZ who wrote that because Rössing Uranium was ‘at that time, in the proving-up stage it was necessary to provide some security of supply to the UKAEA and a back-up arrangement was made by RTZ with Rio Algom Mines...’³⁵² The understanding was that the back-up arrangement would fall away once the economic viability of Rössing Uranium was established.

The key incentive for Rio Algom’s consensus in the ‘stand-by arrangement’ was that the company would be ‘entitled as consideration for its undertaking to subscribe to 10 per cent of the total equity share capital issued by any mining company promoted by the Rio Tinto-Zinc Group of Companies to exploit a uranium prospect in a specified area of Africa...’³⁵³ Although the 1968 circular did not make direct reference to Rössing Uranium, the reference to ‘a uranium

³⁴⁹ Taskforce on the Churches, Canada and Namibian Uranium, 36.

³⁵⁰ N. Moss, *The Politics of Uranium*. (London: Andre Deutsch, 1981). Norman Moss writes that Rio Tinto Zinc bought out the Joubin-Hirschorn interest at Elliot Lake and set up Rio Algom which resulted in RTZ’s expansion from a medium-sized British company to the biggest multinational mining company in the world, 107.

³⁵¹ TNA AB 48/1913 A.F. Lowell (RTZ London) in a letter to E.J.S. Clarke (Principle Officer, Finance and Supplies, UKAEA), 12 March 1969.

³⁵² Bodleian Library MSS AAM 1127 D.A. Streatfield (RTZ Company Secretary) in a letter to Alun Roberts (Anti-Apartheid Movement), 10 June 1976.

³⁵³ TNA AB 48/1913 A.F. Lowell (RTZ London) in a letter to E.J.S. Clarke (Principal Officer, Finance and Supplies, UKAEA) 12 March 1969.

prospect discovered by Riofinex in Africa' coupled with Rio Algom's acquisition of 10 per cent equity in Rössing Uranium, confirmed that the Riofinex find was indeed Namibian uranium.³⁵⁴ Moreover, Rio Algom's acquisition of equity in Rössing Uranium was accompanied by a loan of US\$ 7.5 million availed to Rössing in July 1977.³⁵⁵ The loan from Rio Algom amounted to a two-thirds loans of Rössing Uranium's overall debt, and once it was paid off, RTZ was able to reacquire the 10 per cent equity it had forfeited to its subsidiary, Rio Algom.³⁵⁶ Canadian involvement in Rössing Uranium thus had to do with interlocking corporate interests rather than governmental level interests.

4.3.6 Iran: National Iranian Oil Company

The National Iranian Oil Company (NIOC) was Rössing Uranium's most peculiar partner in that the Iranian participation was orchestrated by the South African regime and not by RTZ.³⁵⁷ South African-Iranian relations began with the abdication and forced exile of Reza Shah Pahlavi, who served as Shah of Iran between 1925 and 1941.³⁵⁸ The Shah and his family were exiled initially to Mauritius and later to South Africa following the Anglo-Soviet invasion of Iran in 1941.³⁵⁹ The Shah died in Johannesburg in 1944, and this created an emotional tie to South Africa for his descendants. The establishment of formal diplomatic and trade relations with Iran, however, only commenced in 1969 when an agreement was reached between NIOC, the South African Oil and Gas Corporation (Sasol) and the French company Elf Aquitaine (renamed Total), for the construction of an oil refinery in South Africa.³⁶⁰ Iran undertook to provide crude oil to South Africa once the refinery became operational.

The increase in international opposition to South Africa's policy of apartheid at home and in Namibia was accompanied by calls for economic sanctions and an oil embargo against South Africa.³⁶¹ South Africa's vast natural resources did not include crude oil, so it was felt that an

³⁵⁴ TNA AB 48/1913, 12 March 1969.

³⁵⁵ United Nations Council for Namibia, Reference Book, 103.

³⁵⁶ *Ibid.*

³⁵⁷ TNA FCO 45/2168 Namibian Uranium and Iran [II], H.M.S. Reid (Central and Southern Africa Dept. FCO) in a letter to H.D.A.C. (David) Miers (British Embassy Tehran), 25 November 1977, 1.

³⁵⁸ Chehabi, 'South Africa and Iran', 687.

³⁵⁹ Chehabi, 'South Africa and Iran', 688.

³⁶⁰ Chehabi, 'South Africa and Iran', 689.

³⁶¹ United Nations General Assembly Resolution 33/183 (24 January 1979) Policies of Apartheid of the Government of South Africa. E: Oil Embargo Against South Africa [file:///C:/Users/EN%20Ndahangwapo/Downloads/A_RES_33_183\[E\]-EN.pdf](file:///C:/Users/EN%20Ndahangwapo/Downloads/A_RES_33_183[E]-EN.pdf), accessed 3 February 2021.

oil embargo would be an effective measure against the apartheid regime. At the UN, according to Chehabi, ‘an oil embargo was mooted, making friendly ties with a major oil producer like Iran desirable’.³⁶² Furthermore, in 1973, the Organization of Arab Petroleum Exporting Countries called for a complete Arab oil embargo of South Africa.³⁶³ But, as Neta Crawford notes, ‘Iran which already had a close relationship with South Africa, immediately stepped up its oil exports to South Africa in 1973, and though all other Organization of Petroleum Exporting Countries (OPEC) members proclaimed an embargo in 1977, Iranian oil continued to flow’.³⁶⁴ The result was that ‘Iran provided 90 per cent of South Africa’s crude oil imports,’ between 1974 and 1978.³⁶⁵

In 1974 the Iran-South Africa trade relationship was extended to the field of nuclear power. As part of the late Shah’s grand design to transform his country, the Iranian government had embarked upon the construction of a nuclear power station for which future supplies of uranium had to be secured.³⁶⁶ In 1974, the Iranian government established the Atomic Energy Organisation of Iran, through which Iran’s nuclear energy ambitions would be governed.³⁶⁷ The following year, in 1975, Iran acquired 15 per cent equity in Rössing Uranium at an amount of US\$33 million.³⁶⁸ It was understood at the time that the South African government had encouraged the investment in Rössing Uranium in order to commit the Iranian government ‘to a measure of dependence on South Africa for their uranium supplies and thus to provide a counterbalance to South Africa’s dependence on Iran for oil’.³⁶⁹ Dependence on South Africa for Namibian uranium and a 15 per cent equity investment in Rössing Uranium was, however, nothing compared to South Africa’s dependence on Iranian oil, for as an official of the Foreign and Commonwealth Office noted, South Africa had to pay a far higher price.³⁷⁰

³⁶² Chehabi, ‘South Africa and Iran’, 689.

³⁶³ N.C. Crawford, ‘Oil Sanctions Against Apartheid’. In: N.C. Crawford and A. Klotz (eds.), *How Sanctions Work*. International Political Economy Series (London: Palgrave Macmillan, 1999), 104. https://doi.org/10.1057/9781403915917_5, accessed 05 June 2021.

³⁶⁴ Crawford, ‘Oil Sanctions Against Apartheid’, 104.

³⁶⁵ Chehabi, ‘South Africa and Iran’, 690. Charles M. Becker, the Impact of Sanctions on South Africa and Its Periphery. *Africa Studies Review* Vo. 31, No.2 (Sep. 1988) pp.61-88, 63.

³⁶⁶ Kawana, ‘The Political Economy’, 153.

³⁶⁷ TNA FCO 45/2168 Namibian Uranium and Iran [I], H.D.A.C. (David) Miers (British Embassy Tehran) in a letter to H.M.S. Reid (Central and Southern Africa Dept. FCO), 20 December 1977, 1. (Miers wrote in response to the letter written by Reid, TNA FCO 45/2168 25 November 1977).

³⁶⁸ Daniel, *Against All Odds*, 86.

³⁶⁹ TNA FCO 45/2168 Namibian Uranium and Iran [III], Frances Vale to H.M.S. Reid in H.M.S. Reid (Central & Southern Africa Dept. FCO) in a letter to H.D.A.C. (David) Miers (British Embassy Tehran), 25 November 1977, 1.

³⁷⁰ TNA FCO 45/2168 Rössing and Iran, H.M.S. Reid (Central & Southern African Department) in letter Mr. Lucas (Middle and Eastern Department), 4 November 1977.

Under the 1975 equity and sales agreement, Iran would receive 8,000 tonnes of uranium ore from Rössing Uranium, which ore was estimated to have been worth about £200 million.³⁷¹ This made Iran the fourth largest purchaser of Namibian uranium after France, Japan and Britain. Iran's participation in Rössing Uranium was confirmed to British government officials by the public relations adviser to RTZ, but when news of this secret investment had surfaced, the Iranian government had been very quick to deny it.³⁷² This was because of the strategy that the Iranian government had adopted in its diplomatic relations with apartheid South Africa which sought to 'defer to world public opinion on the issue of apartheid while maintaining high-level contacts with South Africa'.³⁷³ The investment could hardly have been kept a secret because it resulted in Iranian representation on the Board of Rössing Uranium.³⁷⁴

Formal diplomatic relations between Iran and South Africa, however, ended with the Iranian Revolution of 1978-1979 when the Shah was deposed and the previous pro-Western (and pro-South African) orientation was brought to an end by Ayatollah Ruhollah Khomeini's administration, established in February 1979.³⁷⁵ Iran also discontinued oil supplies to apartheid South Africa despite high level attempts by the South African government 'to keep Iranian oil flowing'.³⁷⁶ In return, the South African government reportedly attempted to buy out the Iranian stake in Rössing Uranium, but the offer had been declined by the Khomeini administration.³⁷⁷ The change in government had, however, complicated uranium deliveries from Rössing to NIOC.³⁷⁸ The Iranian government's shareholding in Rössing Uranium was later transferred to the Iranian Foreign Investment Company (IFIC).³⁷⁹ Contemporary reports on Rössing Uranium's shareholders confirm the IFIC's continued shareholding in the

³⁷¹ International Institute of Social History (hereafter IISH) ARCH02466 M. Bailey and S. Bhatia, Namibia uranium may fuel Iran's A-bomb. *Observer* (London), Sunday, 17 May 1987, (Werk Group Kairos).

³⁷² TNA FCO 45/2168, Namibian Uranium and Iran [II], 1. (The information on Iran's investment in Rössing Uranium had been passed on to the FCO by Miss Frances Vale, the Political and Public Relations Adviser to RTZ)

³⁷³ Chehabi, 'South Africa and Iran', 692.

³⁷⁴ IISH, ARCH02466, 17 May 1987. The two Iranian representatives were Ghafour Mohseni and Rahbari Kharazi.

³⁷⁵ The Editors of Encyclopaedia Britannica, Ruhollah Khomeini, *Encyclopædia Britannica*, January 02, 2019 <https://www.britannica.com/biography/Ruhollah-Khomeini>, accessed 30 January 2019.

³⁷⁶ 'As late as October 1978, while revolutionary fervour was reaching a peak, the South African foreign minister, Pik Botha, went to Iran in an attempt to keep Iranian oil flowing.' Chehabi, 'South Africa and Iran', 695.

³⁷⁷ IISH, ARCH02466, 17 May 1987. Ayatollah Khomeini (1900-1989) http://www.bbc.co.uk/history/historic_figures/khomeini_ayatollah.shtml, accessed 07 August 2018

³⁷⁸ This was mainly due to the establishment of the Islamic Republic, which replaced the Imperial Government of Iran, during whose reign there was slow down in Iran's nuclear programmes. Later restrictions on uranium deliveries came through the UN Resolutions targeting Iran's nuclear and ballistic missile programmes.

³⁷⁹ D. F. Briggs. Exposing the Myth: Resolution Copper's Connection with the Islamic Republic of Iran. *Arizona Daily Independent News Network* 29 June 2015 <https://arizonadailyindependent.com/2015/06/29>, accessed 19 November 2020.

company, to the present day, with Iran described as ‘a passive legacy investor in Rössing Uranium’.³⁸⁰

Iran’s financial agreement with RTZ completed the list of equity shareholding and purchase contracts, which were concluded with state controlled companies and privately owned energy consortia based in countries such as Britain, Canada, France, Japan and West Germany. These entities, according to the UN Council for Namibia, ‘possessed the power to influence government agencies and even to obtain government support’ for their participation in the exploitation of Namibian uranium.³⁸¹ The forward purchasing contracts, for instance, enabled RTZ to anchor its operations at Rössing Uranium on a firm basis and to establish links between its subsidiary and the Western powers invested in the mine.

4.4 Calls to disinvest in Namibia

RTZ was entering into equity and sales agreements, with state-controlled companies, state owned bodies and private companies in which the state had invested, at a time when international instruments prohibiting investments in Namibia were adopted at the United Nations. These prohibitions were to be adhered to by UN member states and by corporations of their nationality. In January 1970, for instance, the UN Security Council passed resolution 276 (1970) which declared that ‘all acts taken by the Government of South Africa on behalf of or concerning Namibia after the termination of the Mandate [in 1966] are illegal and invalid’.³⁸² Resolution 276 (1970) further called on UN member states to refrain from actions that would imply recognition of South Africa’s administration of Namibia.³⁸³ This had a direct implication on the South African administration’s granting of mining concessions to RTZ’s Rössing Uranium mine. Although RTZ’s agreement with the Louw Company was signed in August 1966, two months prior to the General Assembly termination of the South African mandate over Namibia, the agreement did not confer upon RTZ the right to commence mining

³⁸⁰ R. Knight, American Committee on Africa, Testimony to the Hearings on the Oil Embargo Against South Africa United Nations Headquarters 12-13 April 1989, March 2001, <http://richardknight.homestead.com/files/oilembargo.htm>, accessed 07 August 2018. www.rossing.com/shareholding.html, accessed 18 November 2020.

³⁸¹ Report of the United Nations Council for Namibia, Vol. III, 28. United Nations, Reports of Standing Committee II of the United Nations Council for Namibia. The Political, Economic, Social and Military Situation in and Relating to Namibia. (New York: United Nations, 1987), 43.

³⁸² United Nations Security Council Resolution 276 (1970), of January 1970. www.digitallibrary.un.org, accessed 17 November 2020.

³⁸³ Security Council, Resolution 276 (1970), 2.

operations. This had required the authorisation of the Minister of Mines of South Africa and was only granted in 1968 (see Chapter 3). The 1968 authorisation by the Minister of Mines thus constituted an act taken by the South African government after the termination of the mandate.³⁸⁴ According to Security Council resolution 276 (1970), therefore, RTZ's agreement with the South African regime was illegal and invalid.

Security Council Resolution 276 (1970) also had implications for RTZ's partners in the Rössing venture called on UN member states to refrain from actions that would imply recognition of South Africa's administration of Namibia. This recognition was evidenced in the authorisation granted by the South African regime to agreements between RTZ and its Western partners and customers. The sales agreement between RTZ and the UKAEA, for instance, had been approved by the South African regime (see Chapter 5). Resolution 276 (1970) also called on 'all States, particularly those which have economic and other interests in Namibia, to refrain from any dealings with the Government of South Africa...'³⁸⁵ In spite of this, countries such as Britain, France and Japan proceeded to invest in Rössing Uranium and commit to forward purchasing contracts for the supply of uranium from Namibia. To reinforce the provisions of Resolution 276 (1970), the Security Council adopted resolution 283 (1970) in July 1970, the relevant part of which addressed foreign investment in Namibia.³⁸⁶ Resolution 283 (1970) called on UN member states 'to withhold from their nationals or companies of their nationality not under direct governmental control, government loans, credit guarantees and other forms of financial support that would be used to facilitate trade or commerce with Namibia'.³⁸⁷ The West German government's 1971 decision to cancel its support for Urangesellschaft's partnership with RTZ, for example, was in response to Resolution 283 (see Chapter 3).

Resolution 283 (1970) also called on UN member states 'to ensure that companies and other commercial enterprises owned by, or under direct control of, the State cease all further investment activities, including concessions in Namibia and to this end to withhold protection of such investment against claims of a future lawful government of Namibia'.³⁸⁸ This section

³⁸⁴ *Ibid.*

³⁸⁵ Security Council, Resolution 276 (1970), 2. J. Dugard. *The South West Africa/Namibia Dispute: Documents and Scholarly Writings on the Controversy between South Africa and the United Nations*, (Berkeley: University of California Press, 1973), 444.

³⁸⁶ United Nations Security Council Resolution 283 (1970), of 29 July 1970. www.digitallibrary.un.org, accessed 17 November 2020.

³⁸⁷ Security Council, Resolution 283 (1970), 3.

³⁸⁸ *Ibid.*

of the resolution had direct implications for the British government upon whose authorisation the UKAEA had committed to purchase Namibian uranium and in so doing underwrote British financing of RTZ's operations at Rössing Uranium (see Chapter 5). This section of the resolution also had direct implications on the French investment in Rössing Uranium and the purchasing contracts committed to by Total-CFP. The collusion of the British and French governments in the exploitation of Namibia's uranium could thus be understood as key among the reasons why Britain and France abstained from the vote that saw the adoption of Security Council resolution 283 (July 1970).

Moreover, by Resolution 284 (1970) of 29 July 1970, the Security Council sought an advisory opinion from the International Court of Justice (ICJ).³⁸⁹ The question before the Court was: 'What are the legal consequences for States of the continued presence of South Africa in Namibia notwithstanding Security Council resolution 276 (1970)?'³⁹⁰ Through the request for an advisory opinion of Court, the Security Council hoped that the ICJ would underline the fact of South Africa's forfeiture of its right to administer Namibia.³⁹¹ On 21 June 1971, the ICJ delivered the advisory opinion stating that South Africa's continued presence in Namibia was indeed illegal and that the apartheid regime was under obligation to put an end to its occupation of the territory and to immediately withdraw its administration from Namibia.³⁹² The ICJ, by thirteen votes to two, supported Security Council resolution 276 (1970) which had declared the South African administration in Namibia 'illegal' and thus considered the continued South African presence in Namibia to constitute an 'occupation'.³⁹³ According to the ICJ, UN member states were obligated to recognize the declared illegality of South Africa's presence in Namibia and the invalidity of its administration's actions on behalf of or concerning Namibia.³⁹⁴ UN member states were also obligated to 'refrain from any acts and in particular any dealings with the Government of South Africa implying recognition of the legality of, or lending support or assistance to, such presence and administration', as stipulated in Resolution 276 (1970).³⁹⁵

³⁸⁹ Report of the United Nations Council for Namibia, Vol. III, 6.

³⁹⁰ United Nations Security Council, Resolution 284 (1970) of 29 July 1970. www.digitallibrary.un.org, accessed 17 November 2020. The International Court of Justice had rendered three Advisory Opinions: 11 July 1950, 7 June 1955 and 1 June 1956.

³⁹¹ International Court of Justice, Written Statements (United States of America), 852.

³⁹² International Court of Justice, Legal Consequences for States, 79.

³⁹³ The two dissenting votes were from the British and French Judges whose votes were in line with their government's position on Security Council resolutions 276 (1970).

³⁹⁴ International Court of Justice, Legal Consequences for States, 79.

³⁹⁵ *Ibid.*

In response to the ICJ's advisory opinion, the Security Council adopted resolution 301 of 21 October 1971 which sought to spell out the precise determinants of permissible and impermissible acts by UN member states in relation to Namibia. While recognising the UN's direct responsibility for Namibia, the Security Council called on member states to 'conduct any relations with or involving Namibia in a manner consistent with that responsibility'.³⁹⁶ UN member states were once again called upon 'to abstain from entering into economic and other forms of relationship or dealings with South Africa on behalf of or concerning Namibia which may entrench its authority over the Territory'.³⁹⁷ The commercial agreements pertaining to the acquisition of Namibian uranium thus constituted an impermissible act according to resolution 301 (1971). Furthermore, the resolution declared that 'franchises, rights, titles, or contracts relating to Namibia granted to individuals or companies by South Africa after the adoption of General Assembly resolution 2145 (XXI) [of 1966] are not subject to protection or espousal by their States against claims of a future lawful Government of Namibia'.³⁹⁸ The resolution thus spelled out that RTZ's operations at Rössing Uranium would not be entitled to protection from the British government should consequences arise due to political change in Namibia.

The calls for disinvestment in Namibia were designed to demonstrate the international community's 'non-recognition with respect to South African claims to authority on Namibia'.³⁹⁹ But the continued investments in Namibia's Rössing Uranium mine were testament of the fact that there was unwillingness on the part of UN member states such as Britain, Canada, France, Japan, Iran and West Germany to disrupt trade and economic interests with South Africa and by extension Namibia.⁴⁰⁰ Needless to say, the international community's actions did very little in the way of providing 'the effective protection of Namibian interest at the international level'.⁴⁰¹ The international community's actions and calls for disinvestment thus had very little practical impact on the situation in Namibia where South Africa's illegal administration and the exploitation of the territory's natural resources by corporations like RTZ persisted.

³⁹⁶ United Nations Security Council Resolution 301 (1971) of 20 October 1971.

<http://unscr.com/en/resolutions/doc/301>, accessed 30 August 2018.

³⁹⁷ Security Council Resolution 301 (1971).

³⁹⁸ *Ibid.*

³⁹⁹ International Court of Justice, Written Statements (Finland), 374.

⁴⁰⁰ J. F. Murphy. Whither Now Namibia? Cornell International Law Journal, Vol. 6 No. 1 1972 34. P. Salmon, (ed.), *The Challenge of Apartheid: UK-South African Relations, 1985-1986*. Documents on British Policy Overseas Series III, Volume IX. (Oxon: 2017), xxi.

⁴⁰¹ Ad Hoc Sub-Committee established in pursuance of Security Council resolution 276 (1970), 63. http://www.un.org/en/sc/repertoire/subsidiary_organ/committees_standing_and_adhoc.shtml#main2, accessed 30 August 2018.

4.5 Decree No.1 for the Protection of the Natural Resources of Namibia (1974)

According to the UN Council for Namibia ‘the exploitation of the natural resources of Namibia, mainly by foreign corporations continued unabated’ and this despite the Security Council resolution calling for disinvestment in Namibia.⁴⁰² Included among these foreign corporations was RTZ whose construction and development stage at Rössing Uranium was well underway in 1974. In September 1974, the UN Council for Namibia’s concerns over the extensive exploitation of Namibia’s natural resources resulted in the enactment of Decree No. 1 for the Protection of the Natural Resources of Namibia.⁴⁰³ The intended purpose of the Decree No.1 states:

Its main provisions prohibit exploitation (prospecting for, mining, processing, exporting, etc.) of any Namibian natural resource without the permission of the Council and specifically invalidates any permission, licence, concession, etc., purporting to allow, or to authorize, exploitation or exportation of Namibian resources which was or is granted by the South African administration in Namibia. The Decree provides for the seizure of any Namibian natural resource taken from the Territory without Council authorization and for forfeiture of the resource so seized to the Council for the benefit of the people of Namibia. It also authorizes seizure of the vessel in which any illegally exported resources are transported and provides that any person or organization contravening the Decree may be held liable in damages by the future Government of an independent Namibia.⁴⁰⁴

The Decree ostensibly invalidated any permission, licence or concession that was granted by the illegal South African administration that authorised the exploitation or exportation of Namibian resources.⁴⁰⁵ For those with investments in Namibia, like the British governments investments in RTZ’s operations at Rössing, the Decree appeared to be a measure of the form of sanctions. Opposition to the Decree particularly questioned the validity and enforceability of the Decree and more importantly it questioned the authority of the UN Council for Namibia to promulgate the Decree.

⁴⁰² Report of the United Nations Commissioner for Namibia. Implementation of Decree No.1 for the Protection of the Natural Resources of Namibia: Study on the Possibility of Instituting Legal Proceedings in the Domestic Courts of States. *The American Journal of International Law*, Vol. 80, No.2 (Apr. 1986), pp.442-491, 442.

⁴⁰³ Decree No. 1 for the Protection of the Natural Resources of Namibia was enacted on 27 September 1974. Report of the United Nations Commissioner for Namibia, Implementation of Decree No.1, 443.

⁴⁰⁴ Report of the United Nations Commissioner for Namibia, Implementation of Decree No.1, 443.

⁴⁰⁵ *Ibid.*

Moreover, though the Decree had the support of the majority of the General Assembly, it received none from the Security Council. The provisions of the Decree were, however, hinged on the provisions of the Security Council's resolutions of the early 1970s. The provision that persons or organisations contravening the Decree would be held liable in damages to the future government of an independent Namibia, for instance, was in line with operative paragraph 12 of the Security Council resolution 301 (1971), which declared that member states were not to protect or espouse individuals or companies of their nationality who obtained rights relating to operations in Namibia, after the adoption of General Assembly resolution 2145 (XXI), against claims of a future lawful government of Namibia.⁴⁰⁶ That Namibia's natural resources were deemed to be the inviolable heritage of its people was further affirmed in the General Assembly resolution 3295 (XXIX) adopted on 13 December 1974. This was noteworthy considering the South African government's attitude towards, for instance, Namibian uranium. As was discussed in Chapter 3, the South African government sought to restrict 'foreign' control over the Rössing deposits primarily because they considered themselves the rightful occupiers of the territory and thus the rightful owners of the territory's natural resources. According to UN resolutions, however, the natural resources of Namibia were the inviolable heritage of the people of Namibia which would mean that the South African government's control over the territory's uranium resources was as 'foreign' as RTZ's exploitation of these resources. Resolution 3295 (XXIX) also confirmed the enactment of Decree No.1 for the Protection of the Natural Resources of Namibia by the Council for Namibia, and requested 'all Member States to take all appropriate measures to ensure the full application of, and compliance with, the provisions of the Decree ... and such other measures as may be necessary to assist in the protection of the national resources of Namibia'.⁴⁰⁷

In addition, in December 1974, the UN Security Council adopted a strongly-worded resolution which condemned the South African government's illegal occupation of Namibia and demanded that the South African regime take the necessary steps to effect the withdrawal of its illegal administration from Namibia.⁴⁰⁸ Unlike the General Assembly, however, the Security Council's resolution did not mention Decree No.1 and its resolution did not call on member states to comply with its provisions. This was unsurprising as those who opposed the Decree

⁴⁰⁶ Security Council, Resolution 301, 8.

⁴⁰⁷ United Nations General Assembly Resolution 3295 (XXIX). Question of Namibia. 13 December 1974, 106. <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/738/97/IMG/NR073897.pdf>, accessed 30 August 2018.

⁴⁰⁸ United Nations Security Council Resolution 366 (1974), Namibia, of 17 December 1974 <http://www.refworld.org/docid/3b00f17638.html>, accessed 30 August 2018.

were permanent members of the Security Council with commercial and strategic interests in Namibian resources which could have been affected by the provisions of the Decree. In the case of France, for instance, Victor Moukambi writes that:

the truth of the matter was that like the majority of Western powers, France did not accept the decision by the UN General Assembly to create a UN Council for Namibia as valid, and therefore did not acknowledge that the decisions of that Council had any legal value particularly on Decree No.1 on the protection of the natural resources of Namibia.⁴⁰⁹

The Security Council's silence on Decree No.1 thus lent support to questions on the validity and applicability of the Decree.

The UN Council for Namibia, on its part, undertook 'numerous studies through consultants, with a view to collecting all possible information and data on the nature and extend of the illegal exploitation of Namibia's natural resources and on the involvement of foreign countries and transnational corporations in this plunder'.⁴¹⁰ Once the role of a given country or entity was established, the UN Council for Namibia dispatched delegations to these territories. In May 1975, for instance, a delegation of the UN Council for Namibia travelled to Japan 'to ask that it cancel its contract for the purchase of Namibian uranium. The delegation warned Japan that if it continued to buy minerals it would be obliged to pay compensation when Namibia became independent'.⁴¹¹ In response, the Japanese government argued that 'Namibian imports were necessary since Japan had no natural resources of its own'.⁴¹² This echoed the justifications used by both the British and French governments in relation to their investments in, and purchase of, Namibian uranium. For France, for instance, Namibian uranium was deemed to be essential for its ambitious nuclear power programme which was aimed at freeing the country from dependence on Arab oil following the 1973 oil crisis.⁴¹³ Such responses hampered the work of the UN Council for Namibia and restrained the provisions of its Decree. They were also indicative of the lack of power to enforce UN decrees when powerful member states disagreed with them.

⁴⁰⁹ Moukambi, 'Relations Between South Africa and France', 226.

⁴¹⁰ Shamshad Ahmad in SWAPO, Trade Union Action – Report of a Seminar for West European Trade Unions organised by SWAPO of Namibia in co-operation with the Namibia Support Committee. (London: NSC, 1982), 9.

⁴¹¹ Morikawa, Japan and Africa, 80.

⁴¹² *Ibid.*

⁴¹³ Moukambi, 'Relations Between South Africa and France', 234.

The disregard of strongly-worded Security Council resolutions and the Decree of the UN Council for Namibia by investors in Rössing Uranium undoubtedly bolstered RTZ's resolve to forge on with their operations in Namibia and provided a buffer against international opposition to the exploitation of Namibia's uranium resources. In 1975, for instance, the Chairman of RTZ, Sir Val Duncan, declared that:

I am not prepared to fail to deliver to the United Kingdom and others under a contract solemnly entered into for the provision of uranium from South West Africa. I am therefore not prepared to take any notice of what the United Nations say about that.⁴¹⁴

It is interesting to note that Duncan singled out the United Kingdom while protecting the identities of Rössing Uranium's 'other' customers (see Chapter 5). In 1975 researchers like Barbara Rogers could only speculate on the participation of countries like Japan and West Germany in Rössing Uranium. It was, nevertheless, the values of the contracts solemnly entered into by RTZ with countries like the Britain, France, Japan and West

Germany which were the motivating factor behind Duncan's unpreparedness to heed the calls of the UN Security Council to disinvest in Namibia. RTZ's contracts with the UKAEA alone were worth £60 million pounds and British authorities speculated that 'the Rössing Company also has contracts totalling £80 million to supply French, German, Japanese and American purchasers'.⁴¹⁵ Disinvestment in Namibia and the cancellation of contracts with the purchasers of Namibian uranium was therefore out of the question. RTZ's concern was more with the company's reputation, and the effect disinvestment might have on their ability to secure contracts and to raise capital for future mining projects.⁴¹⁶ RTZ's focus was on ensuring that Rössing Uranium came into production so that the company could honour its contracts with countries such as Britain and France.

4.6 Conclusion

As was the case in the exploration stage, Rössing Uranium's construction and development stage received substantial support from the South African administration. This was especially

⁴¹⁴ Hecht, *Being Nuclear*, 102.

⁴¹⁵ TNA AB44/264 Central and Southern African Department, 16 April 1974. Annex D, Namibia: Rössing Uranium Mine, 4.

⁴¹⁶ TNA AB44/264, 16 April 1974, 5.

in terms of the provision of civil works and other amenities for the mine. The construction and development stage also witnessed a closer collaboration between RTZ and the AEB, who provided assistance towards the pilot plant operations of the mine and appointed a representative of Rössing on the Board of the AEB, starting in 1972. State and firm had thus become interwoven in the establishment of the Rössing mine. Despite the evident support of the South African regime, the political situation in Namibia and especially the international community's preoccupation with the situation in Namibia, presented RTZ with the challenge of securing its operations at Rössing. RTZ's preoccupation during the construction and development stage was especially with securing the necessary finances it required to bring the mine into operation. To counter these challenges, RTZ adopted a strategy of aligning its commercial interests with the national interests of countries like Britain, Canada, France, Japan and West Germany. To begin with, RTZ awarded a management contract for the design and engineering of Rössing Uranium to an American-British consortium. The management contract guaranteed international expertise and skilled labour for the mine and it facilitated the acquisition of the necessary equipment from American and British industry (see Chapter 5). RTZ also forged a close relationship with South African authorities culminating in support for the design of Rössing's pilot plant from the AEB, the provision of electrical power, water and transport infrastructure from the colonial administration as well as support towards the construction of housing at the mine's settlement in Arandis. More importantly, RTZ engaged state-owned and state-controlled atomic energy agencies and power utility companies to invest in Rössing Uranium through a dual system of equity and long-term sales contracts. RTZ's partnership with these Western countries not only anchored its operations at Rössing Uranium, through financial support, but it also provided security against international calls to disinvest in Namibia. These calls resonated through UN Security Council resolutions, through the advisory opinion of the ICJ and the Decree by the UN Council for Namibia. Two of RTZ's partners were, however, permanent members of the UN Security Council and the other three served as non-permanent members of the same Council. RTZ's strategy during the construction and development stage thus paid off as its partners were well placed to protect their common interests at the international level. A case study of the security and support accorded to RTZ by one of its international partners is presented in the ensuing Chapter 5, which examines the British government's role in the exploitation of Namibia's uranium resources in collusion with RTZ.

Chapter 5: The Production Stage: the British Government's Collusion in the Exploitation of Namibian Uranium, 1976-1977

5.1 Introduction

When starting a mine, according to Rössing Uranium, the emphasis is first and foremost 'on getting into production', thereafter the focus is on 'satisfying customers who have contracted to buy one's product' and this was no different for the Rössing mine.⁴¹⁷ Key among these customers was the British government which is singled out in this study, from other buyers such as Japan and France, for three main reasons. Firstly, the British government was one of the most important customers for Rössing and it was openly committed to purchasing Namibian uranium. Secondly, RTZ was a British company and had good links with the government. These links were reflective of the convergence of political and commercial interests in the exploitation of Namibian uranium. Thirdly, the British government's commitment to securing uranium supplies from Namibia was the subject of much controversy, culminating in a campaign by the British Anti-Apartheid Movement. In 1968, 1970 and again in 1976, the British government authorised contracts for the supply of Namibian uranium to the United Kingdom Atomic Energy (UKAEA), and later the British Nuclear Fuels (BNFL). The authorisation of these contracts led Barbara Rogers to argue that the British government's policy towards Namibia was 'dominated by the consideration of obtaining uranium from Namibia under South African occupation', an assertion which this chapter supports.⁴¹⁸

The British government was also accused of basing its policy towards Namibia on self-interest and of condoning the exploitation of Namibia's natural resources.⁴¹⁹ Again the chapter concurs with these charges that were laid against the British government, arguing that this was evidenced by that government's desire to see the uranium contracts completed before the granting of independence to Namibia. Chapter 5 argues that the British government was primarily concerned with the risk of interference with the Rössing contracts, which could have resulted from political change in Namibia.⁴²⁰ These concerns also justified the arguments in defence of the Rössing contracts, arguments which were formulated in response to mounting

⁴¹⁷ Rössing Uranium, *The First 10 Years*, 11.

⁴¹⁸ UNAM Archives, Katjavivi Archives, PH PA1/20/56, B. Rogers, *Changes in UK Policy on Namibia, 1966-1974, Following the Rössing Uranium Deals*, 1974, 1.

⁴¹⁹ TNA FCO 45/2166 H.M.S. Reid to Mr. Mansfield, Namibia: Uranium, 29 April 1977, 1.

⁴²⁰ TNA FCO 45/2166 Colin Bright to Mr Reid, Namibia: Uranium, 24 February 1977.

opposition against the government's decision not to interfere in the commercial activities of British companies operating in Namibia.

In the period between 1971 and 1975, RTZ worked to transform its Rössing mine into 'an industrial complex consisting of the open pit, the uranium plant, an acid plant, workshops and offices' all in preparation for getting into production.⁴²¹ The plan was to bring Rössing Uranium into production within a period of five years, but as early as 1973 it was clear that the commencement of full commercial production, which was envisioned for 1976, would be highly unlikely. The delays in production had an effect on the financial standing of Rössing Uranium and, more importantly, on the company's ability to satisfy contractual obligations toward its customers. Again, key among these customers was the British government for whom, as Hecht argues, the Rössing Uranium mine was as close as they would come to controlling their own uranium supply.⁴²² The British government's concerns with securing their uranium supplies prior to political change in Namibia were especially heightened by delays in the commencement of production at the Rössing mine and the impact this had on the delivery schedule to the BNFL.

Chapter 5 begins with an overview on the question of security of supplies which informed the British government's decision to authorise the Rössing contracts. For purposes of context the chapter begins with an examination of the four phases adopted from Alun Robert's characterisation of the British government's role in the exploitation of Namibian uranium. These phases date from 1966 to 1974. Chapter 5 adds three more phases to Robert's characterisation which enable the study to cover the trajectory of events in the period between 1975 and 1977. These phases are characterised as follows: Cover-Up, Disregard and Promise, About-Turn, Non-Interference, Opposition to the Contracts, Delays in Uranium Deliveries and, Contract Completion. The first of the last three phases examines the opposition mounted against the Rössing contracts, and the British government's decision not to interfere with the uranium contracts. The second of the last three phases focuses on the commencement of production at the Rössing mine and the challenges faced by the mine in fulfilling its obligations to its customers. These challenges gave rise to concerns in British government circles of the impact political change in Namibia could have on their uranium supplies. Chapter 5 concludes

⁴²¹ Marais, Rössing, 22. TNA AB 48/1278 R.F. Lethbridge (UKAEA) Note for the Record: Rössing, 4 November 1973, 2.

⁴²² Hecht *Being Nuclear*, 97.

with a discussion on the final phase which examines the changing position of the British government in relation to new investments in Namibian uranium.

5.2 Security of Uranium Supplies

In 1966, the UKAEA sought to secure a contract for uranium ore that would ensure adequate supplies for the British atomic energy project.⁴²³ Two offers brought before the UKAEA were of Canadian origin. The first was from the Denison Mines Corporation, and the other was from the Rio Algom Mine, a subsidiary of Rio Tinto Zinc (RTZ). The Denison offer was, however, deemed unfavourable and the UKAEA commenced negotiations with RTZ's Rio Algom mine. According to British officials 'RTZ's terms for supplies from this source were the most attractive of the offers open to us at that time'.⁴²⁴ The Rio Algom offer was under consideration at a time when RTZ's South African subsidiary, Rio Tinto Management Services (RTMS), was carrying out investigative work on the Louw Claims, which later became the Rössing deposits (see Chapter 2).⁴²⁵ In early 1968, after two years of negotiations, the Labour government authorised the UKAEA to reach an agreement with Rio Algom. RTZ had at this stage already concluded that the Rössing deposit had economic potential if production was carried out on a sufficiently large scale. The Rössing deposits were then presented to the UKAEA as an alternative to uranium supplies from Rio Algom.

In April 1968, the UKAEA signed a contract for the supply of uranium, not with Rio Algom but with another RTZ subsidiary, Rio Tinto Finance & Exploration Limited (Riofinex).⁴²⁶ Despite the change in the contracting party (Riofinex instead of Rio Algom), the April 1968 contract was approved by the Labour government on the understanding that the primary source of the uranium would be the Rio Algom mine in Canada.⁴²⁷ The exact opposite was true, however, for RTZ had intended Rössing to be the provenance of the contracted uranium.⁴²⁸ UKAEA officials were also in on the plan, for they had been informed of RTZ's intentions that

⁴²³ TNA EG 7/139 G.W. Thynne to the Minister for Aerospace, Uranium Supplies from South West Africa, 12 July 1971.

⁴²⁴ TNA AB 44/264 E.J.S. Clarke, Rössing Contract 23rd March, 1973. Annex 1, Main Features of Rössing Contract, 1.

⁴²⁵ BAK B/196/33619 'RTZ Exploration South Africa, 'Rössing Project – Estimate of Expenditure to Completion of Evaluation Report,' May 1969.

⁴²⁶ TNA AB 48/1913 J.J. Wallace, (Rio Tinto Finance & Exploration Limited) to the United Kingdom Atomic Energy Agency, Sale of Uranium Assignment to Rössing Uranium Limited, 26 March 1970.

⁴²⁷ Hecht, *Being Nuclear*, 97.

⁴²⁸ *Ibid.*

in the event 'that a new project in South West Africa [Namibia], which RTZ intended to develop, became a viable mine, the ore would be provided from that mine'.⁴²⁹ The UKAEA, in cahoots with RTZ, thus presented the contract to the British government as a *fait accompli*.⁴³⁰

The following year, in May 1969, the UKAEA dispatched J.C. Davey and R.F. Lethbridge to Namibia to seek clarity on the Rössing venture.⁴³¹ The visit resulted in a preliminary note in which Lethbridge acknowledged Rössing's economic potential as a 'low-cost producer of uranium concentrates' and recommended that the UKAEA 'would be very well advised to maintain its position in this enterprise and extremely ill-advised to fall back on Rio Algom even if such a course could be taken under the contract which is not all clear'.⁴³² Davey and Lethbridge thus strongly recommended that the UKAEA continue its association with Rössing Uranium, as contracted under the agreement with Riofinex. The Rössing deposits were, however, 'at that time, in the proving-up stage' and this necessitated the adoption of a back-up plan that would provide 'some security of supply to the UKAEA'.⁴³³ The concern at the UKAEA over security of supply was thus the reason behind a proposed back-up arrangement with the Rio Algom mine.

Contracting for Namibian uranium was not without difficulties for Harold Wilson's Labour administration.⁴³⁴ Labour had been returned to power with a substantially increased parliamentary majority in 1966 and was committed to reduce official contacts with South Africa in recognition of the UN's deliberations on the Question of South West Africa/Namibia. In 1966, Britain's UN representative, Lord Caradon,⁴³⁵ declared that:

By word and by action the South African Government demonstrated that it was not ready to accept the essential obligations incumbent upon it under the Mandate. By repudiating those obligations, so clearly affirmed by the International Court and by this

⁴²⁹ TNA EG 7/139, 12 July 1971.

⁴³⁰ Rogers, *Namibia's Uranium*, 13.

⁴³¹ TNA AB 48/1913 E.J.S. Clarke (UKAEA) Instruction to Messrs' Lethbridge and Davey on their Visit to the Rössing Prospect, 21 May 1969.

⁴³² TNA AB 48/1913 R. F. Lethbridge, Preliminary Note for U.K.A.E.A., 4 June 1969.

⁴³³ Bodleian Library MSS AAM 1127 D.A. Streatfield (RTZ Company Secretary) in a letter to Alun Roberts (Anti-Apartheid Movement), 10 June 1976.

⁴³⁴ James Harold Wilson, served as Prime Minister of the United Kingdom from 1964 to 1970 and again from 1974 to 1976. The National Archives - Cabinet Papers 1915-1986.

⁴³⁵ Hugh Mackintosh Foot, Baron Caradon, British Ambassador to the United Nations 1964 -1970.

Assembly, it forfeited its title to the Mandate. It no longer had the right to carry the sacred trust conferred upon it.⁴³⁶

Even though the British government recognised that the South African regime had forfeited its right to administer the territory and committed to play a ‘full part ... by deliberate action ... to bring Namibia to independence’ its policy towards the situation in Namibia unravelled at the question of security of uranium supplies.⁴³⁷ This despite public declarations that ‘it is not possible to work for a change in Namibia as long as the status quo is supported in practice’.⁴³⁸

Alun Roberts identified four phases in what he characterised as Britain’s collusion in the exploitation of Namibian uranium.⁴³⁹ These four phases which occurred in the period between 1966 and 1974, were aptly titled *the cover-up phase*, *the disregard and promises phase*, *the about-turn phase* and lastly *the non-interference phase*. Roberts’ categorisation is summarised herein to provide a useful background for analysing the politics of decision-making of consecutive British governments in relation to the exploitation of Namibian uranium. Building on Roberts’ categorisation Chapter 5 adds three new phases which reflect events outside of Roberts’ periodization, in the period between 1975 and 1977. These phases are the *opposition to contracts phase*, *the delays in deliveries phase* and the *contract completion phase*. Whereas Roberts’ periods document the British government’s foundational role in the development of the Rössing mine, the final three phases explain the British government’s attempts to control the course of Namibian decolonisation so as to protect British investments.

5.3 Phase I: ‘Cover-Up’

As noted above, when negotiations for uranium supplies commenced in 1966, the British Cabinet was informed that future supplies would come from RTZ’s Canadian subsidiary, Rio Algom. During the negotiations, however, it became clear that the RTZ subsidiary, Riofinex, was appointed as the contracting party to allow for a possible change in the prime supplier.

⁴³⁶ Lord Caradon (United Kingdom) restating his government’s position at the Security Council’s Twenty-Fourth Year, 1465th Meeting held on 20 March 1969 in New York, 8. The original statement is contained in the Official Records of the General Assembly, Fifth Special Session, 1504th meeting, para. 141 25 April 1967 http://www.un.org/en/sc/repertoire/69-71/69-71_08.pdf, accessed 26 September 2018.

⁴³⁷ CANUC, Namibia – A Contract to Kill: The Story of Stolen Uranium and the British Nuclear. (London: CANUC, 1986).

⁴³⁸ Labour’s Programme 1973, 115. Cited in Rogers, Changes in UK Policy, 2.

⁴³⁹ Roberts, The Rössing File.

Shortly after the commencement of negotiations, a Cabinet directive was issued instructing the UKAEA to immediately inform Cabinet in the event that the RTZ subsidiary would supply uranium of South African origin.⁴⁴⁰ Uranium from South Africa was considered to be undesirable because of the Labour government's commitment to distancing itself from the apartheid regime. In documents produced in the late 1970s, for instance, it was revealed that 'it is Government policy, but again not publicly declared, not to purchase uranium from South Africa'.⁴⁴¹ The Cabinet directive thus also applied to Namibian uranium which during the colonial period was classified under South African uranium sources, and labelled as such.⁴⁴² The UKAEA was not only required to inform Cabinet but also to obtain its authorisation before concluding an agreement with Riofinex for the supply of uranium of South African/Namibian origin.⁴⁴³ These directives sought to ensure adherence to the British government's commitment to reducing contacts with the South African regime.

After two years of negotiations and numerous exchanges between the UKAEA, RTZ and the Ministry of Technology, the Cabinet authorised the UKAEA to conclude an agreement with Rio Tinto Finance & Exploration Limited (Riofinex) for the supply of 6,000 tonnes of uranium.⁴⁴⁴ The official approval came from Anthony Wedgwood-Benn, in his capacity as Minister of Technology. It was projected that the uranium supplies would be delivered over a period of ten years beginning in the mid-1970s.⁴⁴⁵ It was shortly after the contract was authorised in April 1968 that Cabinet became aware of the provenance of the uranium ore. The source of Britain's uranium supplies under the agreement with Riofinex, would be the Rössing Uranium mine in Namibia and not the Rio Algom mine in Canada.⁴⁴⁶ This change in provenance went against the Cabinet directive on uranium supplies from South Africa. Cabinet approval was nevertheless obtained and it was decided that the UKAEA should 'proceed with the existing contract, and accept the political difficulties which might ensue'.⁴⁴⁷

⁴⁴⁰ Rogers, *Namibia's Uranium*, 13.

⁴⁴¹ TNA FCO 45/2167 *Namibia: the Rössing Uranium Contract*, 19 July 1977, 2.

⁴⁴² This was evident in publications of organisations such as the International Atomic Energy Agency (IAEA) as well as in the reports of the Uranium Institute in London.

⁴⁴³ Rogers, *Namibia's Uranium*, 13.

⁴⁴⁴ C. Legum, UN defied in uranium deal with S. Africa. *The Observer*, 2 August 1970, <http://search.proquest.com/docview/475979575?accountid=13042>, accessed 26 September 2018.

⁴⁴⁵ Anthony Wedgwood-Benn was Minister for Technology between 4 July 1966 – 19 June 1970, *Cabinet Papers 1915-1986* <http://www.nationalarchives.gov.uk/cabinetpapers/cabinet-gov/harold-wilson-1966.htm>, accessed 26 September 2018.

⁴⁴⁶ DA Streatfield, (RTZ Company Secretary) to Alun Roberts, 10 June 1976, in Roberts, *The Rössing File*, 26.

⁴⁴⁷ Hecht, *Being Nuclear*, 98.

Provenance aside, the UKAEA also failed to disclose that not one but two contracts were signed with Riofinex. The first contract for 6,000 tonnes had been presented by RTZ as being ‘inoperable unless a second contract, for an additional 1,500 tonnes, were also signed’.⁴⁴⁸ This according to Hecht, was because RTZ’s contracts with Urangesellschaft did not push Rössing ‘past the threshold of profitability, so UKAEA officials, eager to ensure the mine’s viability, happily filled the gap with a second contract’.⁴⁴⁹ The second contract was, according to RTZ, ‘necessary to ensure a sufficient scale of production to make the operation profitable and therefore to raise the necessary finance’.⁴⁵⁰ Interestingly, the UKAEA presented this second contract to the British government not as a new contract but as a mere extension of the existing contract, or what the contracting parties referred to as a ‘supplemental agreement’.⁴⁵¹ The contract brought Britain’s uranium supplies from Namibia to 7,500 tonnes.⁴⁵²

The political challenges posed by the provenance of the uranium supplies and the existence of the second contract were not lost on Cabinet. Rogers, for instance, argues that Prime Minister Harold Wilson, while ‘fully appreciating the sensitivity of such a major commitment to the occupation of Namibia, personally instructed that no word of the deal should be allowed to leak out to the British press and public before the General Election, in June 1970’.⁴⁵³ With upcoming elections the decision to keep secret the existence of the uranium contracts had, undoubtedly, more to do with British public opinion than the Prime Minister’s sensitivities over the occupation of Namibia. This was evidenced by the British government’s disagreement with the course of action taken at the UN, starting with the termination of the South African mandate in 1966. Despite earlier statements by its UN representative, the British government abstained from General Assembly resolution 2145 (XXI) arguing that ‘...the course adopted by the General Assembly in 1966 was mistaken’.⁴⁵⁴ This was followed by abstentions from Security Council resolutions, which were described by the British representative as ‘resolutions which would remain inoperative’.⁴⁵⁵

⁴⁴⁸ Rogers, *Namibia’s Uranium*, 13.

⁴⁴⁹ Hecht, *Being Nuclear*, 97.

⁴⁵⁰ Rogers, *Namibia’s Uranium*, 13.

⁴⁵¹ TNA AB 48/1913, 26 March 1970.

⁴⁵² *Ibid.*

⁴⁵³ Rogers, *Namibia’s Uranium*, 14.

⁴⁵⁴ Lord Caradon (United Kingdom). United Nations Security Council Official Records. Twenty-Fourth Year, 1465th Meeting 20 March 1969 New York, 7.

http://repository.un.org/bitstream/handle/11176/75184/S_PV.1492-EN.pdf, accessed 26 September 2018.

⁴⁵⁵ United Nations Security Council resolution 264 (1969) of 20 March 1969 and resolution 269 (1969) of 12 August 1969

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/NR0/757/30/IMG/NR075730.pdf?OpenElement>, accessed 26 September 2018.

In 1970 the Conservative Party defeated the Labour government.⁴⁵⁶ With the change of government came the revelation that a contract had been signed for the supply of uranium from the Rössing mine in Namibia. When the news of the uranium contract was leaked to the British press, reference was only made to the first contract for the supply of 6,000 tonnes of uranium ore. This was retrospectively explained by a Foreign and Commonwealth Office (FCO) official who noted that ‘only the 1968 contract with Rössing has so far been made public by Her Majesty’s Government: the 1970 contract has successfully been kept secret’.⁴⁵⁷ In the absence of a full disclosure, the Labour government’s role in this first phase of the uranium contracts was aptly characterised as a ‘cover-up’ aided by the UKAEA, as the purchasing entity and the British multinational corporation, Rio Tinto Zinc.

5.4 Phase II: ‘Disregard and Promise’

The leak (discussed above) to the British press was embarrassing to the Labour Party, which was now the official Opposition. It would, however, be some time before the new Conservative administration revealed the precise details of the Rössing contracts. British public opinion, it was believed, would not countenance the facts of the contracts and especially the fact of Britain’s direct reliance on South Africa for uranium supplies originating from Namibia.⁴⁵⁸ This was because of the emergence of a strong domestic anti-apartheid movement in Britain during the 1960s. Permission to export Namibian uranium to the United Kingdom under the contract with Riofinex, for example, had required authorisation from the South African government, as stipulated by the Atomic Energy Act of South Africa. This meant the direct involvement of the South African Atomic Energy Board (AEB) from which the authorisation for the supply of uranium from Rössing had to be obtained.⁴⁵⁹ The contracts for the supply of 7,500 tonnes of uranium were estimated to be worth £60 million and were scheduled to come into force in 1976, with deliveries to the UKAEA due between 1977 and 1982.⁴⁶⁰

The reliance on the goodwill of the South African government for Britain’s projected uranium supplies led the Conservative government to seek the legal opinion of the Attorney General on

⁴⁵⁶ Sir Edward Richard George Heath served as Prime Minister of the United Kingdom from 1970 to 1974.

⁴⁵⁷ TNA FCO 96/414 Uranium from Namibia, Martin Reith in a letter to M.J. Wilmshurst, 10 March 1975.

⁴⁵⁸ Hansard, Uranium Purchases from Namibia, 20 October 1975.

⁴⁵⁹ Adams, Tony Benn – A Biography, 387.

⁴⁶⁰ TNA FCO 96/414 Central and Southern African Department, Foreign and Commonwealth Office, Namibia: Uranium Supplies, October 1974, 2.

the implications of the uranium contracts for the British government and on the possibility of cancelling the contracts.⁴⁶¹ In response to the Conservative government's request, the Attorney General issued a memorandum which highlighted the existence of a force majeure clause in the contract. The clause 'safeguarded any policy decision by the Government,' and in so doing, exempted Britain from paying penalties to Riofinex in the event that the contract was cancelled on the basis of a policy decision.⁴⁶² The British government's policy on apartheid South Africa, along with the support it had expressed in UN deliberations on Namibia, could thus have sufficed as a policy decision for the cancellation of the contracts with Riofinex. The Attorney General's advice was, however, not heeded by the Conservative government, for neither the policy of keeping a distance from apartheid South Africa nor the statements at the UN on the position of South Africa in relation to the mandate territory had emanated from the Conservative government. Both policy positions were the work of the Labour Party, now in opposition. As far as the Conservative government was concerned, 'there was no question, of course, of revoking the contract with Rössing Uranium'.⁴⁶³ The Attorney General's advice was therefore not heeded by a government whose expressed concern was with ensuring a reliable supply of uranium.

Not surprisingly, the Conservative government 'maintained the momentum of Britain's acquisition of Namibian uranium' and also took a softer line towards South Africa than Labour.⁴⁶⁴ That Britain's uranium supplies from the Rössing mine were dependent on South African approval, for example, was not an issue for the Foreign Secretary, Sir Alec Douglas-Home, who stated that South Africa was 'the natural administrator of South West Africa' and it was 'difficult to see how the situation could be otherwise'.⁴⁶⁵ The Minister of Technology, John Davies, also publicly committed the Conservative government to increased economic links with South Africa.⁴⁶⁶ This was despite the fact that the Security Council had adopted resolution 283 (1970), which called on member states to cease all investment in Namibia and to encourage individuals and companies of their nationality to 'cease all dealings with respect to commercial or industrial enterprises or concessions in Namibia'.⁴⁶⁷ What mattered to the Conservative government was that the British nuclear power programme had privileged access

⁴⁶¹ Hansard, Uranium Purchases from Namibia, 20 October 1975. Legum, UN defied in uranium deal.

⁴⁶² Hansard, Uranium Purchases from Namibia, 20 October 1975. Rogers, Namibia's Uranium, 14.

⁴⁶³ *Ibid.*

⁴⁶⁴ Ogunbadejo, *The International Politics*, 64.

⁴⁶⁵ Foreign Secretary, Sir Alec Douglas-Home cited in Rogers, *Namibia's Uranium*, 15.

⁴⁶⁶ D. Fishlock, UN Silent on South West Africa Uranium Deal. *Financial Times* [London, England] 9 July 1970: 8. *Financial Times*. Web. 22 Jan. 2016.

⁴⁶⁷ Security Council, Resolution 283 (1970), 3.

to Namibian uranium through the British multinational corporation, RTZ. A significant change in policy had thus occurred when the new government came to power in 1970.

Moreover, in 1970, Britain entered into an agreement with the Federal Republic of Germany and the Netherlands by which a uranium processing plant would be established in the Dutch town of Almelo. The Treaty of Almelo was signed on 4th March 1970, and it laid down the terms by which the uranium enrichment plant, URENCO, would be established and governed.⁴⁶⁸ URENCO was essentially a joint venture between the UKAEA (and later British Nuclear Fuels Limited), Uranit of West Germany and Ultra Centrifuge Nederland (in which the Dutch government had a majority interest).⁴⁶⁹ The power utilities of the participating countries were required to provide their own uranium for processing at URENCO. The supply of unenriched uranium from Rössing Uranium was thus important for both the British domestic nuclear programme and the enrichment programme established under the Treaty of Almelo. This was confirmed by British government officials who noted that:

We, together with the German and Netherlands Governments, have invested a great deal of money and effort in building up the Centrifuge Enrichment process. Without sources of supply of natural uranium this industry would be of no use; not only would we lose that investment but we would also have to buy the expensive enriched fuel for our own reactors from other countries.⁴⁷⁰

A month after the Conservative Party came to power, the Security Council requested an advisory opinion of the ICJ on the legal consequences for UN member states stemming from South Africa's continued presence in Namibia. The ICJ declared that South African presence in Namibia was illegal and it invalidated all acts taken by the South African government on behalf of Namibia.⁴⁷¹ The ICJ's findings prompted a study undertaken in July 1971 by the British government following proposals that the British government take effective steps in implementing the legal advice of the Court.⁴⁷² Months later in October 1971 the matter was deliberated in the House of Commons 'in which Mr Alexander Lyon expressed his view that

⁴⁶⁸ J.P. Verheul. 'Namibian Uranium' (Nederlands Juristenblad, 1981), 6.

⁴⁶⁹ Verheul. Namibian Uranium, 6.

⁴⁷⁰ TNA AB 44/264 G.W. Thynne (Department of Energy) to E.J.S Clarke (UKAEA), 23 May 1974, 1.

⁴⁷¹ International Court of Justice, Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), <https://www.icj-cij.org/en/case/53>, accessed 02 October 2018.

⁴⁷² Hansard, Namibia (International Court Ruling). HC Deb 12 July 1971 vol 821 cc22-3 <https://api.parliament.uk/historic-hansard/commons/1971/jul/12/namibia-international-court-ruling>, accessed 02-October 2018. Mr. Ioan Evans, Hansard, Namibia, HC Deb 17 July 1974 vol 877 cc425-7 425 <https://api.parliament.uk/historic-hansard/commons/1974/jul/17/namibia>, accessed 02 October 2018.

although the contract [for Namibian uranium] had been approved under a Labour Administration, the ICJ Advisory Opinion had changed things and the contract should not be implemented'.⁴⁷³ This course of action was also supported by Baron Caradon, the former UK representative to the UN, who called for 'the withdrawal by British companies from all trade contracts and the prohibition of further contracts in Namibia'.⁴⁷⁴ Such action, it was argued, would demonstrate British recognition of the illegality of South Africa's continued presence in Namibia.

The government's study which was undertaken in July 1971 culminated in the October 1971 decision not to accept the conclusions reached by the ICJ in its advisory opinion.⁴⁷⁵ The Conservative government's decision was announced both to the British Parliament as well as the UN Security Council. The British UN representative Sir Colin Crowe, explained that 'the fact that the Court has given its advice cannot absolve Governments from themselves considering very carefully all the relevant legal factors, forming their own view of them and then, honestly and seriously, reaching the legal conclusions which in their judgement flow from that process'.⁴⁷⁶ The crucial question for the Conservative government was the link between the ICJ opinion and General Assembly resolution 2145 (XXI) of 1966, by which the South African mandate over Namibia was terminated. According to the British government, South Africa's mandate over Namibia had not been validly terminated supposedly because the General Assembly did not have the power to terminate the mandate unilaterally. The British government's position reflected the dissenting opinion delivered at the ICJ by the British Judge, Sir Gerald Fitzmaurice, who argued that the South African 'Mandate was not validly revoked by United Nations action in 1966 or thereafter, and still subsists'.⁴⁷⁷ It was for this reason that Britain could not accept the legal consequences deduced by the ICJ.⁴⁷⁸ Co-operation with the advisory opinion of the Court, would thus not be forthcoming.

⁴⁷³ TNA AB44/264 Central and Southern African Department, Annex D, Namibia: Rössing Uranium Mine, 16 April 1974, 3.

⁴⁷⁴ Hansard, South-West Africa: Future Administration. HL Deb 05 July 1971 vol 321 cc643-5. <https://api.parliament.uk/historic-hansard/lords/1971/jul/05/south-west-africa-future-administration>, accessed 02 October 2018.

⁴⁷⁵ Hansard, Further Statement on Southern Africa, Mr. James Callaghan (Secretary of State for Foreign and Commonwealth Affairs). HC Deb 04 December 1974 vol 882 cc1555-66 <https://api.parliament.uk/historic-hansard/commons/1974/dec/04/southern-africa>, accessed 02 October 2018.

⁴⁷⁶ Sir Colin Crowe (United Kingdom) United Nations Security Council SPV 1589 6 October 1971 (6) New York <https://www.securitycouncilreport.org>, accessed 02 October 2018.

⁴⁷⁷ Dissenting Opinion, Judge Sir Gerald Fitzmaurice. (1971, 226) International Court of Justice Advisory Opinion. <https://www.icj-cij.org/files/case-related/53/053-19710621-ADV-01-08-EN.pdf>, accessed 02 October 2018.

⁴⁷⁸ Crowe, United Nations Security Council, 6.

The British government's position was further demonstrated in its decision to abstain on resolution 301 (1971) of 20 October 1971 in which the Security Council agreed with the advisory opinion of the ICJ. During a parliamentary debate on the matter the veteran Labour Parliamentarian and longstanding opponent of colonial rule, Lord Fenner Brockway, requested an explanation on the decision, asking 'was not this only a resolution agreeing with the World Court's findings?' Why, then, 'did Sir Colin Crowe say that the British Government did not agree with that World Court's finding?'⁴⁷⁹ The response from Conservative spokesman Earl Ferrers was that the advisory opinion was only a recommendation, and therefore not binding on member states. Unsatisfied with the response, Lord Brockway questioned what the reason 'for all this appeasement of the South African Government?' was; 'Is it British financial interests that are in Namibia?'⁴⁸⁰ Considering the expressed view that the advisory opinion changed things in terms of the implementation of the contract for Namibian uranium, coupled with calls for 'the withdrawal by British companies from all trade contracts', the link to British financial interests in Namibia is evident.⁴⁸¹ These interests give a clear indication as to why the Conservative government rejected the Courts opinion and decided to uphold the contracts for uranium supplies from Namibia.

The Conservative government's decision to uphold the uranium contracts meant that the Labour party, now in Opposition, had the opportunity to address the controversy arising from its government's authorisation of the uranium contracts.⁴⁸² Acknowledging that the contracts had been a mistake, Labour promised to cancel the contracts if and when it was returned to power in the 1974 elections.⁴⁸³ The decision, taken at the Labour Party Conference in 1973, read that 'Labour will terminate the atomic-energy contract with Rio Tinto Zinc for uranium in Namibia'.⁴⁸⁴ This decision was further confirmed by Anthony Wedgwood-Benn, who announced Labour's decision to end the contract for which he, as the former Minister of Technology, took responsibility.⁴⁸⁵

⁴⁷⁹ Hansard South West Africa: United Nations Resolution HL Deb 28 October 1971 vol 324 cc845-6 <https://api.parliament.uk/historic-hansard/lords/1971/oct/28/south-west-africa-united-nations>, accessed 02 October 2018. (Lord Brockway) Archibald Fenner Brockway helped establish the Movement for Colonial Freedom in the 1950s and was an active member of the League against Imperialism.

⁴⁸⁰ Hansard, South West Africa (Lord Brockway).

⁴⁸¹ H. Caradon, 'Why Britain must change policy on Southern Africa'. Times Newspaper Wednesday August 9th, 1972.

⁴⁸² Fishlock, 'UN Silent on South West Africa'.

⁴⁸³ Rogers, Namibia's Uranium, 15.

⁴⁸⁴ *Ibid.*

⁴⁸⁵ C. Legum, Labour pulls its punches on S. Africa. The Observer, 24 Nov 1974, <http://search.proquest.com/docview>, accessed 02 October 2018.

5.5 Phase III: 'About-Turn'

The Labour Party was returned to power in the 1974 election with Harold Wilson again serving as Prime Minister. Another familiar name in the 1974 Labour administration was Anthony Wedgwood-Benn, who had been appointed as Secretary of State for Energy under the new administration. Benn started his term in office with a recommendation for the cancellation of the uranium contract. He told Cabinet that 'the attitude of the Labour Party in Opposition on the Rössing contract was on record'.⁴⁸⁶ A return to office did not however directly translate the Labour party policy into governmental action. When the possibility of the cancellation of the uranium contracts was brought up in parliamentary debates in 1974, the Under Secretary of State for Foreign and Commonwealth Affairs, Joan Lestor, explained that no decision had yet been taken on the issue.⁴⁸⁷ The government had, according to Lestor, decided to review its policy on Southern Africa in general and Namibia in particular. Under this process, the government was supposedly considering 'with great care and in great depth the question of whether this contract should be allowed to continue'.⁴⁸⁸

The Labour government's indecision appears to have resulted from an Act of Parliament passed under the Conservative government in April 1971.⁴⁸⁹ The Atomic Energy Authority Act of 1971 assigned the responsibilities of the UKAEA connected to the procurement and the manufacturing of nuclear fuel elements to the newly established British Nuclear Fuels Limited (BNFL).⁴⁹⁰ According to British government officials, the BNFL whose 'shares are 100 per cent owned by the UK Atomic energy Authority [UKAEA] on behalf of the Government, is a Government owned company'.⁴⁹¹ The BNFL had thus 'contracted to purchase uranium from the Rössing mine' on behalf of the British government.⁴⁹² The process of reassignment of the UKAEA's responsibilities to BNFL was officially concluded in December 1974, under the Labour government. This meant that the entity to which the previous Labour government had given authorisation to contract with Riofinex for the supply of Namibian uranium, no longer

⁴⁸⁶ TNA CAB/128/58/3 Conclusions of a Meeting of the Cabinet held at 10 Downing Street on Thursday 29 January 1976 at 11h30 am., 9.

⁴⁸⁷ Hansard, Namibia (Uranium Supplies) – Joan Lestor, HC Deb 26 June 1974 vol 875 c447W. <https://api.parliament.uk/historic-hansard/written-answers/1974/jun/26/namibia-uranium-supplies>; Hansard, Namibia. HC Deb 12 June 1974 vol 874 c566W <https://api.parliament.uk/historic-hansard/written-answers/1974/jun/12/namibia>, accessed 02 October 2018.

⁴⁸⁸ Hansard, Uranium Purchases from Namibia (Lord Lovell-Davis).

⁴⁸⁹ TNA AB 48/1278 Assignment of Uranium Sales Agreement (UKAEA-BNFL), 23 December 1974.

⁴⁹⁰ TNA AB 48/1278, 23 December 1974.

⁴⁹¹ TNA FCO 45/2166 Rössing Mine, Namibia, 7 January 1977.

⁴⁹² *Ibid.*

held this responsibility. The following year, in December 1975, Tony Benn, asked if he would make a statement on the contract between UKAEA and RTZ, simply responded that ‘the contracts for the supply of uranium from Namibia have been transferred to British Nuclear Fuels Limited and the UKAEA is no longer a party to them’.⁴⁹³ The responsibility for the uranium contracts might have been transferred from one entity to another but this did not change the fact that the contracts still remained. The position of the Labour party on the Namibian uranium contracts had thus evidently been abandoned and the first steps towards what Alun Roberts characterised as the Labour government’s ‘about-turn’ had begun.⁴⁹⁴

Moreover, the Labour government’s policy towards Namibia, encompassed by its review of policy towards Southern Africa, was finally completed in early December 1974. The review recommended a clear divergence from the previous Conservative administration. The government conceded that ‘the mandate can no longer be regarded as being in force, that South Africa’s occupation of Namibia is unlawful, and that it should withdraw’.⁴⁹⁵ According to the Labour government, the South African regime was ‘in occupation without title of a territory which has international status’.⁴⁹⁶ The Labour government’s acknowledgment of the aforementioned did not, however, mean a total acceptance of the ICJ’s advisory opinion. This was clarified by the Secretary of State for Foreign and Commonwealth Affairs, James Callaghan, who explained that there were certain elements of the advisory opinion with which the British government could not agree.⁴⁹⁷ The British government, for example, rejected the ICJ’s suggestion that the Security Council’s resolutions on Namibia were mandatory, and particularly resolution 276 of 1970 which ‘declared the presence of South African authorities in Namibia and all acts taken by the Government of South Africa on behalf of or concerning the Territory after termination of the mandate to be illegal’.⁴⁹⁸ The Labour government, according to Callaghan, ‘would not accept an obligation to take active measures of pressure to limit or stop commercial or industrial relations of our nationals with the South African administration of Namibia’.⁴⁹⁹ The implications of the advisory opinion and the Security

⁴⁹³ Hansard, Uranium (Namibia) 17 December 1975, Volume 902, Response by A.W. Benn (Secretary of State for Energy)

[https://hansard.parliament.uk/Commons/1975-12-17/debates/c8ece226-1e68-43f7-9ab3-ba1aa154a0b3/Uranium\(Namibia\)](https://hansard.parliament.uk/Commons/1975-12-17/debates/c8ece226-1e68-43f7-9ab3-ba1aa154a0b3/Uranium(Namibia)), accessed 02 October 2018.

⁴⁹⁴ Roberts, The Rössing File.

⁴⁹⁵ Hansard, Further Statement on Southern Africa, 04 December 1974.

⁴⁹⁶ *Ibid.*

⁴⁹⁷ Secretary of State for Foreign and Commonwealth Affairs, Mr. James Callaghan. Hansard, Southern Africa, HC Deb 04 December 1974 vol 882 cc1555-66

<https://api.parliament.uk/historic-hansard/commons/1974/dec/04/southern-africa>, accessed 02 October 2018.

⁴⁹⁸ Hansard, Southern Africa, 04 December 1974.

⁴⁹⁹ *Ibid.*

Council resolution on British economic interest in Namibia, and particularly the Rössing contracts, made it all the more unacceptable. RTZ's commercial relations with the South African administration in Namibia had thus received the support of the British government.

The Labour government's position on the Rössing contracts was confirmed again in a response by the Under Secretary of State for Foreign and Commonwealth Affairs, Joan Lestor, who when asked if steps would be taken to cancel the contract for the supply of uranium from Namibia, replied with a simple 'No'.⁵⁰⁰ It is striking that there were no further questions to the Under Secretary's response. It is also peculiar that there were no further discussions on the subject until October 1975, when Lord Brockway requested a response from the government on the desirability of terminating the British government's dependence on South Africa, for its uranium supplies.⁵⁰¹ Lord Brockway, himself a Labour parliamentarian, called on the government to 'fulfil the decision, to which our Party is committed, to end the Rössing contract'.⁵⁰² The Under-Secretary for Energy Lord Lovell-Davis responded that 'although the matter of the cancellation of the contracts was expressed at the Labour Party Conference in 1973, it was not subsequently adopted in the 1974 Manifesto'.⁵⁰³ This meant that, because the Labour Party had not contested the 1974 General Election on the promise of cancelling the uranium contracts, it was not obligated to keep the 'promise' made while in opposition. The Labour government's about-turn was thus concluded and the question of the cancellation of the uranium contracts was laid to rest, at least for the time being.

5.6 Phase IV: 'Non-Interference'

The supposed justification for Labour's about-turn was the unavailability of alternative uranium supplies for the British nuclear power programme, in the contracted period for supplies under the Rössing contract. This, according to Lord Lovell-Davis, was 'particularly true of non-processed uranium ore, which the Rössing mine will supply'.⁵⁰⁴ Stressing the importance of the Rössing contract to Britain's nuclear power programme, Lovell-Davis argued that 'if the contract had been cancelled there would have been no prospect in the present

⁵⁰⁰ The question was posed by Mr. Derek Faulds to Miss Joan Lestor during the House of Commons debates on Namibia in December 1974. Hansard, Namibia HC Deb 09 December 1974 vol 883 cc23-4W <https://api.parliament.uk/historic-hansard/written-answers/1974/dec/09/namibia>, accessed 02 October 2018.

⁵⁰¹ Hansard, Uranium Purchases from Namibia (Lord Brockway).

⁵⁰² *Ibid.*

⁵⁰³ Hansard, Uranium Purchases from Namibia (Lord Lovell-Davis in response to Lord Brockway).

⁵⁰⁴ *Ibid.*

world supply position of replacing the material from any of the existing major sources'.⁵⁰⁵ Barbara Rogers, however, argued that 'there was a glut of uranium oxide on the world market, and producers everywhere were either closing mines or stockpiling uranium which could not be sold'.⁵⁰⁶ This occurred in major uranium producing countries like Australia, Canada and the USA. The British government argued that most of these countries insisted on supplying uranium in an enriched form and this was not in the interest of the BNFL as they too were in the business of enrichment. According to the British government they had 'invested a great deal of money and effort in building up the Centrifuge Enrichment process' ... and 'without sources of supply of natural uranium this industry would be of no use; not only would we lose that investment but we would also have to buy the expensive enriched fuel for our own reactors from other countries, e.g. Canada and Australia'.⁵⁰⁷ In addition to this, countries like Canada had also decided 'to prohibit the export of uranium for the purpose of nuclear war preparations' and thereby imposed end-use restrictions.⁵⁰⁸ The argument of a shortage in alternative uranium supplies was therefore in reference to the form of uranium (unprocessed, unenriched, natural uranium) and without end-use restrictions, as was guaranteed under the Rössing contract.

Financial consequences, beyond the enrichment process, also mitigated in the decision to uphold the Rössing contracts. Firstly, it was felt that 'the UKAEA would expect to be sued for damages for breach of contract to the order of £5-£10million and possible more'.⁵⁰⁹ These were the expected estimates, despite the Attorney General's advice on the force majeure clause in the UKAEA-Riofinex contract. Secondly, 'in 1973 the Exports Credits and Guarantee Department issued an insurance guaranteeing finance for the processing work for which our ultimate liability could reach £25million. Any cancellation of the UKAEA contracts would inevitably involve compensation to the Rössing Company'.⁵¹⁰ Thirdly, 'a British and American consortium (Power Gas with Western Knapp) holds the main contract for design and engineering work – on which a start has already been made – worth approximately £32million. Export orders for £3.7million of British equipment for the mine have already been placed'.⁵¹¹ The financial implications were thus considered to be substantial.

⁵⁰⁵ Hansard, Uranium Purchases from Namibia (Lord Lovell-Davis in response to Lord Brockway).

⁵⁰⁶ Rogers, Namibia's Uranium, 14.

⁵⁰⁷ TNA AB44/264 GW Thynne to E.J.S. Clarke, FCO Energy Dept. Note on Rössing E4A, 1.

⁵⁰⁸ Hansard, Uranium Purchases from Namibia (Lord Brockway).

⁵⁰⁹ TNA AB44/264 Central and Southern African Department, 16 April 1974. Annex D, Namibia: Rössing Uranium Mine, 3.

⁵¹⁰ TNA AB44/264, 16 April 1974, 2.

⁵¹¹ *Ibid.*

The requirements of the British nuclear power programme coupled with a potential loss both in terms of financial investments and uranium supplies led to the British government's conclusion that they saw no good reason for interfering in the uranium contracts. The decision 'against any interference with this contract' was embedded in the comprehensive review of the British government's foreign policy on Southern Africa, which the Labour government undertook upon its return to office in 1974.⁵¹² The official government position on the uranium contracts thus became one of 'non-interference'. The government's position confirmed that the agreement BNFL and RTZ for uranium supplies from the Rössing had the official support of the British government. The financial implications of the Rössing contracts also served as clear indication that economic considerations trumped the anti-apartheid stance of the British government.

5.7 Phase V: Opposition to the Contracts

In 1974 the Namibia Support Committee (NSC), an offshoot of the British Anti-Apartheid Movement, was established with the aim of providing support to the Namibian struggle for independence.⁵¹³ The launch of the NSC coincided with the promulgation of the Decree No. 1 and this inspired its efforts in conducting research on the role of the British government and British companies in the exploitation of Namibia's natural resource. The NSC's research on the Rössing contracts, for instance, was aided by the work of Barbara Rogers, a former Foreign and Commonwealth Office (FCO) official. While at the FCO, Rogers identified inconsistencies in the paper trail of Britain's uranium supplies.⁵¹⁴ These inconsistencies had to do with the changes in the source of Britain's uranium supplies, which, according to Rogers, had been switched from Rio Algom to Rössing without the knowledge of the British Cabinet. Alarmed by these changes, Rogers wrote letters to officials in the various agencies that were party to the Rössing contracts pointing out that the contracts meant Britain's tacit endorsement of South

⁵¹² TNA FCO 45/2167 Lord Lovell-Davis, HANSARD: Uranium Purchases from Namibia. TNA FCO 45/2167 Namibia: Rössing Contract - Draft Letter, 8 April 1976, 3.

⁵¹³ Vigne, Randolph (2008). Standing by Swapo – British Campaigning for Namibia. <http://www.anc.org.za/un/conference/rvigne.html>, accessed 03 February 2015. Saunders, Namibian Solidarity, 440.

⁵¹⁴ Hecht, Being Nuclear, 97.

Africa's continued occupation of Namibia.⁵¹⁵ When her efforts to have the contracts for Namibian uranium suspended failed, Rogers resigned from her position at the FCO in 1971.⁵¹⁶



Figure 5-1: Barbara Rogers at the Anti-Apartheid Committee Hearings on Sanctions against South Africa - United Nations.

The following year, in 1972, Rogers began to conduct research on uranium production in Namibia and in South Africa, with particular interest in apartheid South Africa's nuclear ambitions.⁵¹⁸ As Figure 5.1 shows, Rogers became an opponent of apartheid South Africa, working alongside renowned figures like Ruth First in UN hearings on the institution of sanctions against South Africa. Her research efforts on uranium production in Namibia culminated in the 1975 report titled *Namibia's Uranium: Implications for the South African Occupation Regime*.⁵¹⁹ The report not only documented the inconsistencies in the Rössing contracts but also the extent to which the British government was involved in the exploitation of Namibian uranium. In the reports account of the history of the Rössing mine, for instance, Rogers attributed the financial responsibility for the establishment of the mine to the British government. This assertion was refuted by British government officials who declared certain aspects of Rogers' report as inaccurate, arguing that they were not the only customer receiving

⁵¹⁵ Hecht, *Being Nuclear*, 97.

⁵¹⁶ Hecht, *Being Nuclear*, 149.

⁵¹⁷ IISH ARCH02466 (Werk Group Kairos) UN Photo 145832 / Yutuka Nagata Anti-Apartheid Committee Hearings on Sanctions Against South Africa - United Nations, New York, 11 March 1981.

⁵¹⁸ Hecht, *Being Nuclear*, 149.

⁵¹⁹ B. Rogers, *Namibia's Uranium: Implications for the South African Occupation Regime*. (United States: 1975).

uranium from Rössing.⁵²⁰ The declassified British government records of the period confirm the accuracy of Rogers' report. This is especially in relation to the information provided in the report on the economics of the Rössing mine. What information it lacked resulted, understandably, from its publication a year prior to the start of production at Rössing Uranium and the cloak of secrecy in which the mine came into being. Despite her efforts, however, the British government's decision to uphold the Rössing contracts was already cemented under the policy of non-interference.

Opposition to the contracts not only came from within the civil service but also from what *The Economist* described as Labour's left-wing. Such opposition was illustrated through debates in parliament.⁵²¹ Here, the veteran Labour politician, Lord Brockway's statement in the House of Lords, in October 1975, is worth quoting in full:

My Lords, what I am saying is that the British Government have repeatedly said, despite their reservations on that issue, that the occupation is illegal, but have gone on to say that it is de facto. I am submitting that the fact of South Africa's power in Namibia does not justify our recognition of its possession of the minerals of that territory, or a contract under which we benefit from the exploitation of those minerals. What right has South Africa to plunder the natural resources of Namibia? What right have we to accept that plunder? Morally, the British Government are acting as a receiver of stolen goods in that respect.⁵²²

Brockway's brandishing of the British government as a receiver of stolen goods stems from the UN Council for Namibia's Decree No.1 which 'declared Namibian uranium illicit because of South Africa's continued occupation' of the territory.⁵²³ Decree No. 1 was extensively utilised by campaigning organisations like CANUC, as demonstrated in the image below (Figure 5.2). This use of the Decree by campaigners was fairly unusual as UN Decrees are not usually quoted at length in public debate. Nevertheless, RTZ's operations at Rössing Uranium, and by extension the British contract for Namibian uranium, were categorised as illicit

⁵²⁰ TNA FCO 96/414 K.W. Joyner (Department of Energy) in a letter addressed to M.C. Clements Esq, FCO Energy Department, Namibia and Uranium, 10 October 1975, 1. TNA FCO 96/414 M.C. Clements (Energy Department), Namibian and Uranium, 13 October 1975.

⁵²¹ TNA FCO 45/2168, *The Economist*, 8 October 1977, 97.

⁵²² Hansard, Uranium Purchases from Namibia (Lord Brockway).

⁵²³ Hecht, *Being Nuclear*, 36.

activities and this not only reverberated through Brockway's statement but also in the campaign material that was produced in opposition to the Rössing contracts.

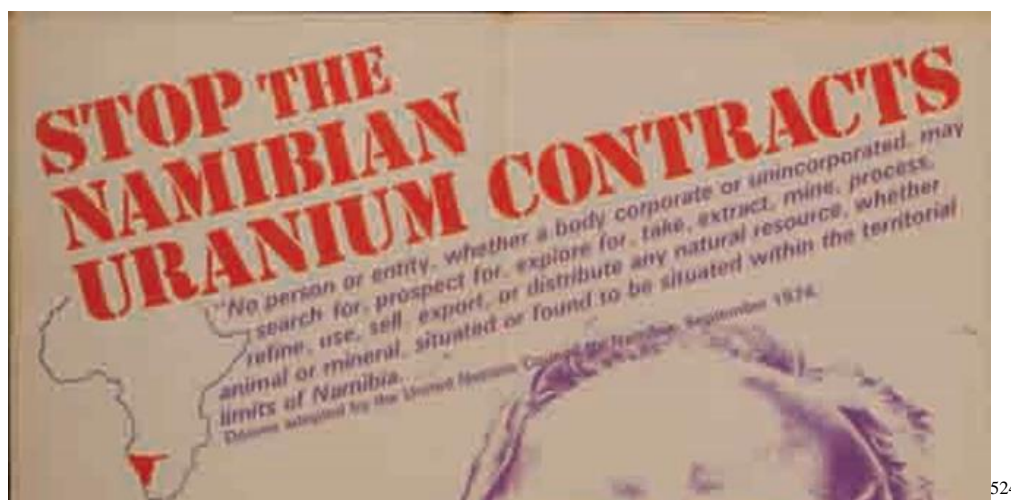


Figure 5-2: CANUC Poster - 'Stop the Namibian Uranium Contracts.'

On 24 May 1977 the NSC launched the Campaign Against the Namibian Uranium Contract (CANUC), a public campaign against the British government's decision to uphold the contracts for the supply of Namibian uranium.⁵²⁵ CANUC called on the British government to cancel the Rössing contracts, arguing that the decision to maintain the contract 'flies in the face of UN resolutions on Namibia and the 1971 Advisory Opinion of the International Court of Justice...'⁵²⁶ The campaign also sought to stop all imports and processing of Namibian uranium, which was deemed to be illegal under the terms of the UN Council for Namibia's Decree No.1.⁵²⁷ To expose the role of RTZ in the exploitation of Namibian uranium the NSC established what was known as the Haslemere Group. The Haslemere Group acted as the commercial arm of the NSC, by purchasing minority shares in RTZ. These shares enabled researchers of the NSC to attend shareholders meetings organised by RTZ's London Offices.⁵²⁸ It was through these meetings and the reports produced by RTZ for its shareholders that the NSC was able to obtain further information on Rössing Uranium. Information pertaining to

⁵²⁴ <https://www.aamarchives.org/archive/history/namibia/po074-stop-the-namibian-uranium-contracts/viewdocument.html>, accessed 11 November 2020.

⁵²⁵ TNA FCO 45/2168 W.E. Fitzsimmons in a letter to the Secretary of State for Energy, Rössing: Letter from the Campaign Against the Namibian Uranium Contracts, 11 November 1977.

⁵²⁶ TNA FCO 45/2168 11 November 1977.

⁵²⁷ G. Durker and P. Boyd. Briefing on the Campaign for Activist. (London: CANUC, 1986).

⁵²⁸ TNA FCO 45/2168 11 November 1977.

equity participation in Rössing Uranium and the profits accrued by RTZ from Namibian uranium was reproduced in CANUC publications.

CANUC also lobbied political parties, ‘notably the Labour Party, to accept the various UN, ICJ and UN Council for Namibia rulings and Decrees on Namibia’.⁵²⁹ According to a Department of Energy official, CANUC ‘circulated literature to Constituency Labour Parties (CLPs) throughout Britain urging them to join the campaign against the Rössing contract.’⁵³⁰ The Campaign was sufficiently effective in mobilising opposition within the Labour Party and British trade unions, leading the official to note that, ‘to date, we and FCO have received letters from more than 50 CLPs, from a number of MPs and from the Scottish TUC and ASLEF’.⁵³¹ These letters all raised similar questions pertaining to the government’s position on the situation in Namibia and its arguments for non-interference in the Rössing contracts. The letters also highlighted the Labour Party Conference and National Executive Council’s decision to cancel the Rössing contracts, a decision which the Labour government had reversed.

British civil servants from the FCO, the Department of Energy and the Department of Trade compiled and compared defensive notes so as to produce a standard reply letter to the charges made by CANUC and its sympathisers. The ‘comprehensive review of government policy towards Southern Africa in 1974 which spelled out the decision not to interfere with the uranium contract(s)’, was almost always the starting point of the government’s response to these letters.⁵³² The arguments in favour of the Rössing contracts were two-fold: commercial and legal. In addition to the arguments put forward in support of non-interference (see section 5.6 Phase IV: Non-interference), the commercial considerations pertained to Britain’s domestic energy requirements and the government’s investment in the uranium enrichment business. One of the main advantages of the Rössing contracts was the natural form of uranium it provided. It was argued that any replacement supplies necessitated by a cancellation of the Rössing contracts would need to be in the natural form. This was important for UK reactors, the capacity to generate electricity and the government’s investment in enrichment processes. British government officials argued that obtaining enriched uranium ‘would both cost us

⁵²⁹ Durker and Boyd, Briefing, 1.

⁵³⁰ TNA FCO 45/2168, 11 November 1977.

⁵³¹ *Ibid.*

⁵³² TNA FCO 45/2168 A.W. Benn (Secretary of State for Energy) in a letter to the Rt Hon Denis Healey (House of Commons) dated 23 December 1977.

heavily in foreign currency and deprive our enrichment industry of valuable and much needed business'.⁵³³ British government officials also argued that

Rössing is not only (probably) the biggest single uranium mine in the world but is less likely than any other major mine to be required before say 2000 for a domestic enrichment process ... For this reason Rössing is highly desirable as a source for a British enrichment industry and a breach will ensure that it is committed even more to the Japanese.⁵³⁴

The supposed limited possibilities of replacing the uranium supplies under the Rössing contract, with supplies from elsewhere, and the competition posed by uranium importers like Japan, were thus presented as mitigating commercial factors in upholding the contracts.

The legal considerations were premised on the view that the continuation of the uranium contracts did not conflict with the British government's international obligations under the UN Charter. The British government's position on the rulings of the ICJ and the legality of the UN Council for Namibia and its Decree No.1 formed the basis for the decision not to interfere with normal commercial activity in Namibia'.⁵³⁵ Lord Lovell-Davis further emphasised that 'the purchase of uranium from the Rössing Uranium Company by British Nuclear Fuels Limited in pursuance of a commercial contract would not imply any recognition by the British Government of the right of South Africa to continue to administer the territory'.⁵³⁶ For although the South African occupation regime was 'in control on the ground', theirs was an 'unlawful' administration and the mandate over Namibia could therefore no longer be regarded as being in force.⁵³⁷ It is noteworthy that the British government referred to South African occupation as unlawful, whereas the ICJ and the UN Security Council used the term 'illegal'. This distinction without a difference was preferred by the British government to underscore its disagreement with the rulings and resolutions of UN organs.⁵³⁸

⁵³³ TNA FCO 45/2166 H.M.S. Reid to Mr. Mansfield, Namibia: Uranium, 29 April 1977, 2.

⁵³⁴ TNA AB 44/264 E.J.S Clarke, UKAEA to G.W. Thynne Department of Energy 4 June 1974, 2.

⁵³⁵ TNA FCO 45/2167, 19 July 1977, 1.

⁵³⁶ Hansard, Uranium Purchases from Namibia (Lord Lovell-Davis in response to Lord Brockway).

⁵³⁷ TNA FCO 45/2168, 23 December 1977.

⁵³⁸ The British diplomat, Paul Fifoot, based at the United Nations, privately questioned the legal distinction between the terms 'illegal' and 'unlawful'. Fifoot noted that although he accepted Britain's practice of using the term 'unlawful' in relation to the occupation of Namibia, he could find no legal distinction between the two words. Fifoot cited examples of the use of the words in the law of Contract and the Oxford English dictionary and found that both terms were used indiscriminately to define crimes. Despite this the term 'unlawful' continued to be used by British government officials. TNA FCO 45/1936 Paul Fifoot, (United Kingdom Mission to the United Nations) in a letter to Henry Steel (Legal Advisers Department FCO). "Illegal" or "Unlawful". 4 August 1976.

In response to calls by CANUC to cancel the uranium contracts, British government officials insisted that:

Interference with the contract would not in itself put additional pressure on South Africa. On the contrary it would be harmful to Namibians who gain employment through it, and who in the longer term will benefit from the continued employment and foreign exchange it will bring.⁵³⁹

Beyond this extraordinarily cynical view on the supposed benefits to the Namibian people, the legal arguments also took into consideration the established relationship between the British government and RTZ. According to British government officials they were ‘as much dependent on the skills of RTZ as a company producing uranium as we are on individual sources of uranium’.⁵⁴⁰ Cancelling the Rössing contracts would not only have impacted this dependency, with British government officials arguing that ‘if we damaged its [RTZ’s] international standing we might find ourselves dependent on foreign mining companies as well as on uncertain sources of supply’.⁵⁴¹ Such arguments point to the perception that RTZ was a British company and would assist the British government before others. Despite the British government’s refined standard reply CANUC persisted in its efforts to boycott the import of Namibian uranium into Britain. The campaign collaborated with the nationalist movement SWAPO and the UN Council for Namibia to raise awareness on the British government’s collusion in the exploitation of Namibian uranium. The British government for its part remained steadfast in its commitment to the policy of non-interference with the uranium contracts. Not even a delay in the delivery of the uranium from the Rössing mine was considered an opportunity to revisit the British government’s position on the question of cancellation.⁵⁴²

⁵³⁹ TNA FCO 45/2167 Namibia: The Rössing Uranium Contract, 19 July 1977, 2.

⁵⁴⁰ TNA AB 44/264 G.W. Thynne Department of Energy to E.J.S Clarke, UKAEA 23 May 1974.

⁵⁴¹ TNA AB 44/264, 23 May 1974.

⁵⁴² CANUC, Chronology of Developments in the Campaign Against the United Kingdom Government Contracts for Supplies of Namibian Uranium in Violation of United Nations Decree No. 1: 1973-1985. Briefing Paper: Prepared for CANUC Conference (Sheffield, 27 April 1985), 2.

5.8 Phase VI: Delays in Uranium Deliveries

Uranium deliveries from Rössing to the BNFL were originally due over the period 1975-1981.⁵⁴³ The starting date of the delivery of the original 6,000 tonnes, under the 1968 contract, was, however, deferred by a further year from 1975 to 1976. These delays were confirmed by RTZ officials who stated that ‘...no firm decision as to the start-up of Rössing has been made and although a 1976 date is practically very feasible ... we feel that it is more sensible to delay certain tonnages and commence commercial production in January 1977’.⁵⁴⁴ RTZ’s intentions to commence production at Rössing had been set back by events at the mine site where the low-grade ore proved to be more abrasive than had been anticipated.⁵⁴⁵ The nature of the ore proved problematic for the mine’s equipment which was ‘first developed for processing (by solvent extraction) low-grade uranium ore at Rio Tinto Zinc’s Palabora copper mine in South Africa’.⁵⁴⁶ The equipment that had worked for Palabora did not work for Rössing and this, coupled with design failures and a fire which ravaged the solvent extraction plant, resulted in ‘an 18-month delay in the mine’s development schedule’.⁵⁴⁷

The delays at Rössing held financial implications for RTZ, who according to British government officials ‘had made no secret of its current technical problems’ and the additional financial investments the British multinational had had to make to overcome these problems.⁵⁴⁸ According to *The Economist*, RTZ had to avail additional capital in order carry out improvements at the mine site and ‘to make the open-cast mine more efficient’.⁵⁴⁹ This pushed ‘the overall costs to at least R280m (\$310m)’ from the original investment to the mine. *The Economist* went on to state that:

RTZ [had] already set aside an additional £20m (\$35m) [and] arrangements for a further \$35m to meet increased working capital requirements [had] been made with Rössing’s other major shareholders; these include the SA Industrial Development Corporation

⁵⁴³ TNA AB 44/264 Annex I: Main Features of Rössing Contract, 1.

⁵⁴⁴ TNA AB 44/264 RTZ Services Limited to E.J.S Clarke (UKAEA) 17 January 1973, 1.

⁵⁴⁵ Stephen Aris, Martin Bailey and Antony Terry, How Britain smuggles uranium from Namibia, *Sunday Time (Br)*, Dec, 9, ’79.

⁵⁴⁶ TNA FCO 45/2168 *The Economist*, Namibian uranium: Rio Tinto Zonked, 8 October 1977, 97.

⁵⁴⁷ Roberts, The Rössing File, 45.

⁵⁴⁸ TNA FCO 45/2168 N. Thorpe (Central and Southern African Department) to Mr Reid, Namibia: Rössing Uranium Mine. 20 October 1977, 1.

⁵⁴⁹ TNA FCO 45/2168, 8 October 1977, 97.

(IDC), General Mining/Federale Mynbou, Minatome SA (a subsidiary of the Compagnie Française des Pétroles), and RTZ's Canadian associate, Rio Algom...⁵⁵⁰

It is noteworthy that the Economist does not mention West Germany's Urangesellschaft among the shareholders. This is indicative not only of the lack of comprehensive information that existed on Rössing at the time but also of RTZ's success in keeping information on its shareholders effectively secret.

The delay in the mine's development schedule also meant that RTZ was forced to renegotiate supply contracts with Rössing's customers.⁵⁵¹ In 1975, for instance, RTZ commenced a series of negotiations with the BNFL, a process which confirmed the British government's policy of non-interference in the 'commercial or industrial relations' of British 'nationals with the South African administration of Namibia'.⁵⁵² In addition to the 1968 and 1970 contracts, RTZ offered an extra 1,125 tonnes of uranium which BNFL could acquire through a supplemental agreement with permission from the British government.⁵⁵³ Although the request to secure an additional order of 1,125 tonnes of uranium was approved by the British government in 1976 it did not change the fact that the delays at Rössing were proving to be problematic for the BNFL. The BNFL was 'obliged to dig into their stockpile' all while importing additional uranium quantities from Niger in order to maintain production levels at its nuclear power plants and to meet its commitments.⁵⁵⁴ The BNFL is said to have acquired 1,000 tonnes of uranium from Niger 'thus roundly disproving the Labour Government's claim that no alternative sources of supply existed'.⁵⁵⁵ Compared to Namibia, however, British government officials considered Niger to be an uncertain source of supply and an undesirable alternative, presumably due to the continued French dominance over the country.

According to *The Economist*, the delays in uranium deliveries to BNFL also caused an embarrassment for the British government, stemming from its policy of non-interference in the Rössing contracts which 'ministers consistently [defended] ... against Labour left-wing criticism'.⁵⁵⁶ This assertion was confirmed by an official of the FCO who stated that 'the

⁵⁵⁰ *Ibid.*

⁵⁵¹ Roberts, The Rössing File, 45.

⁵⁵² Hansard, Further Statement on Southern Africa.

⁵⁵³ TNA FCO 45/2166 M. J. Wilmshurst to M. Reid to Uranium Supplies from Namibia, 17 March 1977, 1.

⁵⁵⁴ TNA FCO 45/2168, 9 November 1977, 1. TNA FCO 45/2168, 8 October 1977, 97.

⁵⁵⁵ New Statesman, 2 June 1978 cited in Roberts, The Rössing File, 46.

⁵⁵⁶ TNA FCO 45/2168, 8 October 1977, 97.

Economist's point about the embarrassment, which delay in reaching full production at Rössing and the consequent inability to meet commitments are causing, is a good one, given that we continue to defend the contract with BNFL'.⁵⁵⁷ In parliamentary debates on uranium supplies from the Rössing mine the Secretary of State for Energy, Tony Benn, was asked 'if he will review the sources of supply of uranium for the United Kingdom nuclear industry in the light of the inability of the Rössing uranium mine in Namibia to meet its contractual obligations?'.⁵⁵⁸ Responding in October 1976, the Secretary of Energy stated that he had 'been advised that production problems at Rössing are expected to be temporary and the longer-term uranium supplies from the mine are unlikely to be affected by them'.⁵⁵⁹

Despite this confidence on the part of the British government, there were even further delays to the deliveries. These were communicated to the UKAEA by RTZ's management, stating that 'we could well anticipate a delay of the 750 tonnes which Rössing contractually has to deliver to the UKAEA in 1976'.⁵⁶⁰ The confidence with which such delays were communicated is testament of the relationship between the British government and RTZ. The British government had endured continuous delays in the delivery of its uranium supplies and had 'renegotiated the contracts [with Rössing] on two occasions'.⁵⁶¹ By 1977 the British government was 'still faced with uncertainty over future supplies' but not even this deterred their confidence in RTZ or made them reconsider the decision to uphold the uranium contracts.⁵⁶²

Rössing was eventually able to make its first delivery of uranium to the BNFL in mid-1977. The uranium deliveries had been done under stringent secrecy due in part to the regulatory measures put in place by the South African government through the Atomic Energy Act of 1967 (see Chapter 6). The British government had also desired to keep details pertaining to deliveries from the Rössing mine from the public especially in light of the campaign to cancel the uranium contracts. In August 1976, for instance, the Secretary of State for Energy was

⁵⁵⁷ TNA FCO 45/2168, 20 October 1977, 1.

⁵⁵⁸ Mr Hooley questioning Mr Benn, Uranium HC Deb 26 October 1976 vol 918 cc186-7W https://api.parliament.uk/historic-hansard/written-answers/1976/oct/26/uranium#S5CV0918P0_19761026_CWA_411, accessed 11 January 2021.

⁵⁵⁹ Mr Benn in response to Mr Hooley, Uranium HC Deb 26 October 1976 vol. 918 cc186-7W https://api.parliament.uk/historic-hansard/written-answers/1976/oct/26/uranium#S5CV0918P0_19761026_CWA_411, accessed 11 January 2021.

⁵⁶⁰ TNA AB 44/264 RTZ Services Limited to E.J.S Clarke (UKAEA), 17 January 1973, 1.

⁵⁶¹ Roberts, The Rössing File, 46.

⁵⁶² *Ibid.*

asked when the first deliveries of Namibian uranium were due and by what means they would be transported to Britain.⁵⁶³ To this the Secretary of State for Energy responded that ‘I am advised that ... the information requested is commercially confidential’.⁵⁶⁴ The commercial confidentiality was such that in mid-1977, Roger March, the Director of the BNFL, informed the Windscale Inquiry that no deliveries of Namibian uranium had been made.⁵⁶⁵ The Department of Energy had, however, informed the FCO that in July 1977 ‘the first shipment of Rössing uranium had been received. This [was] not public knowledge’.⁵⁶⁶ The FCO later informed the Department of Energy of their ‘concern that the necessary correction to this statement (made by the Director of BNFL under oath) should be as discreet as possible in order to attract the minimum attention’.⁵⁶⁷ The FCO were later able to confirm that ‘the BNFL had taken delivery of 260 tonnes of uranium from Rössing’ in 1977.⁵⁶⁸ This was a significantly smaller amount compared to the 750 tonnes per annum stipulated in Rössing’s contractual arrangements with the UKAEA (who were later replaced by BNFL).

The delays in deliveries to the BNFL were further resolved in late 1977 when ‘the Japanese ... agreed to forego some of their own deliveries from Rössing in order to allow an increase in supplies to the UK’.⁵⁶⁹ The decision by Japan’s Kansai Electric to delay uranium deliveries from Rössing allowed the mine to step up deliveries to the BNFL. What was not clear was whether the Japanese had ‘agreed to forego certain deliveries’ or to ‘suspend’ all deliveries under the Kansai-Rössing contract until the attainment of Namibian independence in accordance to a statement made by the Japanese representative to the UN.⁵⁷⁰ According to the Japanese representative, Japan, through its support of UN efforts in search of a peaceful solution to the Namibia problem:

⁵⁶³ Mr Hooley to Mr Benn, Uranium HC Deb 04 August 1976 vol. 916 cc799-801W https://api.parliament.uk/historic-hansard/written-answers/1976/aug/04/uranium#S5CV0916P2_19760804_CWA_116, accessed 15 January 2021.

⁵⁶⁴ Mr Benn in response to Mr Hooley, Uranium HC Deb 04 August 1976 vol. 916 cc799-801W https://api.parliament.uk/historic-hansard/written-answers/1976/aug/04/uranium#S5CV0916P2_19760804_CWA_116, accessed 15 January 2021.

⁵⁶⁵ TNA FCO 45/2167 Namibia: The Rössing Uranium Contract, 19 July 1977, 2. The statement was made before the Windscale Enquiry.

⁵⁶⁶ TNA FCO 45/2167 19 July 1977, 2.

⁵⁶⁷ *Ibid.*

⁵⁶⁸ TNA FCO 45/2168 N. Thorpe (Central and Southern African Dept.) to Mr Reid. Meeting with British Nuclear Fuels Limited, 9 November 1977, 1.

⁵⁶⁹ TNA FCO 45/2168, 9 November 1977, 1.

⁵⁷⁰ TNA FCO 45/2168 N. Thorpe (Central and Southern African Dept.) to Mr. Bourke, ESSD. Namibia: Uranium, 9 November 1977, 1.

[Prohibited] direct investment in Namibia by Japanese nationals or bodies-corporate under its jurisdiction, and [would] continue to prohibit it. Specifically with regard to the question of uranium, both the Government and business circles of Japan ha[d] given serious thought to the question of purchasing uranium from Namibia.⁵⁷¹

RTZ viewed Japan as an important customer of Rössing and respected ‘Japan’s desire for good relations with the third world’ and as such had made no statements on Japan’s contractual arrangements with Rössing.⁵⁷² This changed when the UN Council for Namibia in collaboration with the Anti-Apartheid Movement and the NSC conducted research into multinational corporations, such as RTZ’s operations, in Namibia. This research brought to light the role of countries like Japan in the purchase of Namibian uranium, which information was made public in UN deliberations on Namibia (hence the Japanese representatives reference to the question of purchasing uranium from Namibia). The Japanese representative, in his speech before the UN General Assembly, went on to assure its members that:

There is no record showing Japan’s importing uranium from Namibia. Regarding a Japanese company’s relations with the Rössing Uranium Mine Company, which are referred to in the report of the Committee of 24, my delegation has learned that the Japanese party to the sales contract with that company has decided to hold the contract so that the importation of the uranium envisaged under the contract will not take place under the prevailing circumstances.⁵⁷³

Prevailing circumstances meant the continued occupation of the territory by the South African regime and the sustained attention this received from the political organs of the UN. The Japanese, according to British officials, ‘were normally reluctant to surrender commercial advantage for political reasons’ but the Namibia case warranted enough reason to forego deliveries in the short-term.⁵⁷⁴ The decision to delay deliveries, was according to British officials, testament to ‘the importance which Japan attached to this source of supply and the lengths to which they want to ensure secrecy’.⁵⁷⁵ The decision was also a significant achievement by the international campaign to divest from Namibia as Japan had economic and commercial links with apartheid South Africa. Discretion in the face of political opposition, as

⁵⁷¹ TNA FCO 45/2168 Mr. Abe, Japan’s representative to the UN in a statement made to the General Assembly A/32/PV.42, 17.

⁵⁷² TNA FCO 45/2168 Ramsay Melhuish (North America Department) RTZ/Westinghouse: Note of Meeting, 28 September 1977, Foreign and Commonwealth Office, 1.

⁵⁷³ TNA FCO 45/2168, Japan’s representative to the UN, 18.

⁵⁷⁴ TNA FCO 45/2168, 28 September 1977, 2.

⁵⁷⁵ *Ibid.*

demonstrated by the Japanese, was, however, not a virtue the British government was prepared to emulate. In fact, British authorities were of the opinion that:

There might even be some positive advantage in the public disclosure that the French, Germans and Japanese also have contracts from Rössing. In so far as our known interest in Rössing makes us unpopular in black Africa, in the UN or with pressure groups at home, it would improve our standing if we could be shown to be only one of a group of 4 countries.⁵⁷⁶

The more the merrier, was the general attitude adopted by British government officials, who were evidently not prepared to surrender the commercial advantage presented by the Rössing contract to the British nuclear power programme.

5.9 Phase VII: Contract Completion

The Japanese decision to forego deliveries from Rössing resulted in improved deliveries to the BNFL. The greatest concern from this point on was not the delays in deliveries per se but rather the risk of political change in Namibia and the impact such change would have on the British government's uranium supplies. Political change in Namibia was being anticipated because of diplomatic efforts that were being formalised under what would become known as the Western Contact Group whose aim it was to negotiate with the South African regime for a settlement of the Namibia situation (see Chapter 6). Writing in 1977, an FCO official noted that:

If it turns out to be an accurate assessment that we will only be receiving 40 per cent of supplies this year and not much more next year, the risk is clearly very considerable that an independent government in Namibia will be able either to cut off our supplies altogether, or at the least renegotiate the price, before we have obtained more than a small percentage of the total amount provided for by the contract.⁵⁷⁷

Such action by an independent government of Namibia was plausible, especially in light of Decree No.1 and the criticism levelled against the uranium contracts by the nationalist movement SWAPO. According to Hecht SWAPO had 'strongly condemned the uranium

⁵⁷⁶ TNA FCO 45/2168 Ramsay Melhuish (North America Department) to Mr Graham RTZ – Possible Intervention by Government in Proceedings in House of Lords, 20 September 1977, 3.

⁵⁷⁷ TNA FCO 45/2166 Colin Bright to Mr Reid, Namibia: Uranium, 24 February 1977.

contracts in public, throughout the liberation struggle'.⁵⁷⁸ Despite off the record assurances by the SWAPO representative in Britain (Peter Katjavivi), in 1976, that 'a SWAPO Government would not disturb RTZ's position in Namibia' the British government could not be certain that the mandate to govern would indeed fall to SWAPO.⁵⁷⁹ It was thus of utmost importance that uranium deliveries to the BNFL be completed before Namibia attained its independence. This urgency was illustrative of how the British government's economic and strategic priorities cut across political and ethical commitments to divesting from occupied Namibia. It also confirms the UN Council for Namibia's observations that 'the continuation of those supplies of uranium without change in the conditions under which it was supplied, would appear to require the continuation of South Africa's illegal occupation of Namibia'.⁵⁸⁰

The deliveries schedule was initially supposed to end in 1982 but the completion date was deferred due to the delays in deliveries experienced in the late-1970s. The increase in supplies to the BNFL, as a result of the Japanese decision, thus gave the British government the confidence that the BNFL would receive all of its uranium supplies from Rössing by 1984. By November 1977, British government officials were not only discouraging the management of the BNFL from entering into a new agreement with RTZ for additional uranium supplies from Rössing but also from exploring new uranium deposits in Namibia. An official of the FCO reporting on a meeting with the BNFL wrote that

Mr Marsh asked whether BNFL should seriously consider purchasing further uranium from Namibia, to be contracted for in the next year or so; and whether they should look into the possibility of exploring for uranium in Namibia (in association with Gold Mines of South Africa). I said that in each case it would not be advisable to make any decision until the future of Namibia was clearer. For the moment the answers to both proposals had to be no.⁵⁸¹

Gold Mines of South Africa, who themselves were shareholders in Rössing, were prospecting for uranium at the Langer Heinrich deposits, located about 40km from the Rössing mine. Gold Mines had approached entities like the BNFL for a partnership in the exploration of these

⁵⁷⁸ Hecht, *Being Nuclear*, 103.

⁵⁷⁹ *Ibid.*

⁵⁸⁰ Report of the UCN Vol III, 30.

⁵⁸¹ TNA FCO 45/2168, 9 November 1977.

deposits.⁵⁸² So in addition to purchasing further uranium from Rössing the BNFL was also seriously considering to invest in the exploration of additional uranium deposits in Namibia. This, as the FCO official reported, would have to wait in the face of looming political change in Namibia. The priority was to see to it that the uranium deliveries to the BNFL, under the existent contracts, was completed so as to avoid the possible risks that could be associated with political change in the territory. This decision suggests continuity with the earlier British government policy which was being shaped by perceptions of security of supply. In the late 1960s, for instance, the British government sought uranium from Rössing because RTZ was a British company and thus a secure source of supply. By the mid-1980s, however, continued access to Namibian uranium could not be guaranteed, hence the decision to discourage participation in Langer Heinrich.

5.10 Conclusion

The British government's role in the exploitation of Namibian uranium can be traced over a period of seven phases. The initial four phases, *the cover-up phase*, *the disregard and promises phase*, *the about-turn phase* and *the non-interference phase*, were adopted from the work of Roberts and replicated herein to provide a guiding framework on the politics of decision-making processes of consecutive British governments in relation to the Rössing contracts. The final three phases, *opposition to contracts phase*, *the delays in deliveries phase* and *the contract completion phase*, were devised for purposes of this chapter to allow for a discussion on the events that occurred in the period under study. These seven phases covered a period starting with the establishment of Rössing Uranium in the late-1960s up to the onsets of its production stage in the mid-1970s. The seven phases illustrate the British government's support for RTZ's operations in Namibia and the steadfast commitment to the policy of non-interference that was adopted and upheld by consecutive British governments. Such a commitment confirms the charges laid against the British government's policy towards Namibia, a policy dominated by questions of security of uranium supplies and condoning the exploitation of Namibia's natural resources for their self-interest. The adoption of the policy of non-interference did not spare the British government from concerns over the risk of possible interference with the Rössing

⁵⁸² The Langer Heinrich deposit was discovered in 1973. Extensive evaluation work at the site was carried out from 1974 to 1980 by the General Mining Union Corporation Limited (Gencor). <https://www.paladinenergy.com.au/langer-heinrich-mine/>, accessed 25 June 2021.

contracts, an interference that could have emanated from political change in Namibia. The delays with the mine's development schedule and the criticism levelled against the existence of the Rössing contracts combined to pose a risk to the British government's uranium supplies. It was feared that interference with the contracts could affect the favourable price at which the uranium had been purchased or disrupt supplies and the completion of the contracts all together. The desire therefore, was to see the completion of the delivery schedule to BNFL prior to the granting of independence to the territory. For this the status quo in Namibia had to be maintained, at least until the completion of deliveries to the BNFL. Thereafter, all new contracts or investments in Namibian uranium would have to wait until the situation in Namibia became clearer. This was in stark contrast to the Japanese government's decision to halt all uranium deliveries from Rössing until the attainment of Namibian independence. Compared to the Japanese government's sensibilities towards international pressures, the British government's decision not to interfere in the commercial activities of British companies operating in Namibia was one of self-interests and a collusion in the exploitation of Namibia's uranium deposits.

Chapter 6: Material Interests and the Path to Independence, 1977-1984

6.1 Introduction

In the late 1970s RTZ's Rössing Uranium mine came into production and commenced uranium deliveries to its western customers. The onset of Rössing Uranium's commercial activities, which in the 1970s were considered a matter of commercial confidentiality, coincided with international initiatives aimed at securing a diplomatic solution to the Namibian question. Key among these was the formation of the Western Contact Group (WCG) comprised of Britain, Canada, France, the USA and West Germany. According to Moukambi, 'the resolution of the five Western countries to lead talks with South Africa over the self-determination process of Namibia was not without interest for them'.⁵⁸³ The members of the WCG had major economic interests in South Africa and Namibia and they were all involved in the Rössing venture, in one way or the other. This chapter's main argument is that the WCG's diplomatic initiatives marked an intentional change of strategy on the part of the nations in the WCG in order to thwart an unfolding path of decolonization that would have endangered their investments in Namibian uranium. The thwarted path was to authorize the seizure of illegally extracted uranium and the compensation of the Namibian people via a national court system - a path that was being pursued by the UN Council for Namibia (UNCN) with the support of SWAPO and the global Anti-Apartheid Movement. The WCG's strategy also weakened opposition to the Group's control over the pace of decolonisation in Namibia.⁵⁸⁴ This control over the pace of decolonisation enabled the WCG to forestall Namibian independence so as to protect the material interests and investments of its members.

Rössing Uranium's commercial activities were carried out in secret due in part to the South African laws regulating its mining activities, but also due to international opposition to the exploitation of Namibia's natural resources. Legally, the campaign to protect Namibia's natural resources had its foundation in the UN Council for Namibia's Decree No. 1 for the Protection of the Natural Resources of Namibia, as well as in the resolutions of the UN Security Council which called for disinvestment in the territory. Countries like Britain, France and West Germany contravened these resolutions by investing, and maintaining their investments, in RTZ's operations in Namibia. The British government, for instance, defended its contracts with

⁵⁸³ Moukambi, 'Relations Between South Africa and France', 219.

⁵⁸⁴ Grovogui, *Sovereigns, Quasi Sovereigns*, 171.

RTZ's Rössing Uranium and extended support to British companies operating in Namibia (see Chapter Five). While leaning on British government support, for instance, RTZ's management argued that 'as a company operating under UK law' they were not under any legal obligation to heed the instructions of the UN Council for Namibia in relation to their investment in Rössing Uranium, primarily because the British government did not accept the authority of the Council.⁵⁸⁵ Victor Moukambi writes that the French government had adopted a similar approach to companies of their nationality with investments in South Africa and by extension Namibia.⁵⁸⁶ Whereas the support of these governments bolstered RTZ's attitude towards the campaign to protect Namibia's uranium resources, the role of these governments in the diplomatic negotiations for Namibian independence necessitated the confidentiality that was adopted by the multinational corporation. In a kind of unholy alliance RTZ hid the role of these governments in the mining of Namibian uranium in order to protect their credibility as part of the diplomatic effort to reach a settlement on Namibian independence. The strategy of commercial confidentiality was further aimed at shielding Rössing Uranium, its customers and investors from international scrutiny. The secrecy unravelled in 1980 when the UN Council for Namibia focused in on the exploitation of Namibian uranium and convened the Namibian Uranium Hearings. The culmination of these Hearings was the institution of legal action aimed at prohibiting the trade in Namibian uranium. The legal proceedings, much like the growing anti-apartheid rhetoric at the UN and calls for the institution of sanctions against South Africa, constituted the sort of challenges the WCG sought to contain through its diplomatic initiative.

Chapter Six begins with a discussion on the secret trade in Namibia uranium, highlighting the commencement of uranium deliveries from the Rössing mine and the logistical challenges posed by the UNCN's Decree and the British Anti-Apartheid Movement to the importation of Namibian uranium into Britain and France. The chapter then moves away from the mine and onto the international arena in order to examine the adoption of UN Security Council resolutions aimed at recommending an internationally acceptable path to Namibian independence. Here the chapter is especially interested in the alternative path embarked on by the WCG in their attempt to remove the Namibian question from the realm of the UN, where calls for sanctions against South Africa were intensifying. The calls for sanctions emanated from within the Africa block in the UN General Assembly, where 'draft resolutions demanding

⁵⁸⁵ Daniel, *Against All Odds*, 17.

⁵⁸⁶ Moukambi, 'Relations Between South Africa and France'.

that sanctions be imposed on the apartheid regime' were circulated.⁵⁸⁷ The aim of these draft resolutions was to force the hand of the Security Council members and this was unacceptable to the Western countries. The chapter then moves to a discussion on the protection of private property rights which were proposed by the WCG through the introduction of constitutional principles. Finally, the chapter concludes with a discussion on the campaign to protect the natural resources of Namibia, which culminated in the organising of the Uranium Hearings and the subsequent legal action instituted by the UNCN. It is through this campaign that the Rössing Uranium mine came to be placed as an emblem of colonialism.⁵⁸⁸

6.2 The Secret Trade in Namibian Uranium

The first uranium deliveries from Rössing commenced in 1977. In order to execute these deliveries, a high degree of 'secrecy was all important'.⁵⁸⁹ Details pertaining to the specific routes of delivery, the quantities of deliveries as well as the specific customers were kept secret. The convenience of the mine's location near the main road network meant that uranium barrels could be transported by road from the Rössing mine to the Johannes Gerhardus Strijdom International (J.G. Strijdom Int.) Airport in Windhoek. From there the uranium barrels were transported by cargo flights to Rössing's customers in the western world.⁵⁹⁰ The port of Walvis Bay, located a mere 90 km from the Rössing mine, presented an alternative route for the export of Namibian uranium. The port was accessible via rail or road network from the Rössing mine. However, 'shipping the material by sea presented a risk which in 1977 was becoming more serious'.⁵⁹¹ An FCO official, for instance, noted the need for caution in this area writing that:

We have taken discreet steps to warn British Nuclear Fuels Ltd., and through them RTZ, that it would be prudent to ensure that deliveries of uranium from the Rössing mine of Swakopmund will be carried only in British or South African registered ships and even then, only in ships which would not touch any other African ports while carrying the uranium. We are however conscious that as a Government we could suffer

⁵⁸⁷ H. Melber and C. Saunders, 'Conflict mediation in decolonisation: Namibia's transition to independence' *Africa Spectrum*, Vol. 42, No.1 (2007) pp.73-94, 78. <https://www.jstor.org/stable/pdf/40175168.pdf>, accessed 30 August 2018.

⁵⁸⁸ Hecht, *Being Nuclear*, 82.

⁵⁸⁹ Daniel, *Against All Odds*, 109.

⁵⁹⁰ CANUC, *Chronology of Developments*, 2.

⁵⁹¹ Daniel, *Against All Odds*, 108.

serious embarrassment if a ship was arrested by an ill-disposed government and its cargo confiscated in the name of the UN Council. We reckon that the South West African People's Organisation are sufficiently resourceful, and sufficiently well organised internationally to be up to this.⁵⁹²

The concerns of British government officials were based on the provisions of the UNCN's Decree No.1 'which recommended seizure of Namibia's illegal export of its natural resources...' a recommendation which, according to Daniel, could have been taken up by 'left wing trade unions in countries where the material was being transhipped'.⁵⁹³ SWAPO's collaboration with the UNCN and organisations such as the Namibia Support Committee (NSC) and the solidarity of independent African countries also constituted an additional threat. The government of Nigeria (which was pro-liberation and pro-SWAPO), for instance, threatened 'to send a gunboat to intercept shipments of uranium' from Namibia, as uranium shipments would have been transported along the Atlantic coast.⁵⁹⁴ The trade union action and the actions of ill-disposed governments were thus a plausible risk as later events would demonstrate.

These threats made the airlift of Namibian uranium a more viable option in 1977. As RTZ officials noted, 'there would be considerable advantages in airlifting the product from a security and political point of view – especially if the airline concerned was French.'⁵⁹⁵ This was because the French connection to Rössing Uranium was not as well publicised in 1977, as was, for example, the British connection. Admittedly, direct deliveries to Britain through towns like 'Manchester in the UK might have been ideal for delivery to the conversion facility at BNFL but the UK Government was worried about adverse publicity if the flights became public knowledge.'⁵⁹⁶ The Anti-Apartheid Campaign Against the Namibian Uranium Contracts (CANUC), would certainly have rallied behind the boycott of uranium deliveries via British airports. Uranium deliveries to France, with onward road transportation, would, it was hoped, draw less attention than direct deliveries to Britain.

To transport uranium from Rössing to its European customers, the RTZ team chose the South African Airways (SAA) and the Union Transport Aérienne (UTA). Rössing Uranium entered

⁵⁹² TNA FCO 96/414 Martin Reith (FCO) to H. Hime (UK Consulate Cape Town), UN Council for Namibia – September Decree on Natural Resources, 12 January 1975.

⁵⁹³ Daniel, *Against All Odds*, 108.

⁵⁹⁴ *Ibid.*

⁵⁹⁵ *Ibid.*

⁵⁹⁶ Daniel, *Against All Odds*, 109.

into an initial twelve month contract with SAA and UTA, on the understanding that the French would negotiate with the government of its former colony, Gabon, to allow South African cargo planes to refuel in that country in route to France.⁵⁹⁷ Uranium destined for delivery to BNFL's conversion facilities was airlifted to Paris, with onward transportation by road to the UK using trucks belonging to a privately owned haulage firm, Edmundson.⁵⁹⁸ Uranium destined for the French conversion facility COMURHEX, was delivered to the airport in Marseilles.⁵⁹⁹ A Boeing 707 aircraft belonging to SAA was the first to deliver uranium to the airports of Paris and Marseilles.⁶⁰⁰

In the case of Marseilles, Peter Daniel writes that 'the first flight ... took place on January 10th 1978 which in spite of the desire for secrecy turned out to be quite the opposite.'⁶⁰¹ This was because 'it was the first time that South African Airways had been seen at Marseilles Airport' and 'the bright orange livery of SAA was there for everyone to see.'⁶⁰² This drew unwanted attention and led to speculation around what SAA cargo flights could possibly be delivering to Marseilles. RTZ intervened in the matter, 'persuading SAA to paint out the SAA logo on the aeroplane tail so that they could land at Marseilles incognito.'⁶⁰³ Under these new circumstances, SAA was able to deliver uranium to COMURHEX, via Marseilles, for a continued period of 'eighteen months with little publicity.'⁶⁰⁴ Subsequent uranium deliveries to France were also carried out by DC8 aircraft operated by UTA.⁶⁰⁵ By 1979, when Rössing Uranium came into full production, the South African and French cargo flights transported uranium ore twice a week from Namibia to the French airports of Charles de Gaulle, Marseille and Orly.⁶⁰⁶

Airlifting Namibian uranium to Rössing's customers, via France, was carried out from 1977 to 1979. This mode of transportation was however curtailed in the middle of 1979 following the revelation that workers at the airports of Marseille, Orly and Charles de Gaulle had planned to

⁵⁹⁷ Daniel, *Against All Odds*, 108.

⁵⁹⁸ CANUC, *Chronology of Developments*, 3.

⁵⁹⁹ Daniel, *Against All Odds*, 109.

⁶⁰⁰ A. R. Roberts, *The International Trade in Namibia's Uranium (An overview of the Expropriation of Namibia's uranium resources)*. International Seminar on the Role of Transnational Corporations in Namibia, Washington DC Nov 29-Dec 2, 1982. Organised by the American Committee on Africa with Support of the United Nations Council for Namibia.

⁶⁰¹ Daniel, *Against All Odds*, 109.

⁶⁰² *Ibid.*

⁶⁰³ *Ibid.*

⁶⁰⁴ *Ibid.*

⁶⁰⁵ SWAPO, *Trade Union Action: Report of a Seminar for West European Trade Unions organised by SWAPO of Namibia in co-operation with the Namibia Support Committee*. (London: SWAPO, 1982), 25.

⁶⁰⁶ CANUC, *Chronology of Developments*, 2.

protest against the secret shipment of Namibian uranium.⁶⁰⁷ The threat of the trade union action at the French airports was prompted by a seminar that was organised by the SWAPO in partnership with the Namibia Support Committee (NSC), through which French unions were informed about the transportation of Namibian uranium via French airports, in contravention of the UN Decree No.1. Article Five of the Decree stipulated that ‘any vehicle, ship or container found to be carrying ... mineral or other natural resources produced in or emanating from the Territory of Namibia shall also be subject to seizure and forfeiture ...’⁶⁰⁸ Such seizure and forfeiture could, according to the UN Commissioner for Namibia Sean MacBride, be carried out through the issuance of a court order that would enable the concerned parties to secure the cargo at the port of entry, such as a French airport.⁶⁰⁹

SWAPO in partnership with the NSC thus resolved to organise a seminar for West European trade unions, which was held in London. The seminar would lead to the boycott of uranium deliveries facilitated by the French airports. Their efforts to seize Namibian uranium at French airports were thwarted when a leak within SWAPO and the NSC ‘uncovered a plan to seize one of the planes in Paris in order to embarrass Rössing and RTZ’.⁶¹⁰ The leak revealed how French airport workers intended to boycott the offloading of Namibian uranium deliveries, which in turn would have enabled SWAPO, the NSC and the UN Council for Namibia to carry out the first seizure of Namibian uranium. RTZ, in collaboration with its European customers, were then forced to establish new routes of delivery. The shipment of uranium by sea, which had been ignored in favour of airlifting, was secretly revisited. The rail link connecting the Rössing mine to the port of Walvis Bay was then used to transport uranium barrels for onward shipment to Europe. Following the publicising of the French supply route by SWAPO and the NSC, the deliveries from the Rössing mine would no longer be carried out by French and South African logistic companies. Instead the deliveries were carried out via the port of Walvis Bay to Zeebrugge, a Belgium port, using West German cargo vessels.⁶¹¹ The introduction of Belgian and West German players was thus another attempt by RTZ to keep Namibian uranium deliveries secret.

⁶⁰⁷ United Nations Council for Namibia. *Plunder of Namibian Uranium*. (New York: 1982), 11. Daniel, *Against All Odds*, 109.

⁶⁰⁸ Roberts, *The Rössing File*, 15.

⁶⁰⁹ United Nations Council for Namibia, *Plunder of Namibian Uranium*, 11.

⁶¹⁰ Daniel, *Against All Odds*, 109.

⁶¹¹ SWAPO, *Trade Union Action*, 25.

Undeterred by RTZ's tactics, researchers associated with the NSC pieced together information pertaining to RTZ's operations in Namibia. Some of this information was obtained through the persistent questioning of the British government's involvement in the Rössing contracts as well as through the Annual General Meetings of RTZ. As discussed in Chapter 5, the NSC's the Haslemere Group attended RTZ AGMs and obtained copies of the annual financial reports of RTZ. It is through these meetings and publications that researchers were able to obtain information pertaining to Rössing Uranium's contributions to the annual profits of RTZ as well as information on general changes within RTZ that could be related to its operations in Namibia. This information was circulated through publications like *The Rössing File* and *Namibia: A Contract to Kill*.⁶¹² A documentary, titled *Follow the Yellowcake Road* was also produced using the information compiled by the Namibia Support Committee on the transportation of uranium supplies from the Rössing mine to the United Kingdom.⁶¹³

6.3 The UN Security Council and the Western Contact Group

RTZ's operations at the Rössing mine came into production at a time when a diplomatic initiative for Namibian independence was being formulated under the auspices of the WCG. The WCG was brought together by the American representative to the UN, Ambassador Andrew Young, who together with the UN Representatives of Britain, Canada, France and West Germany, led the diplomatic initiative for a peaceful settlement to the Namibian question.⁶¹⁴ According to Victor Moukambi:

The involvement of the Contact Group over the Namibian question started in April 1977 when the Contact Group of five Western nations (Canada, France, the Federal Republic of Germany, United Kingdom, the United States of America) offered their good offices to promote the implementation of Resolution 385 (1976)...⁶¹⁵

⁶¹² These publications were produced and published by the Namibia Support Committee through CANUC.

⁶¹³ Investigates the secret contract and operation arranged by the British based Rio-Tinto Zinc Corporation to import uranium (yellowcake) into Britain from the Rössing Mine in Namibia, one of whose major shareholders is the South African government. M. Ryan (Director), *Follow the Yellow Cake Road*, 10-03-1980 (Television) Granada Television, United Kingdom

<http://collections-search.bfi.org.uk/web/Details/ChoiceFilmWorks/150090154>, accessed 30 June 2021.

⁶¹⁴ The Group was composed of the following Permanent Representatives to the United Nations: William H. Barton (Canada), Jacques Leprette (France), Rüdiger von Wechmar (Federal Republic of Germany), James Murray (United Kingdom) and Andrew Young (United States of America).

⁶¹⁵ Moukambi, 'Relations Between South Africa and France', 219.

The UN Security Council Resolution 385 was adopted unanimously in January 1976. Through Resolution 385 the Security Council not only reaffirmed the UN's legal responsibility over Namibia but it also declared the South African administration's continued presence in Namibia as 'illegal occupation'.⁶¹⁶ More importantly, Resolution 385 called for free and fair elections in Namibia to be held under the supervision of the United Nations. It was from this resolution that the five-nation WCG adopted its mandate and launched a diplomatic initiative aimed at securing a negotiated independence for Namibia.⁶¹⁷

Although Resolution 385 was hailed as a workable path to Namibian independence, its co-option by the WCG was met with scepticism. According to Margaret Karns, this was because the WCG 'functioned ... as an ad hoc multilateral mediating team in close proximity to but not directly linked with the United Nations'.⁶¹⁸ This 'indirect link' was further described by Grovogui as the formation of an 'alternative international forum' to the ongoing UN initiatives. Jochen Prantl adds that this alternative forum constituted an exit from the structures of the UN, the aim of which was to contain the fallout of anti-apartheid policies at the UN. From the perspective of these scholars therefore, the WCG came across as an ally of South Africa because of its efforts to contain anti-apartheid sentiments and particularly the calls for sanctions. Peter Katjavivi, for example, explained that because:

These permanent members of the Security Council had used their vetoes to block sanctions against South Africa over the question of Namibia they clearly felt some new diplomatic initiative was needed to show that they were interested in Namibian independence and were not just protecting their interest.⁶¹⁹

It is therefore noteworthy that the Western powers who took the lead in negotiating a settlement plan for Namibian independence were the very ones who were opposed to any action on the economic activities pertaining to the territory. The WCG's diplomatic initiatives thus fulfilled the dual role of 'diverting pressures at the UN for economic sanctions against Pretoria' all while keeping the South African regime's obstinacy at bay.⁶²⁰

⁶¹⁶ United Nations Security Council Resolution 385 (of 30 January 1976), <http://unscr.com/en/resolutions/doc/385>, accessed 03 May 2021.

⁶¹⁷ P. Katjavivi, 'The Rise of Nationalism in Namibia and its International Dimensions', DPhil Thesis, University of Oxford, (Oxford: 1986), 319.

⁶¹⁸ M. P. Karns, 'Ad Hoc Multilateral Diplomacy, The United States, the Contact Group, and Namibia', in *International Organisation*, Vol. 41, No.1, pp.94-95 <http://www.jstor.org>, accessed 03 May 2021.

⁶¹⁹ Katjavivi, *The Rise of Nationalism*, 324.

⁶²⁰ Moukambi, 'Relations Between South Africa and France', 219. Karns, *Ad Hoc Multilateral Diplomacy*, 94.

According to Grovogui, the formation of the WCG subverted the general principle of law which declares that 'states that had interests in specific policy areas had the international obligation to abstain from promulgating or promoting policy prescriptions that may involve deliberate truncation of other states' rights.'⁶²¹ The WCG's conflict of interests in relation to Namibia is best understood through an examination of the economic and strategic interests held by Britain, Canada, France, the USA and West Germany in Namibia. Here reference is made especially to their role in the exploitation of Namibia's uranium resources. The RTZ management, for instance, raised the question of French and German involvement in Rössing with British government officials. As late as September 1977, 'non-British involvement in Rössing was not public knowledge'.⁶²² RTZ therefore wondered what impact the revelation of French and German investment in Rössing Uranium would have on the diplomatic initiative of the WCG. RTZ argued that 'if their interest in uranium supplies from Namibia were revealed, this would mean that 3 out of the 5 members of the Contact Group had a material interest in the Territory'.⁶²³ It is interesting that RTZ themselves were aware that the WCG would appear compromised by their involvement in Rössing. Such an awareness resonates with Trevor Jepson's argument that RTZ was as responsible for the exploitation of Namibia's uranium resources as the aforementioned governments (see Chapter 1).

RTZ's estimation could be brought to 4 out of the 5 members of the WCG if we take into consideration Canadian investment in Rössing Uranium. A clear majority of the members of the WCG thus had material interests in Namibia and particularly in the exploitation of the territory's uranium resources. The overlap between membership of the WCG and those countries with financial and strategic interests in Rössing Uranium is striking. The WCG were thus motivated to act because of their interests in Namibian uranium.⁶²⁴ This line of argument is plausible particularly when one examines the participation of Canada in the WCG. In the 1970s Canada was not a major world power like the other members of the WCG and did not have a history of diplomatic initiatives in Africa. Why else then would Canada participate in the diplomatic initiatives of the WCG, if not to protect their material interests in Namibia. Downplaying the importance of the argument made by RTZ in relation to the revelation of the

⁶²¹ Grovogui, *Sovereigns, Quasi Sovereigns*, 171.

⁶²² TNA FCO45/2168 A.E. Furness to Melhuish, 19 September 1977.

⁶²³ TNA FCO 45/2168 Ramsay Melhuish to Mr Graham, RTZ: Possible Intervention by Government in Proceedings in House of Lords, 20 September 1977, 2.

⁶²⁴ Moukambi, 'Relations Between South Africa and France', 220.

material interests of the members of the WCG in Namibia, the British government responded that:

No one in black Africa or elsewhere has so far accused us of participating in the 5 power initiative in order to promote or protect our commercial interests in Rössing. There does not seem to be much risk therefore that the accusation would be made against the French and the Germans. If it were, it seems unlikely that it would really damage the 5 power initiative since it would be so plainly false.⁶²⁵

This might have been true in 1977, when the WCG first set off on its diplomatic initiative, but accusations were eventually made when the initiative proved futile. Access to Namibia's raw materials and principally uranium was viewed as having influenced western political attitudes over South Africa's occupation of Namibia.⁶²⁶ For, as Katjavivi explains:

Perhaps the clearest and most significant example of how this works is that of Rössing. The British firm RTZ collaborates at Rössing with the South African regime and its agencies, and with Total of France, Urangesellschaft of West Germany, and Rio Algom – the Canadian subsidiary of RTZ. American companies are engaged in the construction of the mine.⁶²⁷

As discussed in Chapter 4, British, French and West German entities had product take-off rights in Rössing, through contracts signed in the late 1960s and early 1970s. These contracts had either been fiercely defended, as in the case of Britain, or kept secret, as in the case of France and West Germany. The Canadian involvement in Rössing was also substantial, even though it was facilitated through a mining entity and not a state-owned entity. The mining company was nevertheless important to the Canadian economy. American companies on the other hand, were not only financially invested in terms of being awarded the tender to construct the mine but also through the purchase of mining equipment. Moreover, Moukambi writes that 'though the USA had limited direct investment in Namibia, they were concerned about the growing instability in the region and a potential Soviet expansion that might threaten access to raw materials, principally uranium'.⁶²⁸ These varying degrees of interests and particularly the

⁶²⁵ TNA FCO 45/2168, 20 September 1977, 2.

⁶²⁶ Speech by Comrade Nujoma, President of SWAPO of Namibia delivered in Amsterdam, Holland on the occasion of the International Seminar on an Oil Embargo against South Africa, 14 March 1980.

⁶²⁷ Katjavivi, 'The Rise of Nationalism', 335.

⁶²⁸ Moukambi, 'Relations Between South Africa and France', 220. Two American companies had direct investment in the Tsumeb Copper mine: Newmont Mining and American Metal Climax. Newmont sold their stakes in Southern African operations in 1984 and 1988 in response to pressure from anti-apartheid activists.

investment in Rössing Uranium led SWAPO, the nationalist movement spearheading Namibian decolonisation, to accuse the WCG of colluding in the theft of Namibian uranium. SWAPO argued that this was in contradiction to ‘the professed role adopted by the Western Contact Group in negotiations for an ‘internationally acceptable solution’ to the Namibian situation’.⁶²⁹ The WCG, nevertheless, persisted in their self-appointed role of negotiating the path to Namibian independence.

6.4 UN Security Council Resolution 435 (1978)

Despite the challenges and much scepticism during the course of the diplomatic negotiations, the WCG produced a settlement plan that would act as the guiding framework for Namibian independence.⁶³⁰ The settlement plan was adopted by the UN Security Council as Resolution 435 of 29 September 1978, which was presented as the promotion of the implementation of Resolution 385 (1976). Although it was negotiated outside the UN framework, the settlement plan was accepted by the international community because it had been embedded inside the framework of objectives that are outlined in Resolution 385 (1976). Prantl writes that ‘the cooperation between the Western Contact Group and the UN turned out to be crucial since the Organization provided the seal of legitimacy to the Western initiative [and] assumed responsibility for implementing and monitoring the settlement plan’.⁶³¹

Moukambi, however, argues that by ‘presenting their plan as the implementation of Security Council Resolution 385 (1976), the five Western countries weakened the content of the resolution’.⁶³² In calling for the holding of free elections under the supervision and control of the UN, Resolution 385 mandated the Security Council to decide on an adequate time frame in which the date, timetable and modalities for the elections would be determined so as to enable the UN ‘to establish the necessary machinery within Namibia to supervise and control such elections’.⁶³³ Furthermore, Resolution 385 demanded that the South African regime ‘make a solemn declaration accepting the foregoing provisions for the holding of free elections in

⁶²⁹ SWAPO, Trade Union Action, 16.

⁶³⁰ Melber and Saunders, ‘Conflict mediation’, 75. United Nations Security Council. Proposal for a settlement of the Namibian situation. (S/12836), 2.

⁶³¹ Prantl, The UN Security Council, 155.

⁶³² Moukambi, ‘Relations Between South Africa and France’, 222.

⁶³³ United Nations Security Council Resolution 385 (1976) of 30 January 1976. The situation in Namibia. <https://digitallibrary.un.org/record/93716?ln=en>, accessed 24 September 2020.

Namibia' and withdraw 'its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations'.⁶³⁴ Despite these provisions, the WCG still formulated an alternative framework which they argued was 'an effective bases for implementing Resolution 385 (1976) while taking adequate account of the interests of all parties involved'.⁶³⁵ Resolution 435 nevertheless reiterated the objective of free elections under the supervision of the UN, in accordance to Resolution 385 and it established the UN machinery for the supervision of these elections.

Both the South African regime and SWAPO accepted the WCG's proposal for a settlement to the Namibian situation and agreed to abide by Resolution 435 which called for a transition to independence under the aegis of the UN Special Representative assisted by the United Nations Transition Assistance Group (UNTAG).⁶³⁶ The UN plan was, however, not implemented in 1978 as planned because the South African regime 'undermined the UN plan by announcing early elections in Namibia' in pursuance of an internal solution to Namibia's transition towards independence.⁶³⁷ Prantl explains that in the negotiations with the WCG the South African regime employed 'a diplomatic strategy that granted enough concessions to prevent the entire breakdown of negotiations and to avoid mandatory sanctions by the Security Council'.⁶³⁸ So in agreeing to the terms of Resolution 435 the South African regime was simply acting in accordance to its diplomatic strategy, with no actual intention of accepting the terms of the settlement plan. The reversal in position was also witnessed at a policy level in relation to South Africa's neighbours. Efforts by John Vorster, who resigned as Prime Minister in 1978, to improve relations with neighbouring states and bolster South Africa's international image, were abandoned in favour of a hostile military strategy against internal and external opposition. In relation to Namibia, the regime abandoned the international plan in favour of a unilateral plan culminating in the Constituent Assembly elections of December 1978, which saw the

⁶³⁴ United Nations Security Council Resolution 385 (1976).

⁶³⁵ Prantl, The UN Security Council, 129. By this was meant the 'relevant communications from the Government of South Africa to the Secretary-General' as well as the 'letter dated 8 September 1978 from the President of the South West Africa People's Organization to the Secretary-General'. United Nations Security Council Resolution 435 (1978) of 29 September 1978. <https://peacemaker.un.org/namibia-resolution435>, accessed 24 September 2020.

⁶³⁶ Martti Ahtisaari had served as U.N. Commissioner for Namibia prior to his appointment as the U.N. Special Representative. The United Nations Transition Assistance Group (UNTAG) was established under Security Council Resolution 435.

⁶³⁷ Prantl, The UN Security Council, 131.

⁶³⁸ *Ibid.*

appointment of an interim government in Namibia.⁶³⁹ The WCG continued to negotiate with South Africa in an attempt to persuade the regime ‘to accept the main suggestions of Resolution 435, but somewhat without success’.⁶⁴⁰

South Africa’s unilateral plan was denounced by the UN General Assembly, for it posed a major challenge to the efforts of the international community in bringing independence to Namibia. To keep the negotiations going, the WCG threatened to take sanctions against South Africa. This was, however, only a pretence and never a real intention as the WCG had actively sought to divert pressures at the UN General Assembly for economic sanctions against South Africa.⁶⁴¹ Moreover, a decision on sanctions could ‘only be taken by the Security Council after it had made a determination under Chapter VII of the UN Charter, that the situation in Namibia was a threat to or breach of the peace’.⁶⁴² Because it was composed of members of the Security Council, the WCG had the means to propose the adoption of sanctions against South Africa. This was unsurprisingly never carried out because of ‘anxieties about the effect on our interest of a Chapter VII determination connected with Namibia’.⁶⁴³ British government officials, for instance, were quick to admit, to their American counterparts, that a Chapter VII determination would jeopardise their uranium supplies from Rössing.⁶⁴⁴ Such an admission was aimed at ensuring American ‘cooperation at the UN in opposing sanctions on Namibia/South Africa’.⁶⁴⁵ Unwilling to carry out the sanctions bluff, the WCG’s negotiations were doomed to failure. Katjavivi provides the following explanation for the failure of the Contact Group’s diplomatic initiative:

- i) The Contact Group failed to persuade South Africa that it was in its interests to achieve an internationally acceptable settlement in Namibia.
- ii) They failed because in the end the economic and strategic interests of individual Contact Group nations were deemed to be more important than their combined desire to bring about Namibian independence, even

⁶³⁹ National Democratic Institute for International Affairs, *Democratic Elections in Namibia: An International Experiment in Nation Building The First Pre-Election Study* June 1989, 12. https://www.ndi.org/sites/default/files/158_na_election_060189.pdf, accessed 15 December 2020.

⁶⁴⁰ Moukambi, ‘Relations Between South Africa and France’, 221.

⁶⁴¹ Karns, ‘Ad Hoc Multilateral Diplomacy’. Moukambi, *Relations Between South Africa and France*, 221.

⁶⁴² TNA FCO 45/2166 W.E. Fitzsimons to Paul Thurlow, 27 January 1977.

⁶⁴³ TNA FCO 45/2166 Antony Duff to Mr. Mansfield, Namibia, 15 March 1977.

⁶⁴⁴ TNA FCO 45/2166, 15 March 1977.

⁶⁴⁵ TNA FCO 45/2166 Marin Reith to Mr Reid, Namibia: Uranium, 24 March 1977. TNA FCO 45/2166 H.M.S. Reid to Mr. Mansfield, Namibia: Uranium, 29 April 1977.

though this would have probably brought the greater stability desired by Western governments and multinational companies.

- iii) The question of sanctions was ultimately not seriously pursued [because the] Contact Group was not prepared to jeopardise its relations with South Africa over the question of Namibia.⁶⁴⁶

The WCG refused, however, ‘to admit they had failed in their negotiations, for then they would have to accept the consequences of their failure and impose sanctions on South Africa for undermining their plan and continuing its illegal occupation of Namibia. So the negotiations over the implementation of Res. 435 continued.’⁶⁴⁷ The result was a prolonged period of inconclusive diplomatic negotiations; a period described by David de Beer as ‘fruitless for Namibians, but very fruitful for the uranium trading figures’ of the WCG.⁶⁴⁸ The period was fruitless for the Namibian people because South Africa’s hostile military strategy involved an intensification of the conflict in Angola and Namibia became more strategically important because major SADF bases were located in northern Namibia. Moreover, the SADF launched a major offensive in 1978 that involved the notorious massacre of civilians at Cassinga. This increasing militarisation of northern Namibia and an intensified Border War in Angola continued on into the next decade.

6.5 The 1982 Constitutional Principles: Private Property Rights

An unintended consequence of the adoption of Resolution 435 was the anticipation of Namibian independence. A change in the political landscape of the country and the impact of such change on the inhabitants of the territory was contemplated by all sections of society, including the economic sector. In 1981, for instance, the representatives of the WCG met with officials of the South African ministries of defence and foreign affairs to discuss the future wellbeing of Namibia’s ‘white’ population, and especially the business community.⁶⁴⁹ The main focus was the right to property and the establishment of an independent judicial system

⁶⁴⁶ Katjavivi, ‘The Rise of Nationalism’, 366.

⁶⁴⁷ de Beer, ‘Background Information’, 3.

⁶⁴⁸ D. de Beer, ‘The Role of Transnational Corporations in Namibia International Seminar on The Role of Transnational Corporations in Namibia’, Washington, DC November 29 – December 2, 1982, American Committee on Africa/United Nations Council for Namibia, 1.

<https://www.jstor.org/stable/10.2307/al.sff.document.acoa000210>, accessed 08 June 2021.

⁶⁴⁹ Grovogui, *Sovereigns, Quasi Sovereigns*, 174.

through which private property rights would be protected.⁶⁵⁰ The concerns of the business community, and particularly those of the mining industry, were conveyed through the annual report of the Chamber of Mines in 1982, wherein the President of the Chamber of Mines expressed the uncertainty surrounding the future of mining operations as a result of the political situation in the territory. These uncertainties resulted in what he described as the existence of:

A school of thought especially in the business community that would prefer the present uncertainty to continue, rather than face the certainty that would follow a universal suffrage election. These fears are engendered by the economic performance of other States in Africa which have already achieved independence. In most cases, independence has been followed by a running down of the economy, the erosion – and sometimes the disappearance – of personal assets and private enterprise values, and generally by a process in which business interests have come off second best. Yet consequences of this kind are not the inevitable outcome of independence. There is a close correlation between the economic well-being of a country and the readiness of its ruler to allow straight investment principles to govern the management of its resources.⁶⁵¹

As the Chamber of Mines were well-aware, several countries had nationalised their mining industry shortly after independence, including the Democratic Republic of Congo and Zambia, and this had negative effects on the economic wellbeing of these countries. The sentiments of the Chamber of Mines were reflected in meetings between the WCG and the business community in Namibia, where it became apparent that both parties had a stake in the continuation of inconclusive diplomatic talks with South Africa. The outcome of these meetings was a proposal for the drafting of a ‘declaration of the principles that will be incorporated into the new Namibian constitution’ also known as the Constitutional Principles, which were adopted in 1982.⁶⁵² These principles were supposedly meant to guarantee a set of fundamental rights for all Namibians, which included the protection of personal and business assets. Jochen Prantl, however, writes that, the constitutional principles ‘were aimed at providing a safeguard that the Namibian constitution would include provisions for protecting

⁶⁵⁰ *Ibid.*

⁶⁵¹ D.B. Hoffe (President of the Chamber of Mines), Chamber of Mines Annual Report 1982, 4th Annual Report, 5.

⁶⁵² Principles for a Constitution for an Independent Namibia, 1982, History and Public Policy Program Digital Archive, Included in Southern Africa in the Cold War, Post-1974, edited by S. Onslow and A. Van Wyk <http://digitalarchive.wilsoncenter.org/document/118262>, 1, accessed 15 January 2021.

the rights of the white minority' who also controlled the economic sector.⁶⁵³ The 1982 Constitutional Principles, for instance, stipulated that 'there will be a declaration of fundamental rights, which will include the rights to Protection from arbitrary deprivation of property without just compensation ...'⁶⁵⁴ James Morris writes that pre-independence agreements which sought to protect private property, such as the 1982 Constitutional Principles, were part of a strategy developed by colonial officials and business leaders to decolonise territories 'while ensuring the maintenance of the colonial political economy'.⁶⁵⁵ In the case of Namibia this strategy was deemed necessary especially in the event that a SWAPO-led government took office following the granting of independence to the territory. SWAPO's supposed communist leanings were of great concern to the business community which had been criticised by the nationalist movement for exploiting the territory's resources in collusion with the apartheid regime. It was thus concluded that the adoption of the Constitutional Principles would protect private property rights and encourage private enterprise values. This confirms that the WCG's business concerns eclipsed the need for an internationally recognized independence settlement. Furthermore, the WCG knowingly stalled on Namibian independence because of these business interests.

For companies like Rössing Uranium the 'protection from arbitrary deprivation of property without just compensation' not only provided protection from nationalisation but also ensured the continuity of their operations in independent Namibia. Ironically, in the same period that future property rights were being ensured, the Rössing Uranium mine lost a great part of their prospecting grant area to Charles Zandberg who 'chanced upon a renewal notice of Rio Tinto South Africa's prospecting rights in the Namibian mining commissioner's office.'⁶⁵⁶ The event, according to the Windhoek Observer newspaper, happened in mid-1981 when the Rössing Uranium Prospecting Grant, M46/3/327, lapsed. Zandberg submitted an application to the mining commissioner's office for the rights over the area surrounding the Rössing Uranium mine and 'was granted them on the grounds that Rio Tinto had not carried out the required development of the area.'⁶⁵⁷ What precisely the mining commissioner meant by 'required development of the area' is not clear considering that RTZ had turned a barren area on the fringes of the Namib Desert into a vast commercially viable mining complex, complete with

⁶⁵³ Prantl, The UN Security Council, 134.

⁶⁵⁴ Principles for a Constitution for an Independent Namibia, 2.

⁶⁵⁵ Morris, 'Cultivating the African', 650.

⁶⁵⁶ Staff Reporter, Rössing Loses Grant: Bearded loner pulls off gigantic coup. Windhoek Observer, Saturday January 23, 1982, 1.

⁶⁵⁷ Staff Reporter, Rössing Loses Grant, 1.

housing and other amenities for its workforce. Rössing Uranium also carried out prospecting work in the area surrounding the mine, in consideration of the possible expansion of the open pit. The mining commissioner's award of the mining grant to Zandberg was nevertheless approved by the 'Administrator General Danie Hough, who simultaneously cancelled Rio Tinto's mandate.'⁶⁵⁸ This left the British multinational corporation with little option but to appeal to the mining authorities. RTZ's appeals and 'petitions were rejected [as] officialdom remained intransigent, and thus an area of some 70 000 hectares in which [Rössing Uranium] had broken ground over the many years, changed hands by the 'stroke of a pen'. There was no recourse.'⁶⁵⁹ Charles Zandberg officially held the rights to Prospecting Grant M46/3/327 which was composed of 'the 70 000 hectares which surround the 209 hectares Rössing mine ground.'⁶⁶⁰ RTZ were, thus only left with 209 hectares of their original mining grant and although this enabled them to continue their operations at Rössing Uranium parts of their infrastructural investments, such as the airport and the mine's security gate, now lay on Zandberg's property.⁶⁶¹ The first challenge to Rössing Uranium's property rights and therefore the continuation of its operations in independent Namibia had interestingly come from the South African administration itself and not from an independently elected government of Namibia, as was feared.

6.6 The Namibian Uranium Hearings and Legal Action against URENCO

The inability of the political organs of the United Nations to enforce their resolutions on Namibia, meant that the shareholders in Rössing Uranium, which included the South African regime, continued to profit from the exploitation of Namibia's uranium resources. Moira Hutchinson argues that the illusionary sense of progress in the diplomatic negotiations conducted by the WCG provided the Western states involved in the exploitation of Namibia's natural resources, and particularly its uranium resources, with the tactical excuse to continue

⁶⁵⁸ *Ibid.*

⁶⁵⁹ Louw, *A Tiger by the Tail*, 46.

⁶⁶⁰ Mr Zandberg was expected by law to spend R48 000 annually working the property or he, too, could lose his right to the ground. 'The money is no problem. I own a drill and plan to get to work right away,' he said. Staff Reporter, *Rössing Loses Grant*, 1.

⁶⁶¹ Staff Reporter, *Rössing Loses Grant*, 1.

with their operations and to secure their future supplies.⁶⁶² In May 1979, for instance, the Chief Executive Officer of RTZ, Alistair Frame, 'confirmed that Rössing had reached its full output target of 5,000 tonnes of uranium oxide.'⁶⁶³ A much higher output meant that the mine was now able to meet its contractual obligations towards its customers. In meeting its full target Rössing Uranium also began to account 'for a reasonable proportion of RTZ's revenue and profits.'⁶⁶⁴ These profits were also making their way to the South Africa, via the IDC, which confirms the arguments that the territory was economically important to South Africa.⁶⁶⁵ The UN Council for Namibia in promulgating Decree No.1 sought to 'indirectly terminate South African control over Namibia by denying the Republic essential attributes of its economic control over the territory'.⁶⁶⁶ But this too had evidently failed.

David de Beer notes that 'in the period immediately following the enactment of the Decree there was a flurry of activity which gave the impression that the Decree was being taken seriously and that the UN Commissioner was making preparations [to] implement the Decree.'⁶⁶⁷ To attain its objectives, however, the UN Council for Namibia needed to demonstrate the tangible implementation of the Decree by, for example, seizing vessels known to be transporting illegally exploited resources from Namibia. Instead the Office of the Commissioner embarked on a series of lectures aimed at sensitising the international community on the provisions of the Decree. This again demonstrates the limits to the implementation of UN decrees especially in the face of opposition from powerful states. Whilst the Commissioner was giving lectures on the Decree, South African and Western economic interests in Namibia continued to prevail. In the period following the enactment of the Decree, Rössing Uranium commenced its deliveries of Namibian uranium to its customers in the Western world. When researchers from the Namibia Support Committee asked company executives what their thoughts were on the possibility of Rössing's uranium barrels being seized in route to its customers, an RTZ executive responded 'well, you may feel that perhaps the United Nations navy is not that efficient'.⁶⁶⁸ This glib response from RTZ suggests that,

⁶⁶² M. Hutchinson, 'Canada and Namibian Uranium', *Africa Today*, Vol. 30, No. ½, Namibia and the West: Multinational Corporations and International Law (1st Qtr.-2nd Qtr., 1983), pp.33-44 Indiana University Press, 33.

⁶⁶³ Roberts, The Rössing File, 47.

⁶⁶⁴ Rand Daily Mail, 5 May 1979 cited in Roberts, The Rössing File, 47.

⁶⁶⁵ Prantl, The UN Security Council, 103.

⁶⁶⁶ G. R. Shockey, Jr., 'Enforcement in United States Courts of the United Nations Council for Namibia's Decree on Natural Resources', *Yale Studies in World Public Order*, Vol. 2, 1976, 286.

⁶⁶⁷ de Beer, 'Background Information', 2.

⁶⁶⁸ N. Schrijver, *The Status of Namibia and of its Natural Resources in International Law*. (Geneva: 1984), 3.

although they were concerned about interceptions from militant states like Nigeria, they were not concerned about the prospect of UN resolutions being enforced.

The UN Council for Namibia might not have had an efficient navy, or any navy at all, but it had a group of experts, legal scholars and representatives of non-governmental organizations who willingly assisted in conducting research on Rössing Uranium and the plunder of Namibian uranium. These activists, according to Hecht, ‘kept the mine in the international spotlight via hearings, publications, and demonstrations, repeatedly invoking apartheid conditions and exposing the transnational web of capital and technology that supported the mine.’⁶⁶⁹ It is, however, worth noting that this did not significantly impede RTZ’s operations or sales. In July 1980, therefore, a Panel of Council members and representatives of the Commissioner for Namibia conducted public hearings on Namibian uranium, at the UN Headquarters in New York. The Hearings had been proposed in 1977 by the then Commissioner for Namibia, Sean MacBride, who had subsequently been replaced by the Finnish diplomat and politician, Martti Ahtisaari. Upon his appointment, however, Ahtisaari was roped into the WCG’s diplomatic negotiations. In July 1978, for example, Ahtisaari was appointed as the Special Representative of the Secretary General for Namibia, in anticipation of the implementation of Security Council Resolution 435. Ahtisaari’s extensive involvement in the Contact Group’s failed diplomatic negotiations had meant a dissipation in ‘the momentum which had been built up around the implementation of the Decree’.⁶⁷⁰ Very little progress was thus made in terms of organising the proposed public hearings on Namibian uranium.

The Uranium Hearings were eventually conducted in 1980 with the following objectives:

- i) to develop information concerning the exploitation and purchase of Namibian uranium;
- ii) to identify the firms and countries involved in the exploitation and purchase of Namibian uranium;
- iii) to assess the financial and economic deprivation suffered by Namibian as a result of the illegal exploitation and depletion of Namibian uranium resources;

⁶⁶⁹ Hecht, ‘Hopes for the Radiated Body’, 214.

⁶⁷⁰ de Beer, ‘Background Information’, 3.

- iv) To identify the foreign processing plants to which the illegally exported Namibian uranium was sent and the ultimate destination of the processed uranium and routes by which it was sent.⁶⁷¹

The findings presented at the Hearings made certain conclusions inescapable. Paramount among these conclusions was that the Western countries which had unsuccessfully sought to negotiate Namibia's independence were themselves complicit in the plunder of Namibia's uranium resources.⁶⁷² The Hearings also rightly concluded that the Decree had 'remained an unused piece of legislation' since its promulgation in 1974 and in so doing, had failed to protect the natural resources of the people of Namibia.⁶⁷³ The growing consensus was that the Namibian people needed to be compensated for the exploitation of their natural resources and such compensation could only be attained through legal action.⁶⁷⁴ Recourse to national courts as a plausible avenue for implementing the Decree had been presented to the UN Council for Namibia as early as 1976.⁶⁷⁵ But it was only seriously pursued when in 1982 the Council commissioned 'a series of legal studies to be made in various countries where companies import and/or process Namibian goods. The purpose was to identify those national court systems offering the best chance for success of a suit against such a company'.⁶⁷⁶

Legal scholars, predominantly from the United States and the Netherlands, prepared studies on the possibility of instituting proceedings in the domestic courts of Belgium, Britain, France, Japan, the Federal Republic of Germany and the United States.⁶⁷⁷ The studies were to focus on the legal standing of the Council or its Commissioner in domestic courts of these respective countries. The Council also sought to establish the legal status of the Decree, the Advisory Opinion of the International Court of Justice, as well as the various General Assembly and

⁶⁷¹ Report of the United Nations Council for Namibia. Volume III. General Assembly. Official Records: Thirty-Fifth Session. Supplement No. 24.

⁶⁷² United Nations, Plunder of Namibian Uranium: Major Findings of the Hearings on Namibian Uranium held by the United Nations Council for Namibia in July 1980 (New York: United Nations, 1982), 1.

⁶⁷³ United Nations Centre on Transnational Corporations, Transnational Corporation in South Africa and Namibia: United Nations Public Hearings Vol. I Reports of the Panel of Eminent Persons and of the Secretary-General. (New York: United Nations, 1986), 113.

⁶⁷⁴ United Nations, Plunder of Namibian Uranium, 1.

⁶⁷⁵ Shockey Jr., 'Enforcement in United States Courts', 285.

⁶⁷⁶ C. Cosslett, 'The Economics of "Illegal" Development: International Law and Natural Resources Exploitation in Namibia, 1966-1986', *Journal of International Affairs*, Vol.41, No.1, The Pacific Basin (Summer/Fall 1987), pp.165-192., 186. www.jstor.org, accessed 20 February 2020.

⁶⁷⁷ D.J. Stephenson et al. 'Enforcing Decree No. 1 in the Domestic Courts of the United States', *Africa Today*, vol. 30, no. 1/2, 1983, pp. 69-82. JSTOR, www.jstor.org/stable/4186147, accessed 1 July 2021. G. McDougall, 'The Council for Namibia's Decree No. 1: Enforcement Possibilities', *Africa Today*, 30(1/2) 1983, 7-16, <http://www.jstor.org/stable/4186138>, accessed 1 July 2021. H.G. Schermers, 'The Namibia Decree in National Courts', *The International and Comparative Law Quarterly*, vol. 26, no. 1, 1977, pp. 81-96, www.jstor.org/stable/758905, accessed 1 July 2021.

Security Council resolutions on Namibia, in the aforementioned countries. According to Christopher Cosslett, this new emphasis on enforcing the Decree ‘could hope to achieve the following: reinforcing the UN Council’s legal guardianship over the Territory, strengthening greatly the present unclear status of the Decree and demonstrating to companies that their actions will not be allowed to continue unpenalized’.⁶⁷⁸ The conclusion was that if the Council were to pursue legal action, then this action should initially focus on the exploitation of uranium because of the rapid depletion of Namibian uranium deposits and ‘the preponderance of legal and other evidence already available on the subject’.⁶⁷⁹ The outcome of this legal study was a case brought in the Dutch courts against uranium enrichment facilities in the Netherlands and is discussed in the following chapter. It is, however, worth noting that the timing of the legal study and the consequent legal action is suspicious, as action was essentially only suggested once Rössing had almost completed their contractual obligations to entities like BNFL (see Chapter 5).

6.7 Conclusion

The commencement of uranium deliveries from the Rössing mine coincided with the launch of the Western Contact Group (WCG), aimed at negotiating a settlement plan for Namibian independence. Scholars have argued that the WCG constituted an alternative forum and an exit from the initiatives of the UN. This was particularly visible in the proposal of an alternative settlement plan despite the existence of an internationally acceptable plan which was adopted as Resolution 385 (1976). This resolution, despite being co-opted by the WCG, did not, according to the WCG, incorporate the concerns of all the parties to the negotiations. Security Council Resolution 435 (1978) was thus adopted to allow for a pursuit of an alternative path to Namibian decolonisation. What appears to have been the WCG’s primary concern was quelling calls at the UN for sanctions against South Africa. The members of the WCG were unable to support the adoption of a Chapter VII determination concerning Namibia particularly because of the material interests they held in the territory. Rössing Uranium, as scholars have argued, presented the clearest example of the extent of interests held by members of the WCG in the territory. The threat of seizure of Namibian uranium deliveries by countries like Nigeria and

⁶⁷⁸ Cosslett, ‘The Economics of “Illegal” Development’, 186.

⁶⁷⁹ Report of the United Nations Commissioner for Namibia, Implementation, 447.

the institution of legal action in local courts by the UNCN, are key examples of the risks the WCG sought to contain so as to uphold their interests in the territory. The WCG's self-appointed role of key negotiators for Namibian independence was thus a strategy aimed at determining the path and pace of decolonization so as to protect material interests in the territory. Moreover, because the interests of the members of the WCG were tied up with those of big business in Namibia, the WCG introduced a set of constitutional principles which would, among other things, ensure the protection of private property rights. These principles not only provided protection from nationalisation by the government of an independent Namibia, but also ensured the continuity of the operations of companies like Rössing Uranium in an independent Namibia.

Chapter 7: The Rebranding Stage: Rössing Uranium vis-à-vis Decolonisation of Namibia, 1985-1990

7.1 Introduction

In this chapter, the thesis examines Rössing's strategies vis-à-vis the decolonisation of Namibia. The chapter is particularly interested in the rebranding and public relations exercise embarked on by Rössing Uranium in the period 1985 to 1990. The focus during this period was on formulating a message for the independently elected government of Namibia, a message that would convince the incoming government of Rössing's supposed value to both the social and economic wellbeing of Namibian society. The Rössing Uranium mine not only adopted the 'Working for Namibia' brand but also joined the mining industry, as represented by the Chamber of Mines of SWA/Namibia, in their endeavour to champion the cause for social reforms in the territory. These reforms were particularly in the field of education, for as Sarah Stockwell notes, the donation of money to local communities by leading firms operating in colonies frequently took the form of financial assistance for education.⁶⁸⁰ The launch of the Rössing Foundation was one such example. The focus of this chapter is, however, on the various strategies adopted by the mine, in anticipation of the impending political change in the territory. Of particular interest to this study are the strategies that were adopted by Rössing Uranium, in the form of public relations and propaganda that was used to secure the mine's position in independent Namibia.

Since it was established, the Rössing mine was held as a symbol of Western collusion with apartheid South Africa, and it was this image of collusion that the Rössing management sought to shed. As the diplomatic negotiations progressed and Namibian independence became more and more plausible, a rebranding strategy was initiated for Namibia's sole uranium producer. The distinct feature of the rebranding stage was the shedding of the secrecy that surrounded RTZ's operations at Rössing: a secrecy that prevailed in much of the foregoing chapters of this thesis. Not only was a public relations department established at Rössing Uranium and a public relations officer appointed at its helm, but the mine also set off to shed the veil that it had operated under. It is thus argued here that the new transparent nature of Rössing Uranium's

⁶⁸⁰ S. E. Stockwell, 'Political strategies of British business during decolonization: The case of the Gold Coast/Ghana, 1945–57', *The Journal of Imperial and Commonwealth History*, 23, 2 (1995), 277-300.

operations was key to its public relations strategy. Transparency thus became the motto of the rebranding stage, as the mine set about to present itself in the best possible light.

The public relations department was tasked with the responsibility of changing Rössing's image, which in the view of many had served colonial and commercial interests rather than serve the interests of the nationals of the territory in which the mine operated. The British government, who were undoubtedly RTZ's closest allies in the Rössing venture, had previously argued that the cancellation of the uranium contracts would affect 'the Namibian people whose needs for the future will be well served by long term development projects of the Rössing type'.⁶⁸¹ It is this view on the Namibian people's needs for the future that was adopted by Rössing. The same company that was 'not prepared to fail to deliver to the United Kingdom and others under a contract solemnly entered into for the provision of uranium...' and 'therefore not prepared to take any notice of what the United Nations says about that' was now formulating a strategy that would present their operations at Rössing as an asset to the future of Namibia.⁶⁸² RTZ's endeavours align with Stockwell's argument that public relations strategies were utilised by companies to secure their position in a given territory.⁶⁸³ This chapter seeks to demonstrate how Rössing Uranium, a company that was a symbol of colonial exploitation and whose activities were conducted in defiance of UN resolutions, utilised its public relations strategy to reinvent itself as part of an independent Namibia and in so doing secured the continuity of its operations in the country.

7.2 Rössing Uranium's Public Relations Exercise

In September 1978 the UN Security Council adopted Resolution 435, calling for 'the withdrawal of South Africa's illegal administration from Namibia and the transfer of power to the people of Namibia'.⁶⁸⁴ Resolution 435 marked the roadmap to Namibian independence, the achievement of which would only happen over a decade later. In anticipation of ensuing changes in the political landscape of Namibia, Rössing Uranium's management decided to embark on 'a strong public relations exercise' that would publicise Rössing both nationally and

⁶⁸¹ TNA FCO 45/1936, 3.

⁶⁸² Namibia Support Committee, 41; Hecht, *Being Nuclear*, 168.

⁶⁸³ Stockwell, *Political strategies*, 288.

⁶⁸⁴ Security Council Resolution 435.

internationally.⁶⁸⁵ The mine began by producing public relations material on its operations, with one executive stating that ‘we are in the process of making a film about Rössing and its place in Namibia which will be available for release during the first part of 1978’.⁶⁸⁶ By March 1980 Rössing Uranium hired a public relations director who would oversee matters pertaining to the company’s brand.⁶⁸⁷ The job of articulating and coordinating the company’s public relations activities was given to a South African national by the name of Clive Algar. Algar had previously served as the public relations executive with the Johannesburg Stock Exchange (JSE), and as such was new to the day-to-day running of a uranium mine. RTZ had, however, taken the view ‘that Rössing provided a much needed stimulus for the Namibian economy pending independence’ and as such required a public relations officer who understood and spoke the language of ‘economics’ and the value of the Rössing mine to the Namibian economy.⁶⁸⁸ Algar’s appointment in 1980, and task put before him, came ten years before Namibian independence actually occurred. Rössing Uranium had thus anticipated political change long before it happened and began to prepare for it accordingly.

When Algar arrived at Rössing, he received a brief from the Managing Director, Craig Gibson, instructing him to formulate a public relations strategy that would incorporate ‘international relations, national relations, community affairs and an internal programme within Rössing...’⁶⁸⁹ Algar, and the mine’s executives, were aware that Rössing’s future business operations would require the assured cooperation of both national and international players and ‘leaders who might have some influence on Rössing’s standing with a future government’ of independent Namibia.⁶⁹⁰ Such cooperation would, however, only be secured if Rössing’s role in the Namibian economy and society were fully understood. Rössing Uranium’s public relations department thus put into motion an information campaign composed of three main steps:

First a detailed brochure describing the policies of the company towards its employees would be available to the press, visitors to the mine and others. Secondly a Rössing

⁶⁸⁵ Daniel, *Against All Odds*, 138.

⁶⁸⁶ TNA FCO 45/2168 Frances M. Vale (Political and Public Relations Adviser – RTZ) in a letter to H.M.S. Reid (Central and South African Department FCO) dated 15 December 1977.

⁶⁸⁷ Rössing News, *Top Positions: PR Manager*, Vol. 2 No 34, Friday 14 March 1980 Sam Cohen Library.

⁶⁸⁸ Daniel, *Against All Odds*, 138.

⁶⁸⁹ *Ibid.* 139.

⁶⁹⁰ *Ibid.*

magazine would be produced containing articles about Namibia but also including one describing an aspect of Rössing. Thirdly a film about Rössing would be produced.⁶⁹¹

All three steps were accomplished by the public relations department, with some of these publications providing primary and secondary source material for this research. Similar steps were adopted by firms on the rest of the continent, for as Stockwell notes:

Attempts to combat the firms' poor images extended beyond seeking contracts with the local press, to forays by some companies into journalistic enterprise. Such efforts ranged from the production of in-house publications to papers addressed to a wider African readership and intended to serve as vehicles for the promotion of expatriate interests and politics.⁶⁹²

In the Rössing case, the brochure, magazine and film were aimed at enabling the mine to communicate to both the national and international public about its activities, role in, and value to the Namibian society. The publications addressed issues such as labour relations, the provision of accommodation and other amenities to the mine's workforce, health care and environmental impact projects as well as general information on uranium mining.⁶⁹³ These media productions were followed by press visits 'arranged not only for the local press but also for the South African press, the main London press and leading technical journals'.⁶⁹⁴ These press visits were significant in that up until the 1980s Rössing Uranium was described in press reports as 'this most secretive of projects'.⁶⁹⁵ The press visits would thus serve as a 'means of improving the way in which the company was presented in the press'.⁶⁹⁶ International coverage on the mine's activities was particularly valuable in that it 'provided some positive coverage on Rössing in the UK media' where a campaign was being waged against the British government's contracts for Namibian uranium and RTZ's activities in Namibia.⁶⁹⁷

With the press visits having proved successful, the public relations department began to organise group visits to the mine for selected individuals and later the general public. The group

⁶⁹¹ *Ibid.* 138.

⁶⁹² Stockwell, *Political strategies*, 287.

⁶⁹³ For information on matters pertaining to the provision of health care at Rössing Uranium please see: G. Hecht, 'Hopes for the Radiated Body: Uranium Miners and Transnational Technopolitics in Namibia', *The Journal of African History* Vol. 51, No. 2 (2010), pp. 213-234.

⁶⁹⁴ Daniel, *Against All Odds*, 138.

⁶⁹⁵ TNA AB48/1278 L. Parker, RTZ reveals some more about Rössing. *Mining News: Financial Times*. Johannesburg, (Wednesday, February 27, 1974).

⁶⁹⁶ Stockwell, *Political strategies*, 287.

⁶⁹⁷ Daniel, *Against All Odds*, 138.

visits were extended to school groups with learners from various secondary schools being educated on mining operations and the various career possibilities in the mining industry. These school group visits were so successful that they persisted well into independence, and indeed continue to date.⁶⁹⁸ These visits were turned into weekly bus tours to the mine conducted by tour guides working with the public relations department who took visitors to various points on the mine site including the mine's main attraction: the open pit. These weekly visits further necessitated the construction of a visitor's centre, an arrival point for all visitors to the mine, 'which housed exhibits, an audio-visual multiscreen programme and a lecture hall'.⁶⁹⁹

To further create the 'right image' of the mine, the public relations department began to redesign Rössing Uranium's corporate image. A decision was made 'to establish a uniform corporate image across the mine which was translated into the familiar Rössing blue and white'.⁷⁰⁰ Rössing Uranium's blue and white colour scheme was then incorporated on 'everything from the bus fleet to the Final Product building and shovels in the Open Pit'.⁷⁰¹ The bus fleet was particularly important to the image of the mine at a community level, as Rössing operated a fleet service that provided daily transportation to its employees living in the towns of Arandis, Swakopmund and Walvis Bay. The change in Rössing's colour scheme was also translated to the company's logo with 'the original logo of two intersecting ellipses with the letters RU in the centre ... replaced by a bolder captioned logo...' as seen below in Figure 7.1.⁷⁰²

⁶⁹⁸ It was on one such visit, a class outing in 1998 organised for 8th graders by the Namib High School, that I became aware of the Rössing Uranium mine. By the early 2000s, when we had completed high school, friends, classmates and schoolmates took up employment with the Rössing mine, with some having received bursaries from Rössing to pursue a tertiary education in mining and finance related fields.

⁶⁹⁹ Daniel, *Against All Odds*, 139.

⁷⁰⁰ The public relations department recruited Christabel Hardacre in 1980 to interpret the blue and white colour scheme and 'to determine the aesthetics of the right scale of the colour scheme'. Rössing Uranium, *The First Ten Years*, 27.

⁷⁰¹ Rössing Uranium, *The First Ten Years*, 27.

⁷⁰² *Ibid.*



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Figure 7-1: The original logo vs. the bolder captioned logo.

Operating in a pre-emptive mode, the public relations department transformed the company's slogan from 'Biggest Uranium Mine in the World' to 'Working for Namibia' as depicted in Figure 15 below.⁷⁰⁴ The 'Working for Namibia' slogan was adopted in 1985 to emphasise Rössing's stand in Namibia. As with the colour scheme, the new slogan was made visible on the company's bus fleet 'as a testimony to all road users of Rössing's intent to work for the country which is its base'.⁷⁰⁵ The new slogan undoubtedly demonstrated Rössing Uranium's desire to stay in Namibia for the long term. This was especially visible in the mine's contributions to, and involvement with, Namibian communities especially in the field of education (see section 7.3 Education and Training). The mine's desire to stay was further demonstrated through the practical ways in which it began to orient itself towards local populations.⁷⁰⁶ Acknowledging the literacy levels in the country, for instance, Rössing Uranium turned to radio as the ideal medium for transmitting the company's slogan to the rest of the territory. Peter Daniel writes that the public relations department booked thirty-second slots on various local radio stations which played 'a slogan accompanied by a musical jingle which stayed in the minds of people: Rössing working for Namibia. Very simple but creating the right image'.⁷⁰⁷

⁷⁰³ Rössing Uranium, 30 Years Special Edition 1976-2006.; Rössing Uranium, The First Ten Years, 27.

⁷⁰⁴ Rössing Uranium, *An Introduction to Rössing the largest uranium mine in the world*, (Rössing Uranium Ltd: Swakopmund, 1980).

⁷⁰⁵ Rössing Uranium, The First Ten Years, 27.

⁷⁰⁶ Morris, 'Cultivating the African'.

⁷⁰⁷ Daniel, *Against All Odds*, 139.



Figure 7-2: Rössing Uranium Rebranded.

7.3 Education and Training

In the late 1970s, the Rössing Uranium mine began to broaden its horizons into the rest of the country, through the launch of the Rössing Foundation. The Foundation, which was launched in August 1978, was set to be funded from profits accrued to the Rössing mine.⁷⁰⁹ The mine had committed to reinvest two percent of its profits, which would amount ‘to a couple of hundred thousand Rand’ for the Rössing Foundation, with a starting grant of R50,000 aimed at enabling the Foundation to start all necessary planning for its envisioned projects.⁷¹⁰ The Foundation was presented by the Chairman and Chief Executive of Rössing Uranium, R.S. Walker, as key among ‘Rössing’s plans to contribute to social and human development’ in Namibia.⁷¹¹ Despite the mine’s location in the Swakopmund district, its Foundation, much like its headquarters, was based in the territory’s capital, Windhoek. The Foundation was established with three key objectives:

- i) To further the practical education of young people towards greater national productivity, thus promoting greater understanding between races,
- ii) To create opportunities for Namibians and their children,

⁷⁰⁸ J. Tietz, Rössing Uranium, <https://www.jurgentietz.co.za/?s=Rössing+Uranium>, accessed 15 December 2020.

⁷⁰⁹ Daniel, *Against All Odds*, 141.

⁷¹⁰ Staff Reporter, *Business and Industrial News: Mr Walker, your voice was badly needed in SWA*. Windhoek Observer 5, August 1978, 12. A1654 Namibia Economic Resources Ea5, Wits Historical Papers.

⁷¹¹ Staff Reporter, *Mr Walker*, Windhoek Observer 5, August 1978, 12.

- iii) To promote the living standards of all inhabitants of Namibia.⁷¹²

These objectives were achieved through the establishment of an adult education centre (see Figure 7.3 below), supplemented by ‘rural training centres in northern towns where self-help education was emphasised’ along with ‘health education through a mobile unit, scholarships, aid and guidance to schools’ as well as ‘agricultural training centres’.⁷¹³ It was also envisaged that the Foundation would avail ‘overseas scholarships to assist in widening the education opportunities for future leaders in all areas of the national life’.⁷¹⁴ This included scholarships for studies in areas such as accounting and finance, engineering, geology and medicine, which were awarded, to Namibian students of various racial backgrounds, for studies in the UK and South Africa.

The establishment of the Rössing Foundation marked the first steps in Rössing Uranium’s corporate public relations exercise. The aim of this exercise, was to adjust Rössing’s mining activities to secure the company’s ‘interests in the face of far-reaching political change’.⁷¹⁵ The diplomatic initiatives of the 1970s had demonstrated that Namibian independence was imminent, and if RTZ’s operations in the country were to continue then Rössing Uranium would need to present an image of significance not just to the economy but also to the social wellbeing of the people of the territory. The company, through the Foundation, was able to provide training and to finance training initiatives in a country where the policy of Bantu Education, under the apartheid regime, had ensured low levels of access to formal education.⁷¹⁶

⁷¹² Rössing Uranium, Reflecting on 40 years, 8.

⁷¹³ *Ibid.*

⁷¹⁴ Staff Reporter, Mr Walker, Windhoek Observer 5, August 1978, 12.

⁷¹⁵ Stockwell, Political strategies, 287.

⁷¹⁶ S. N. Ashipala ‘Technical and Vocational Education and the Place of Indigenous Labour in the Mining Industry of Namibia, 1970-1990’, Journal of Southern African Studies, 47, 1, (2021), 127-142, 130.



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Figure 7-3: Aerial view of the Rössing Foundation Adult Education Centre.

Apart from the educational training initiatives availed through its Foundation, the Rössing mine also embarked on the training of its manpower through various training schemes offered on the mine. This was motivated by the anticipated political changes in the country, and the company's supposed belief that 'Namibians should progressively take over posts of greater responsibility within the organisation'.⁷¹⁸ In order to implement this policy, the company established the Central Training Department in 1977, which was responsible for coordinating the various training schemes targeted at improving the skills levels among its workforce.⁷¹⁹ Apart from the Central Training Department, the company's various divisions also provided more specialised training programmes such as the operator training provided by the operator division and the metallurgical division as well as the training in heavy earth-moving equipment offered by the mining division.⁷²⁰

Also in 1978, Rössing Uranium introduced an apprentice training school which allowed company employees 'or sons of employees [to] attend technical training colleges for a block release period of 13 weeks in order to obtain a National Technical Certificate (NTC) 3, equivalent to matriculation in technical studies'.⁷²¹ The aim of providing apprenticeship training was to allow Rössing's apprentices to sit for a trade test which would qualify them for promotional positions as artisans. These positions were previously reserved for whites only as

⁷¹⁷ Rössing Uranium, *Reflecting on 40 years*, 8.

⁷¹⁸ Rössing Uranium, *An Introduction to Rössing*, 10.

⁷¹⁹ Rössing Uranium, *The First Ten Years*, 18.

⁷²⁰ Rössing Uranium, *An Introduction to Rössing*, 10.

⁷²¹ *Ibid.*

skilled work, particularly in the mining industry, was racially determined. The apprenticeship programme, along with the semi-skilled training programme, offered by Rössing were aimed providing career paths that would take the company's employees 'from the level of little or no skill to just below the skilled level'.⁷²² *'Just below the skilled level'* was seemingly the target of the training initiatives aimed at addressing the policy of granting Namibians greater responsibility within Rössing.⁷²³

In 1977, Rössing Uranium also introduced a bursary scheme through which the company sponsored a number of students to study in the fields of mining at universities and technikons in South Africa and the United Kingdom (an award was also made for studies in Canada).⁷²⁴ Only Namibian nationals, of all racial backgrounds, were eligible for the bursary scheme as Rössing Uranium endeavoured to raise the level of professional resources in the territory and to produce 'potential future managers at Rössing'.⁷²⁵ The bursary holders were required to work at Rössing for a year, through a cadetship programme that placed cadets with a division of the mine related to the discipline they intend on studying.⁷²⁶ This according to the company was to allow students to 'receive practical grounding in the course they intend to study'.⁷²⁷ Apart from the practical year with Rössing, the students were also required to return to the mine upon completion of their studies and to work for the mine for a period equivalent to the duration of their studies. In addition to the bursary scheme Rössing Uranium, through RTZ's headquarters in London, also awarded what became known as the Mark Turner Memorial Scholarships (established in memory of RTZ's chairman who died in December 1980).⁷²⁸ The Turner Scholarships were aimed at future leaders, who upon the completion of their studies would return to Namibia 'to apply their knowledge for the benefit of the country and its people'.⁷²⁹ So unlike the bursary scheme, Turner Scholars were not required to spend a year working for the mine or to work for the mine upon completion of their studies. The first three Turner Scholarships were awarded in 1982, with 'preference given to candidates planning to obtain degrees which [would] be of direct benefit to the country'.⁷³⁰ In 1986 twelve new Turner Scholarships were awarded to young Namibians in addition to seven existing Turner scholars,

⁷²² Rössing Uranium, *An Introduction to Rössing*, 10.

⁷²³ Ashipala, 'Technical and Vocational Education'.

⁷²⁴ Rössing News, *Students Benefit from Company Bursaries*, Week 3 17 January 1986, 1.

⁷²⁵ Rössing News, *Students Benefit*, 1. Rössing Uranium, *The First Ten Years*, 18.

⁷²⁶ Rössing News, *Students Benefit*, 1.

⁷²⁷ *Ibid.*

⁷²⁸ Sir Mark Turner (1906-1980) served as Chairman of the Rio Tinto-Zinc Corporation 1975-1980. Brinco Limited Annual Report 1980 <http://digital.library.mcgill.ca>, accessed 02 February 2021.

⁷²⁹ Rössing News, *Rössing awards twelve new Turner scholarships*, Week 10 7 March 1986, 1.

⁷³⁰ Rössing News, *Rössing awards*, 1.

pursuing different courses at various universities.⁷³¹ As with Rössing Uranium's bursary scheme most of the Turner scholars were admitted to universities in South Africa and the United Kingdom. Speaking to these students in 1986, the General Manager of Rössing Uranium, Dr Mike Bates, said that 'your education is very expensive – it will cost many tens of thousands of rands – but it is a great investment to us'.⁷³² And indeed it was a great investment for Rössing, for their graduates list reads like a list of 'who is who' in Namibian politics and industry in the early 1990s and indeed to the present-day.⁷³³

The training of the mine's manpower in the fields of vocational and technical training coupled with the award of scholarships for tertiary level education were deemed to be 'the necessary prerequisite to Africanization of senior management and technical posts'.⁷³⁴ Stockwell writes that although 'Africanization made economic sense for companies', most were pushed into action [into Africanizing their workforce] by political necessity'.⁷³⁵ To this James Morris adds that the promotion of African employees to prominent positions was also 'in part a political and public relations exercise,' which was undoubtedly useful for the image of companies.⁷³⁶ This rings true for Rössing Uranium's public relations strategy, which witnessed an Africanization of its senior management in the 1980s. The two prominent figures in Rössing's 'Africanization' strategy at managerial level were Dr Zedekia (Zed) Ngavirue and Mr Charles Kauraisa. Both men had gone into exile in the early 1960s, settling in Sweden where they established and served in various leadership positions for the South West Africa National Union (SWANU) branch in Sweden.⁷³⁷ Ngavirue and Kauraisa initially returned to Namibia in 1978 under the guise of the amnesty declaration issued by the South Africa regime through the United Nations.⁷³⁸ The regime had assured all exiled Namibians that they would not be arrested upon their return to Namibia. It was only in the early 1980s however that both men would

⁷³¹ Rössing News, Rössing awards, 1.

⁷³² Rössing News, Your education is a great investment – GM tells students, Week 6 7 February 1986, 1.

⁷³³ The scholarship programme produced a governor of the Bank of Namibia, a director of the National Planning Commission, Ministers of Finance, Fisheries and Health, medical professionals as well as industry leaders in the financial and mining sectors.

⁷³⁴ Stockwell, 'Political strategies', 288.

⁷³⁵ *Ibid.*

⁷³⁶ Morris, 'Cultivating the African', 657.

⁷³⁷ Zedekia Ngavirue SWANU – Student in Sweden and Chairman of SWANU's External Council Chairman of Rössing Uranium – Interview with Tor Sellström in Windhoek, 17 March 1995 <https://nai.uu.se/library/resources/liberation-africa/interviews/zedika-ngavirue.html>, accessed 01 February 2021.

⁷³⁸ Charles Kauraisa, SWANU – Student in Sweden and Chairman of SWANU's External Council Chairman of Rössing Uranium – Interview with Tor Sellström in Windhoek, 20 March 1995 <https://nai.uu.se/library/resources/liberation-africa/interviews/charles-kauraisa.html>, accessed 01 February 2021.

permanently return to Namibia, and it was then that the question of the possibilities for employment (considering their qualifications) would weigh heavily.



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Figure 7-4: Ronnie Walker, Craig Gibson and Colin Macaulay congratulate Dr Zed Ngavirue on his appointment as Chairman of Rössing - August 1985.

The more prominent of the two was Dr Ngavirue, ‘a D.Phil. graduate (Political Science) of [the University of] Oxford, [who] joined the board of Rössing [in] March 1983’.⁷⁴⁰ In June 1984, he was appointed as the Deputy Chairman of the board and in August 1985, was promoted to Chairman of Rössing (see Figure 7.4 above).⁷⁴¹ Dr. Ngavirue served both on the board of directors of Rössing, as well as on the mine’s management team. Unlike his predecessor, Ronnie Walker, Dr. Ngavirue would be based at Rössing Uranium’s head office in Windhoek, and it was there that ‘he would prove an excellent Public Relations man in the capital’ for Rössing Uranium.⁷⁴² Charles Kauraisa’s association with Rössing, on the other hand, was

⁷³⁹ Rössing Uranium, *The First Ten Years*, 6. Daniel, *Against All Odds*, 161.

⁷⁴⁰ Rössing News, *Ronnie Walker Retires, Zed Ngavirue is New RUL Chairman*, Week 35, 30 August 1985, 1.

⁷⁴¹ Rössing News, *Ronnie Walker Retires*, 1.

⁷⁴² Morris, ‘Cultivating the African’, 657.

orchestrated by the lawyer John Simpson Kirkpatrick, who also served on the board of Rössing Uranium.⁷⁴³ Upon his return to Namibia, according to Kauraisa, he was:

Faced with the problem of how to earn a living without compromising my principles of working for institutions which were firmly steeped in the apartheid system. I discussed my problem with John Kirkpatrick, who advised me to join Rössing because he believed that I could contribute to the changes that were taking place in the company. At that point Rössing was committed to becoming a non-racial organization.⁷⁴⁴

This is an extraordinary statement, given the reputation of Rössing as the exemplar of exploitation in Namibia. The statement is also testament to the success of the public relations strategy adopted by the mine. Kauraisa first joined Rössing in 1981, serving in the position of Industrial Relations Officer. Four years later, in 1985, he was promoted to Superintendent of Public and Industrial Relations and joined the management team of Rössing Uranium. Kauraisa's statement on Rössing commitment to becoming a non-racial organisation is, however, questionable especially in relation to the mine's managerial team as illustrated in the image below (Figure 7.5). The photo was taken at Rössing's annual managerial seminar held in August of 1985 and shows Kauraisa and Ngavirue seated in the second row on either side of Clive Algar. Of the mine's forty managers only Kauraisa and Ngavirue were and would, until independence, remain Rössing's examples of its commitment to a 'non-racial' organisation.

⁷⁴³ John Simpson Kirkpatrick served as a Director on the Rössing Board for 30 years, five of which were in the position of Chairman. Mike Leech, Managing Director Rössing, Rio Tinto, 2006 Report to stakeholders, www.rossing-com.info/reports/stake_reort06.pdf, accessed 02 February 2021.

⁷⁴⁴ Charles Kauraisa, Interview with Tor Sellström, 20 March 1995.



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Figure 7-5: Rössing Uranium's Management Team 1985.

With Kauraisa at the mine site, and Ngavirue at the head office in Windhoek, Rössing Uranium had their public relations men in place. Stockwell argues that 'it is apparent that the first African managerial appointees fulfilled a useful function by liaising with African politicians and officials'.⁷⁴⁶ This is true for both Ngavirue and Kauraisa whose years in exile and acquaintance with the political leadership of nationalist's movements like SWANU and SWAPO gave them the added advantage of establishing good relations for Rössing Uranium. The future leadership of independent Namibia in their encounters with Rössing Uranium were thus met by familiar trustworthy faces.

7.4 Navigating the Political Landscape

In the late 1970s, British government officials assessed the possible challenges that would face RTZ's future operations in an independent Namibia, arguing that such operations would be dependent on the multinational corporation's ability to navigate the political landscape of a

⁷⁴⁵ Kauraisa and Ngavirue seated in the second row on either side of Clive Algar. Rössing News, Annual Management Seminar at RCC, Week 34, 23 August 1985.

⁷⁴⁶ Stockwell, Political strategies, 288.

territory in transition. The first test for RTZ came when the South African regime, in defiance of the UN settlement plan for Namibia, organised the Turnhalle Constitutional Conference in the late-1970s. The Conference produced what became known as the Democratic Turnhalle Alliance (DTA), a multi-racial alliance cum political party which resonated with the South African regime's unilateral plan for the territory's independence. This plan culminated in the 1978 legislative elections, which were conducted in contravention of UN Security Council Resolutions 385 (1976), 431 (1978) and 435 (1978).⁷⁴⁷ The 1978 elections were denounced by the international community and declared null and void by the UN Security Council.⁷⁴⁸ Nevertheless, the South African regime pressed on with its unilateral plan and a Multi-Party Conference was held in November 1983. The Conference proposed 'the establishment of an interim mechanism for the internal administration of Namibia'.⁷⁴⁹ Two years later the proposal was approved by the South African administration following which an interim government was established in 1985. The interim government was composed of governmental structures headed by ministers in various portfolios, including the Minister of Mines. The veteran politician, Dirk Mudge, whose Republican Party played a formative role in the alliance, emerged as the leader of the interim government.

Despite the invalidity of the South African administration's actions, RTZ saw fit to establish contact with the interim government through the Rössing management. As early as 1977, the then Manager and Chairman of Rössing Uranium, Ronnie Walker, met with Dirk Mudge.⁷⁵⁰ Later that year, while on a trip to London, Ronnie Walker delivered a 'special message' from Dirk Mudge to the British government officials at the Foreign and Commonwealth Office. According to Walker

Mudge felt that the West had let him down by side tracking the Turnhalle on which he had set his heart; and that [the British government was] giving in to Black African and UN pressures by a thinly disguised programme to put SWAPO in power in Namibia.

⁷⁴⁷ United Nations Security Council Resolution 435 of 29 September 1978.

⁷⁴⁸ 'Declares that all unilateral measures taken by the illegal administration in Namibia in relation to the electoral process, including unilateral registration of voters, or transfer of power, in contravention of resolutions 385 (1976), 431 (1978) and the present resolution, are null and void' United Nations Security Council Resolution 435 of 29 September 1978.

⁷⁴⁹ National Democratic Institute for International Affairs. Democratic Elections in Namibia: An International Experiment in Nation Building. The First Pre-Election Study June 1989, 13. https://www.ndi.org/sites/default/files/158_na_election_060189.pdf, accessed 22 January 2021.

⁷⁵⁰ Ronnie Walker (the Manager and Chairman of Rössing) from 1977 to 1985. Walker was 'transferred from the post of Manager of RTZ's company in Rhodesia where he had acquired a reputation for pursuing forward-looking racial policies.' TNA FCO 45/2168 HMS Reid (Central & Southern African Department) to DM Summerhayes (British Embassy Pretoria), Namibia, 21 September 1977.

Walker's comment on this (and it was not always clear when Walker was giving his view or Mudge's view) was that Mudge was much the best bet for the West's long-term interests in Namibia and that [the British government] ought to be making a positive effort to put him in power.⁷⁵¹

As a British national in charge of a company with a large British shareholding, Walker viewed a government under Mudge as a sure way of upholding British national interests in Namibia. This led to his argument that 'there was surely a strong British national interest in doing what we could to promote a stable and moderate Government in Namibia which would ensure the continuation of supplies of uranium from Rössing, rather than to stand by or actively promote a radical government which would jeopardise these supplies'.⁷⁵² The British government's position on the matter was that it would be improper to attempt to give political support to Mudge or to influence the decision of the people of Namibia. The 'foundation of [British government] policy was that the people of Namibia should be given the opportunity to express their opinions freely through a fair electoral process on how they wish to govern themselves'.⁷⁵³ The adoption of such a policy was especially possible for the British government as uranium deliveries under the 1968, 1970 and 1976 contracts were coming to an end in 1984. Walker's presentation of Mudge as 'the best bet for the West' was therefore more indicative of Rössing Uranium's view of Mudge as the best bet for RTZ's long-term interests in Namibia. This too was the view expressed by the British Embassy in Pretoria who noted that 'Walker as RTZ's top man in Namibia is himself very keen to see Mudge come out on top in the political stakes, because he thinks this would be best for RTZ'.⁷⁵⁴ Walker's views, according to the embassy, were fuelled by a distrust, shared by most businessmen in Windhoek, of 'SWAPO's intentions in the economic field if they once achieve power. And SWAPO indeed have given much cause for this anxiety with their generally Marxist approach to the running of the economy'.⁷⁵⁵ The real message that can be deduced from Walker's meeting with the FCO, therefore is that

He himself would like to see HMG supporting Mudge. Since we obviously cannot do this ... it will be up to firms like RTZ to make their own decision about possible political subventions. There is nothing to prevent RTZ from giving support to Mudge's new

⁷⁵¹ TNA FCO 45/2168 21 September 1977.

⁷⁵² *Ibid.*

⁷⁵³ *Ibid.*

⁷⁵⁴ TNA FCO 45/2168 DM Summerhayes (Esq) British Embassy Pretoria to H. M. S. Reid (Esq) Central and Southern African Department, Namibia, 17 October 1977.

⁷⁵⁵ TNA FCO 45/2168 17 October 1977.

Republican Party if they think this will be to their advantage. Probably quite a lot of firms will do this, especially if Dirk Mudge is successful in forming his multi-racial alliance to fight elections.⁷⁵⁶

The advantage for RTZ, in dealing with the changing political landscape in Namibia, is that it 'could draw on the earlier experiences of big business facing the challenge of decolonization elsewhere in Africa'.⁷⁵⁷ Should RTZ have decided to follow the route of political subversion, through the rendering of support to Mudge's Republican Party, then there would have been a few examples that they could draw on.⁷⁵⁸ Whether or not such subversions were made by RTZ to Mudge's Republican Party is not revealed in the archival collections perused in the process of this research. What is clear, however, is that once the interim government was established in 1985, its representatives were hosted by Rössing Uranium and given a tour of the mine. In August 1985, for example, the management of Rössing Uranium hosted the interim government as represented by the Minister and Deputy Minister of Mines (see Figure 7.6 below). That these 'Ministers' and the government they represented were not recognised by the international community did not appear to be a problem for Rössing Uranium's management and its marketing department, who went on to host two more ministers of the interim government, namely the Minister of Manpower and Health and Welfare and the Minister of Finance and Governmental Affairs (see Figure 7.7 below). The office of the Minister of Finance and Governmental Affairs was ironically occupied by Dirk Mudge, RTZ's 'best bet' for its continued operations in Namibia. By the end of August 1985, however, Ronnie Walker had retired from his post as Chairman of Rössing, returning to London where he remained a director of Rio Tinto Zinc.⁷⁵⁹

⁷⁵⁶ *Ibid.*

⁷⁵⁷ Butler, Mining, Nationalism and Decolonization in Zambia, 12.

⁷⁵⁸ Phimister, 'Corporate Profit and Race,'; Butler, Mining, Nationalism and Decolonization in Zambia.

⁷⁵⁹ Rössing News, Ronnie Walker Retires, 2.



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Figure 7-6: The Minister of Mines and the Deputy Minister of Mines with Rössing Uranium Management.



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Figure 7-7: Ministers of the Interim Government with the Management of Rössing Uranium.

⁷⁶⁰ Andreas Shipanga (Minister of Nature Conservation, Mining, Commerce and Tourism), in a grey suite third from the right and Sakaria Shikomba (Deputy Minister), in a dark suite third from the left, with Rössing Uranium's Management. Rössing News, Ministers Visit Mine, 1 August 1985, 1.

⁷⁶¹ 'In the photograph, from left to right, are Clive Algar (Public Relations Manager), Dr Zed Ngavirue (Deputy Chairman Rössing), Mr Moses Katjioungua (Minister of Manpower and Health and Welfare), and Mr Dirk Mudge (Minister of Finance and Governmental Affairs).' Rössing News, Ministers Visit Mine, 1 August 1985, 2.

7.5 Government Shareholding in Rössing Uranium

Political subversions aside, the Rössing management's engagements with the interim government culminated in a key strategy for ensuring the continuity of the mine's operations in Namibia – that of government shareholding in Rössing Uranium. In March 1985, a proclamation was gazetted announcing that the Administrator-General of South West Africa/Namibia had acquired shares in Rössing Uranium Limited. Interestingly, the character of the Administrator-General had been a product of the 1977-1978 diplomatic negotiations led by the Western Contact Group.⁷⁶² The position had been created in response to the appointment of a Special Representative to the Secretary General of the United Nations, who would ensure 'that conditions are established which will allow for elections and an impartial electoral process', with assistance from UNTAG.⁷⁶³ The appointment of the Administrator-General had been acknowledged in the Contact Group's 'Proposal for a settlement of the Namibian situation' as a prerequisite for ensuring the orderly transition to Namibian independence.⁷⁶⁴

Willem Abraham Van Niekerk served as the Administrator-General between February 1983 and July 1985.⁷⁶⁵ Prior to the end of his term in office, Van Niekerk announced that he had acquired shares in Rössing on behalf of the territory. According to Roger Murray 'a 3.5 per cent equity interest with 50 per cent of the voting rights were transferred from the IDC [Industrial Development Corporation of South Africa] to the Namibian interim administration'.⁷⁶⁶ Why it was decided to obtain the administration's shares from the IDC and not from the majority shareholder, RTZ, is not clear. Nonetheless, the IDC went from a 13.5 per cent equity share in Rössing Uranium to 10 per cent. In addition, the IDC also relinquished its majority voting rights on the Rössing Board to the interim administration signalling South African disengagement from Rössing Uranium and the end of South African control over Rössing's affairs. The Acquisition of Shares in Rössing Uranium Limited Proclamation is

⁷⁶² Marthinus Steyn served as the first Administrator-General (1977-1979), followed by Gerrit Viljoen (1979-80), Danie Hough (1980-1983), Willie van Niekerk (1983-85) and Louis Pienaar (1985-1990) Country Profile: South West Africa/Namibia, 63. [http://www.the-eis.com/data/literature/Country%20profile South%20West%20Africa.pdf](http://www.the-eis.com/data/literature/Country%20profile%20South%20West%20Africa.pdf), accessed 15 December 2020.

⁷⁶³ United Nations Security Council. Letter from the Representatives of the Western Contact Group to the President of the Security. Proposal for a settlement of the Namibian situation. Dated 10 April 1978 (S/12636)

⁷⁶⁴ The Contact Group's diplomatic efforts had produced a blue-print upon which Namibian independence would be achieved guided by 'a transitional authority composed jointly by the South African Administrator-General and the UN Special Representative. Melber and Saunders, Conflict Mediation, 76.

⁷⁶⁵ Van Niekerk was preceded by Danie Hough https://en.wikipedia.org/wiki/Willie_van_Niekerk, accessed 15-December 2020.

⁷⁶⁶ Roger Murray. Namibia through the 1990s: Turning Rich Resources into Growth. Special, The Economist Intelligence Unit, Report No M211 (London; 1992), 55.

deemed to have come into operation on 1 March 1985 and it was extraordinarily gazetted by Van Niekerk on 13 June 1985 following the approval of the South African President on 7 June 1985.⁷⁶⁷

Although the Proclamation announcing the acquisition of shares in Rössing elaborated on the right of the Administrator-General to acquire shares ‘when he may deem it necessary ... for the purpose of directly or indirectly extending the interests of the State’, it did not indicate how the percentage of shares had been determined let alone the total cost at which such shares were acquired.⁷⁶⁸ The dividends accrued to the Administrator-General from Rössing Uranium were to be deposited in the Central Revenue Fund, established in 1979 for purposes of defraying the cost associated with the administration of the territory.⁷⁶⁹ The Administrator-General would, however, be represented by a director on the board of Rössing Uranium. The appointment of the director was overseen by Van Niekerk’s successor Louis Pienaar.⁷⁷⁰ The director, referred to as ‘he’ in the proclamation, was supposedly appointed based on ‘his experience of business,’ which in the language of the apartheid era simply meant a white male.⁷⁷¹

That the shareholding agreement had been reached in anticipation of independence was revealed in an ‘independence interview’ with Dr Steve Kesler (the General Manager of Rössing Uranium). When asked what ‘the Company’s position regarding nationalisation by a future Namibian Government’ was, Dr Kesler responded that ‘many people may not realise that the new government will be a shareholder in Rössing’.⁷⁷² This, according to Murray, meant that the ‘shares and accumulated share of profits [from Rössing Uranium] reverted to the Namibian government at independence’.⁷⁷³ The interim administration’s shareholding in Rössing would also, according to Dr Kesler, give the new government ‘voting control at Annual General Meetings’ and would ‘be transferred to the Government when it is recognised by the United Nations’.⁷⁷⁴ The shareholding in Rössing Uranium, was thus essentially orchestrated by RTZ

⁷⁶⁷ Extraordinary Official Gazette of South West Africa, The Acquisition of Shares in Rössing Uranium Limited and the Appointment of a Director, Proclamation No. AG.31 (Windhoek: 15 June 1985). The proclamation was recently included in a list of 27 obsolete laws which the Law Reform and Development Commission (LRDC) sought to repeal. The Namibian, Ministry of Justice, Public Notice: The Repeal of Obsolete Laws in Namibia, Friday 24 January 2020, 26

⁷⁶⁸ Gazette, The Acquisition of Shares, 3.

⁷⁶⁹ The Central Revenue Fund was established by section 3 of the Exchequer and Audit Proclamation, 1973 (Proclamation 85 of 1979).

⁷⁷⁰ Louis Pienaar served as Administrator-General from 1st July 1985 until Namibia’s independence on 21 March 1990. https://en.wikipedia.org/wiki/Louis_Pienaar, accessed 15 May 2020.

⁷⁷¹ Gazette, The Acquisition of Shares, 4.

⁷⁷² Rössing News, Independence – Interview with General Manager (Dr Steve Kesler), 7 April 1989, 2.

⁷⁷³ Murray, Namibia through the 1990s, 55.

⁷⁷⁴ Rössing News, Independence – Interview, 2.

in collusion with the South African administration. Such shareholding not only provided protection from nationalisation for the two parties but it also ensured continued control over the operations of the Rössing mine by RTZ's management.



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Figure 7-8: Dr Mike Bates (General Manager of Rössing Uranium) addressing employees.

In June 1986, Rössing Uranium celebrated its first ten years of production.⁷⁷⁶ The company anniversary was celebrated with much fanfare on the mine site with the keynote address delivered to the employees by the General Manager, Dr Mike Bates. Figure 7.8 above shows Dr Bates addressing the employees from a podium decorated with posters depicting Rössing's blue and white colour scheme and the new logo incorporated into the number 10. The public relations strategy that had steadily started in the late 1970s, and took shape in the early 1980s, was thus well established by the late 1980s. Four months later, in October 1986, the Senate and House of Representatives of the United States of America enacted the 'Comprehensive Anti-Apartheid Act of 1986'.⁷⁷⁷ The Comprehensive Anti-Apartheid Act was aimed at exerting pressure on apartheid South Africa. The Act banned all new U.S. investments in South African businesses, while prohibiting the importation of goods that are produced or manufactured in

⁷⁷⁵ Rössing Uranium – Reflecting on 40 years, 4.

⁷⁷⁶ 25 June 1986 marked ten years since Rössing Uranium commenced production in 1976. Daniel, *Against All Odds*, 156.

⁷⁷⁷ Comprehensive Anti-Apartheid Act of 1986 <http://govinfo.gov/content/pkg/STATUTE-100-Pg1086.pdf>, accessed 05 February 2021.

South Africa. To ensure that none of these products made their way to the United States, the Act also cancelled ‘landing rights in the United States for South African airlines’.⁷⁷⁸ Of particular interest to Rössing’s operations was Section 309 of the Act which prohibited the importation of uranium and coal from South Africa. According to Section 309 ‘no uranium ore [or] uranium oxide ... produced ... in South Africa may be imported to the United States’.⁷⁷⁹ Although Section 309 made no specific mention of uranium produced in Namibia, the Act carried implications for uranium produced at Rössing Uranium. This is because the Act prohibited ‘the importation of any article ... produced ... by a South African parastatal organisation (an organization owned or controlled by the South African Government...)⁷⁸⁰

Included in this categorisation was the South African Industrial Development Corporation (IDC) which exercised a 51 per cent voting right on the Rössing board and held a 10 per cent equity in Rössing Uranium. The ban on the import of uranium posed a challenge to Rössing Uranium’s business operations, key among which was the inability on the part of Rössing’s customers to have their uranium ore supplies converted to uranium hexafluoride in the United States. According to Hecht, a considerable portion of the uranium ore produced by Rössing was converted to uranium hexafluoride in the US and ‘much of its yellowcake converted elsewhere went to the US for enrichment’.⁷⁸¹ The impact of the sanctions were such that the Chamber of Mines of SWA/Namibia weighed in on the matter stating that ‘this Chamber, as a matter of principle is against any and every form of sanction based on political interference with international free trade. Worse still to our mind is the inclusion of Namibia in the sanctions imposed against South Africa by the United States’.⁷⁸² The challenges posed by the sanctions to Rössing Uranium’s business operations had left the mine’s top executives eagerly anticipating a successful end to the Western Contact Group’s negotiations for Namibian independence.

⁷⁷⁸ S. V. Roberts, Senate, 78-21, Overrides Reagan’s Veto and Imposes Sanctions on South Africa. The New York Times Oct. 3, 1986 <https://www.nytimes.com/1986/10/03/politics/senate-78-to-21-overrides-reagans-veto-and-imposes-sanctions-on.html>, accessed 05 February 2021. Comprehensive Anti-Apartheid Act of 1986, Pub. L. No. 99-440, 100 Stat. 1086 (1986)

⁷⁷⁹ Comprehensive Anti-Apartheid Act of 1986

⁷⁸⁰ H.R.4868 – Comprehensive Anti-Apartheid Act of 1986, 99th Congress (1985-1986) <http://congress.gov/bill/99th-congress/house-bill/4868>, accessed 05 February 2021.

⁷⁸¹ Hecht, *Being Nuclear*, 163.

⁷⁸² The Chamber of Mines of S.W.A./Namibia, 8th Annual Report, 1986, vi.

7.6 UN Council for Namibia vs. URENCO

In 1984, the UN Council for Namibia was advised ‘that the Netherlands courts presented the strongest possibilities of success’ for pursuing legal action.⁷⁸³ This was because the ‘Dutch government had recognised the UN Council and that body’s competence to issue the Decree.’⁷⁸⁴ Moreover, Schrijver writes that the Netherlands presented a favourable legal environment because of its ‘consideration of the enactment of the Decree as a legally valid step based on the authority of the Council and the fact that the Government did not deny that uranium originating from Namibia was being enriched at the URENCO facilities (which the Dutch government considered ‘undesirable’).’⁷⁸⁵ In light of the legal advice, the UN Council for Namibia agreed ‘to institute legal proceedings in the domestic courts of States and other appropriate bodies against corporations and against individuals who are violating Decree No.1’.⁷⁸⁶ So in May 1984, ‘the UN Council [for Namibia] announced that it was filing suit against Urenco, a Netherlands-based uranium enrichment company’.⁷⁸⁷ A reporter for *The Herald* (a South African newspaper), described the legal action as ‘....a test case for the whole issue of minerals exploitation in the Territory’.⁷⁸⁸

In July 1987, just as Section 306 of the Comprehensive Anti-Apartheid Act came into effect, the UN Council for Namibia instituted legal action against URENCO, Ultra Centrifuge Nederland and the state of the Netherlands for their role in the plunder of Namibian uranium. The legal action was instituted

on the grounds that Urenco, a British/Dutch/German-owned uranium enrichment consortium, was executing contracts for enriching uranium which had been exported from Namibia in defiance of United Nations Security Council Resolutions as well as in defiance of Decree No.1 of the UN Council for Namibia itself.⁷⁸⁹

Namibian uranium was being delivered from Rössing Uranium to URENCO primarily through Britain and West Germany and although the Dutch government did not itself own the uranium,

⁷⁸³ Cosslett, *The Economics of “Illegal” Development*, 186.

⁷⁸⁴ N. J. Schrijver, *The Dutch Government Backs URENCO more than Namibia*, Translation of article in *NRC Handelsblad*, 28 September 1984, 2.

⁷⁸⁵ Schrijver, *The Dutch government backs URENCO more than Namibia*, 2.

⁷⁸⁶ Report of the United Nations Commissioner for Namibia, Implementation, 442.

⁷⁸⁷ Cosslett, *The Economics of “Illegal” Development*, 187.

⁷⁸⁸ *The Herald* (South African newspaper), 27 May 1985, cited in Cosslett, *The Economics of “Illegal” Development*, 187.

⁷⁸⁹ *Werkgroep Kairos, United Nations Council for Namibia Takes Next Step in Legal Action Against URENCO and the State of the Netherlands*. (Utrecht: 1989), 1.

it was implicated because it was party to the Treaty of Almelo that had established the URENCO enrichment plant. The writ of summons stated that the defendants had acted unlawfully in relation to the people of Namibia, through the infringement of and contribution towards the infringement of ‘the right to self-determination of the people of Namibia, [and] the rights of that people with respect to the ownership and exploitation of the natural resources of Namibia’.⁷⁹⁰ The defendants, and particularly the state of the Netherlands, were also said to have acted ‘contrary to the diligence they are bound to observe vis-à-vis the people of Namibia and its natural resources’.⁷⁹¹ The UN Council for Namibia aimed to end the ‘contribution to the infringement’ by seeking ‘to prevent URENCO ... from filling orders which were based on purchases of Namibian uranium’.⁷⁹² To execute its aim, the Council for Namibia obtained £50 000 from the United Nations Fund for Namibia to pursue legal action against the defendants.⁷⁹³

On 3 May 1988, URENCO and the government of the Netherlands submitted their Statement of Defence to the District Court in The Hague. Because the UN Council for Namibia sought to prevent URENCO from enriching Namibian uranium, the defendants responded that the form in which the uranium was delivered to its enrichment plant differed from the form in which the product had left the Rössing mine. This according to a URENCO spokesman was because ‘the processing of uranium into nuclear fuel went through many stages and ... this made it impossible to determine where the original ore came from’.⁷⁹⁴ For example, Rössing uranium delivered uranium ore (yellowcake) to the BNFL, which was then converted to uranium hexafluoride in Britain before it was delivered to URENCO for enrichment. The defendants thus argued that the process of conversion changed its provenance because ‘uranium from various origins was mixed and physically it was impossible to determine the origin of one batch of uranium hexafluoride from another’.⁷⁹⁵ The Treaty of Almelo was also presented as a restricting factor for refusing to enrich Namibian uranium. The defendants claimed that ‘under the Treaty of Almelo ... it was agreed that Urenco would enrich all uranium offered to it by

⁷⁹⁰ N. Schrijver, ‘Sovereignty over Natural Resources: Balancing Rights and Duties in an Interdependent World’ (PhD Thesis, Rijksuniversiteit, Groningen, 1995), 141.

⁷⁹¹ Schrijver, *Sovereignty over Natural Resources*, 141.

⁷⁹² Report of the United Nations Council for Namibia (1991). General Assembly Official Records. Forty-third session supplement No.24 (A/43/24) (New York: 1991).

⁷⁹³ Roberts, *The Rössing File*, 16.

⁷⁹⁴ *The Herald*, 27 May 1985, cited in Cosslett, *The Economics of “Illegal” Development*, 187.

⁷⁹⁵ *Werkgroep Kairos*, United Nations Council, 2.

the Treaty countries'.⁷⁹⁶ Refusing to enrich uranium of Namibian origin would thus require an amendment to the Treaty.

On 6 June 1989, the UN Council for Namibia submitted a Statement of Reply arguing that their claim was not that it would be physically possible to trace the origin of the uranium, but that 'a contractual criterion based on where the uranium was purchased by the electricity company' which sought URENCO's services could be applied.⁷⁹⁷ It was argued that URENCO could 'prevent Namibian uranium from entering its factory by requiring documents of origin from its customers' and in the event that a customer could not confirm that the uranium was not of Namibian origin then 'it might even be possible for the Council or the Commissioner to seek the prohibition of the processing of all uranium offered to Urenco' under such circumstances.⁷⁹⁸ Furthermore, the Council for Namibia's legal advisors likened the processing of Namibian uranium to money laundering arguing that 'a bank which receives stolen funds from a client cannot claim that it does not know the source of the funds or that the bank notes it has stored are no longer physically the same notes that were stolen'.⁷⁹⁹ The legal advisors thus argued that URENCO could be held liable for its role in the processing of Namibian uranium and that it was the responsibility of the Dutch State to ensure that URENCO 'obtains certificates proving that incoming material was not Namibian'.⁸⁰⁰ The provision on the enrichment of 'all' uranium under the Treaty of Almelo was also dismissed on the grounds that the Treaty did not oblige URENCO 'to accept every order under all circumstances'.⁸⁰¹ Moreover, the status of the Treaty of Almelo under international law was viewed as being 'clearly inferior to the status of the UN-charter on which the authority of the Council for Namibia - and thus the status of Decree no.1 - is based'.⁸⁰²

According to Cosslett there were benefits to the pursuit of legal action by the UN Council for Namibia against URENCO and the Dutch State. Firstly, the legal action would result in 'an improved legal position' for the UN Council for Namibia's Decree No. 1 for the Protection of the Natural Resources of Namibia.⁸⁰³ Secondly, the legal action would assert the 'claim to

⁷⁹⁶ *Ibid.*

⁷⁹⁷ Werkgroep Kairos, United Nations Council, 2.

⁷⁹⁸ Cosslett, The Economics of "Illegal" Development, 188.

⁷⁹⁹ Werkgroep Kairos, United Nations Council, 2.

⁸⁰⁰ Hecht, Being Nuclear, 167.

⁸⁰¹ A.M. Gerritsma, Report to the Council of Namibia on the possibilities of legal action in the Netherlands against a person/company contravening Decree No.1., IISH, ARCH02466 (Amsterdam: 31 August 1982), 3.

⁸⁰² Gerritsma, Report to the Council, 3.

⁸⁰³ Cosslett, The Economics of "Illegal" Development, 188.

guardianship over the Territory’ by the UN Council for Namibia.⁸⁰⁴ Thirdly, the legal action could result in ‘the prevention of exploitation of Namibian uranium by Urenco’.⁸⁰⁵ Lastly, legal success in the Dutch Courts could ‘deter future investment and ... help mobilize public opinion against those companies ... operating in Namibia’.⁸⁰⁶ The legal action was thus considered a necessary step for safeguarding the natural resources of Namibia.⁸⁰⁷ Despite the possibility of the aforementioned benefits, it is striking that the UN Council for Namibia took its time (just over a year) to respond to the Statement of Defence by URENCO and the Dutch government. It is also noteworthy that in its response ‘the Council did not file a claim for compensation for damages, seizure or forfeiture in conformity with the Decree, but only aimed at a declaratory judgment and at a prohibition on the carrying out in future of any order to enrich uranium originating from Namibia’.⁸⁰⁸ It appears that the purpose of the legal action was to portray an image of the UN Council for Namibia as working to secure ‘for the people of Namibia adequate protection of the natural wealth and resources of the Territory which is rightfully theirs’.⁸⁰⁹ This was confirmed by the Chairman of the Council who stated that ‘even if the court throws the case out, we still will have made an important political point’.⁸¹⁰

The accruable legal and political benefits appear to have made the legal action against URENCO and the government of the Netherlands a worthwhile exercise. Cosslett, however, draws our attention to the economic reality, arguing that ‘if we allow economics to re-enter the picture, a different barometer of success must be utilized’.⁸¹¹ This, he argues, is because:

A victory in the Urenco case would represent an effective sanction against one company’s importation of Namibian uranium. Yet there are ... firms – in the United States, Great Britain, France and West Germany – that are or have been involved in the extraction, processing and sale of Namibian uranium. Two of these countries – Great Britain and France – are not seen as offering particularly bright prospects for legal

⁸⁰⁴ *Ibid.*

⁸⁰⁵ *Ibid.*

⁸⁰⁶ *Ibid.*

⁸⁰⁷ UN Chronicle, Council for Namibia Sues Netherlands over Namibia’s Natural Resources. Vol.24, No.4 November 1987 <https://www.questia.com/magazine/1G1-6272039/council-for-namibia-sues-netherlands-over-namibia>, accessed 15 December 2020.

⁸⁰⁸ Schrijver, *Sovereignty over Natural Resources*, 141.

⁸⁰⁹ Decree No.1 for the Protection of the Natural Resources of Namibia.

⁸¹⁰ N. G. Sinclair, (Guyana) Chairman of the United Nations Council for Namibia’s Panel for Hearings on Namibian Uranium, quoted by the New York Times (1985).

⁸¹¹ Cosslett, *The Economics of “Illegal” Development*, 188.

action abased on Decree No.1. The implications are that a substantial reduction in the rate of uranium exploitation does not seem a likely result of a strictly legal approach.⁸¹²

The economic reality thus lays bare the fact that the legal and political success, though beneficial to the Council for Namibia's aim of keeping 'the pressure on South Africa by proceeding with the case,' would not prevent the exploitation of the territory's natural resources.⁸¹³ It would, for example, not stop the unearthing of Namibian uranium by Rössing Uranium let alone stop the export of Namibian uranium to countries like Britain and France. The only 'means of gaining effective legal protection for Namibia's natural resources' would have been 'through mandatory economic sanctions imposed by the Security Council' but this, as alluded to before, was not a viable option for UN Security Council members like Britain, France and the United States.⁸¹⁴

The UN Council for Namibia's legal action was eventually overtaken by events, coinciding as it did with the onsets of the implementation of the UN Resolution 435. The resolution which had been adopted ten years earlier, in 1978, was finally seeing the light, when 'the United Nations supervised plan for the independence of Namibia commenced on 1st April 1989'.⁸¹⁵ With the implementation of the UN plan for Namibia well underway, the UN Council for Namibia decided not to actively pursue the case against URENCO and the government of the Netherlands. The pressure on South Africa which the Council for Namibia's Decree sought to maintain was no longer deemed a necessary exercise as the responsibility for ensuring economic sovereignty would fall to the independently elected government of Namibia. The onus for demanding compensation for the exploitation of Namibia's natural resources was also left to the future government of an independent Namibia, as provided for in Decree No. 1 which stated that 'any person, entity or corporation which contravenes the present decree in respect of Namibia may be held liable in damages by the future Government of an independent Namibia'.⁸¹⁶ The right to claim damages from those who 'plundered' the natural resources of the occupied territory, was thus left to the realm of independence.⁸¹⁷

⁸¹² *Ibid.*

⁸¹³ David de Beer cited in Werkgroep Kairos, United Nations Council, 3.

⁸¹⁴ Cosslett, *The Economics of "Illegal" Development*, 188.

⁸¹⁵ Werkgroep Kairos, United Nations Council, 3.

⁸¹⁶ UN Council for Namibia, Decree No.1.

⁸¹⁷ Hecht, *Being Nuclear*, 168.

7.7 Rössing Uranium: It is all British

On 31 March 1989 the South African Foreign Minister announced that the British Prime Minister Margaret Thatcher would be travelling to Namibia.⁸¹⁸ The Prime Minister had been on a tour of Africa with brief stop-overs in Nigeria, Zimbabwe and Malawi. The week-long African tour, which took place in late March 1989, had been in preparation for the Commonwealth Heads of Government Meeting scheduled to take place in Malaysia in October 1989. A visit to Namibia had not been on the itinerary of the Prime Minister's tour, however, and this led to the question as to why Margaret Thatcher had 'decided to include Namibia [into her tour] at this last stage?'⁸¹⁹ The Prime Minister had consistently made mention of developments in Namibia during press conferences in Nigeria and Zimbabwe but had made no mention of intentions to visit Namibia.⁸²⁰ In fact the question of why Namibia was put to the Prime Minister during a press conference in Malawi, which was her supposed last stop on the tour of Africa. In response, the Prime Minister stated that she had 'no announcement to make about Namibia as no decision had been taken yet on whether or not to go to Namibia'.⁸²¹

The unanticipated stop-over in Namibia, appears to have been timed to coincide with the commencement of the implementation of Security Council resolution 435, which had been approved 10 years earlier in 1978. The credit 'for the successful and workable settlement, together with a normalisation of relations with Angola after a Cuban withdrawal,' which led Namibia on the path to political independence would go the United States, and particularly the assistant secretary of State for African Affairs, Chester Crocker.⁸²² Getting the different parties to the negotiation table, and more importantly their signatures on the accords had been no small feat for a man whose initiative had been described as a diplomatic bird flapping its wings but never gaining any momentum.⁸²³ The tripartite agreement had been signed on 22 December 1988 and it produced a ceasefire agreement, signed between SWAPO and the South African

⁸¹⁸ M. Thatcher, Press Conference in Malawi, 31 March 1989, <https://www.margaretthatcher.org/document/107621>, accessed 15 December 2020.

⁸¹⁹ *Ibid.*

⁸²⁰ M. Thatcher, Press Conference ending visit to Zimbabwe, 30 March 1989, <https://www.margaretthatcher.org/document/107616>, accessed 15 December 2020.

⁸²¹ Thatcher, Press Conference, 31 March 1989.

⁸²² Barratt, Namibia, 278.

⁸²³ L. Wiznitzer, 'Impasse on Namibian independence', *The Christian Science Monitor*, June 1st 1982, New York <https://www.csmonitor.com/1982/0601/060146.html>, accessed 15 December 2020.

government in preparation for the electoral process for Namibian independence.⁸²⁴ The British Prime Minister's visit to Namibia was thus timed to coincide with these historical events.

The Prime Minister's one-day visit to Namibia took place on Saturday, 1 April 1989, with a few hours in Windhoek to demonstrate the support of the United Kingdom, 'for the work that the United Nations is doing ... to bring ... Namibia to independence'.⁸²⁵ The Prime Minister described the role of the United Nations representation in Namibia as standing 'at the gateway to peace, with freedom and justice'.⁸²⁶ While the UN representation stood at the gateway of peace, Margaret Thatcher had come to Namibia to demonstrate the British government's preferred gateway in securing its interest in the Namibian economy.⁸²⁷ Hecht writes that the RTZ management in London, 'maintained a revolving door between its boardroom and the upper echelons of British ministries'.⁸²⁸ On the afternoon of Saturday 1 April 1989, that door appeared to have revolved all the way onto the Arandis airstrip as the British Prime Minister arrived at Rössing Uranium accompanied by her husband, Denis Thatcher. The two were given a guided tour of the mine and the town of Arandis by Rössing's Managing Director, Dr Mike Bates and General Manager, Dr Steve Kesler. In keeping with the manner of her previous stop-overs in Nigeria, Zimbabwe, and Malawi the Prime Minister held a press conference during her tour of the Rössing mine. Asked what sort of statement she had intended to make 'by coming to what is supposed to be the economic heartland of Namibia?' the Prime Minister responded

First this [Rössing Uranium] is British overseas investment in Namibia. It is doing a fantastic job for Namibia. It is something like 17 percent of the GDP of Namibia ... So, it is really an example of what a British company can do in a country like Namibia ... *And it is all British so it is very good.*⁸²⁹

Hecht was right, in writing that RTZ's position as a British company had meant that 'Rössing was as close as the UK would come to controlling its own uranium supply' as this was implied

⁸²⁴ The tripartite agreement was signed between the Republics of Angola, Cuba and South Africa. See C.W. Freeman, 'The Angola/Namibia Accords', *Foreign Affairs*, Summer, 1989, Vol. 68, No.3, pp.126-141.

⁸²⁵ Margaret Thatcher, Speech at Signals Base HQ (Namibia), 1 April 1989 <https://www.margaretthatcher.org/document/107623>, accessed 15 December 2020.

⁸²⁶ *Ibid.*

⁸²⁷ Lucky Asuelime, 'Uranium politics of gatekeeping: Revisiting the British government's policy vis-à-vis South Africa, 1945 – 1951' *Historia* 58, 1. May 2013, pp 33-50.

⁸²⁸ Hecht, *Being Nuclear*, 86.

⁸²⁹ Margaret Thatcher, Interview visiting Namibian Uranium Mine. 1 April 1989 <https://www.margaretthatcher.org/document/107624>, accessed 15 December 2020.

in the Prime Minister's statement on Rössing Uranium being 'all British'.⁸³⁰ Rössing Uranium had distanced itself somewhat from South Africa in that its offices and registration were moved to Windhoek, Namibia as opposed to its previous representation from RTZ's Johannesburg offices.⁸³¹ What made Rössing Uranium 'all British' was its status as a subsidiary of RTZ which had its headquarters in London and was listed on the London Stock Exchange. This British status was also evident in the composition of the senior staff (Bates, Kesler and their predecessors) who were predominantly British (an estimated 75 per cent of the executive management were British).⁸³² Moreover, a large part of its new investment in the 1970s was British, which led British government officials to refer to Rössing Uranium as a primarily British company confirming Uche's argument that 'the British government and British businesses worked in concert' to protect British interests in Namibian uranium.⁸³³

The brandishing of RTZ's operations at Rössing Uranium as a key example of the plunder of Namibia's natural resources by foreign corporations was dismissed as 'nonsense' by the Prime Minister in her parting words to the press.⁸³⁴ The view of the British government was that 'as the years pass, changing the present situation and bringing, as they must, Namibian independence, the export value of these uranium mining developments will be of tremendous importance to the future prosperity and stability of that country'.⁸³⁵ UK imports from Namibia had, according to Vivienne Jabri, amounted to a value of £63.4 million in 1983.⁸³⁶ The import value had however fallen sharply to £6.8 million in 1986 due, in part, to the completion of uranium deliveries from Rössing Uranium to BNFL in 1984. The completion of the delivery of the Rössing contracts to the BNFL had been expedited by the Japanese government's 1977 decision to forgo supplies of uranium from Rössing under their existing contract (see Chapter 6).⁸³⁷ The decision had been announced by Japan's Permanent Representative to the United Nations following criticism in the General Assembly of Japan's role in the exploitation of Namibia's uranium resources. The Japanese government did not deny the existence of the contract with Rössing Uranium but rather stated that it would not be accepting any uranium from Namibia until the attainment of independence.⁸³⁸ The availability of these additional

⁸³⁰ Hecht, *Being Nuclear*, 97.

⁸³¹ TNA FCO 45/2168 J.A.N. Graham, Confidential, 23 November 1977.

⁸³² TNA FCO 45/2168 23 November 1977.

⁸³³ *Ibid.* Uche, 'Lonrho in Africa', 357.

⁸³⁴ *Ibid.*

⁸³⁵ Hansard, Lord Lovell-Davis, Uranium Purchases from Namibia.

⁸³⁶ Jabri, *Mediating Conflict*, 56.

⁸³⁷ TNA FCO 45/2168 M.C.S. Aitchison (Department of Energy) in a letter addressed to R. Marsh (BNFL), Namibian Uranium, 25 November 1977.

⁸³⁸ TNA FCO 45/2168 25 November 1977.

supplies thus enabled Rössing Uranium to step up deliveries to BNFL and to complete the full deliveries of uranium supplies under the 1968, 1970 and 1976 contracts.

For its part, the British government announced that once deliveries had been completed under the existent contracts, no new contracts would be approved for supplies of uranium from the Rössing mine. One could thus argue that the ‘tremendous importance’, of the British government’s contracts for Namibian uranium, had not been for the ‘future prosperity and stability’ of independent Namibia, but rather for the South African regime’s continued occupation of the territory. Margaret Thatcher’s response to the press - ‘nonsense’ - should thus have been in reference to the arguments put forward by her own government and not to the criticism levelled against RTZ and the British government’s role in the plunder of Namibia’s uranium resources.



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Figure 7-9: Margaret and Denis Thatcher with the Rössing Management.

A few hours later, as the Prime Minister prepared to return to Windhoek, a group photo was taken to document Thatcher’s historic visit to the mine (see Figure 7.9 above). A notable figure in the photo, was Dr Zed Ngavirue, Rössing’s public relations man and the symbol of the mine’s aspirations of becoming non-racial organisation. Rössing’s management handed the Thatchers parting gifts, most notably a gold brooch in the shape of the Rössing logo for Mrs

⁸³⁹ Rössing News, Thatcher Visits Rössing, 7 April 1989, 1.

Thatcher and gold cufflinks depicting the Rössing logo for Mr Thatcher.⁸⁴⁰ The logo, which had been a key part of Rössing Uranium's public relations strategy, appeared to compliment Mrs Thatcher's statement on RTZ's 'example of what a British company can do in a country like Namibia', for indeed this British company was now supposedly 'Working for Namibia'. The Prime Minister's visit to Rössing Uranium was even more valuable for Rössing's public relations strategy, for as the Managing Director noted:

The Prime Minister's visit was certainly the single most important visit which we have hosted. The amount of time spent at the mine in relation to her time in Namibia was an outright compliment and seal of approval. This cannot fail to impress customers and future customers.⁸⁴¹

Impressing present and future customers was precisely what Rössing Uranium had set out to do, considering the sanctions under the Comprehensive Anti-Apartheid Act which banned the import of uranium products from South Africa and by extension, Namibia. The global uranium market had also presented Rössing Uranium with a different challenge, namely that 'the release of material from the Soviet Union and Eastern Bloc countries into the West and the perception by Western utilities that there were enormous quantities available to be realised drove the price down to historically low levels'.⁸⁴² The highest representative of the British government of the time had, however, travelled to Namibia to demonstrate that government's support for 'British overseas investment in Namibia' and to underscore what Lucky Asuelime described as the 'uranium politics of gatekeeping' that had guided much of the British government's policy towards Namibia over the past decades.⁸⁴³ Thatcher's endorsement of Rössing also demonstrated the British government's readiness to protect RTZ 'against claims of compensation, nationalisation and acquisition of assets from a future lawful government of Namibia'.⁸⁴⁴ Rogers' argument that the responsibility for the 'opening and financing of the exploitation of Namibia's Rössing deposits' had rested on the British government could thus

⁸⁴⁰ *Ibid.*

⁸⁴¹ *Ibid.*

⁸⁴² Chamber of Mines of Namibia, 12th Annual Report, 1990 (Dr. M.P. Bates, President), v.

⁸⁴³ The expression 'uranium politics of gatekeeping' is borrowed from Lucky Asuelime, 'Uranium politics of gatekeeping: Revisiting the British government's policy vis-à-vis South Africa, 1945 – 1951' *Historia* 58, 1. May 2013, pp 33-50, whose article investigates the role of uranium in British-South African relations from a Commonwealth perspective.

⁸⁴⁴ A. R. Roberts, 'The International Trade in Namibia's Uranium (An overview of the Expropriation of Namibia's uranium resources', *International Seminar on The Role of Transnational Corporations in Namibia* (Washington: 1982), 7.

be extended to the endorsement of its future operations as this demonstrated the British government's continued support of RTZ's operations in Namibia.⁸⁴⁵



Figure 7-10: Martti Ahtisaari visits the Rössing Uranium mine.

On the day of Thatcher's visit to Namibia, Martti Ahtisaari and the United Nations Transitional Assistance Group (UNTAG) were faced with a crisis that threatened the entire settlement plan to the Namibia situation. Ahtisaari had previously served as the UN Commissioner for Namibia and he was appointed the Special Representative to the Secretary General of the UN, for the envisioned granting of independence to Namibia in 1978. In the transition period following the 1988 formal mediations, Martti Ahtisaari became the man in charge of running the affairs of Namibia, in conjunction with the South African-appointed Administrator General (Louis Pienaar). On 1 April 1989, as Margaret Thatcher prepared to visit Rössing Uranium, Ahtisaari came under undue pressure to authorise an attack on SWAPO forces which had crossed over the Namibia-Angola border in contravention of the cease-fire agreement. The South African ground forces, which had been confined to their bases threatened to take matters into their own hands, with Margaret Thatcher threatening Ahtisaari that if he did not get the Secretary General of the United Nations to authorise the South African forces to respond to the SWAPO incursion then she would ensure that 'the whole world will be against you - led by me'.⁸⁴⁷ Three-hundred

⁸⁴⁵ Rogers, *Namibia's Uranium*, 4.

⁸⁴⁶ August 1989: Martti Ahtisaari, Special Representative for the Secretary General of the United Nations, visited the mine <https://www.rossing.com/40years.htm>, accessed, 15 December 2020.

⁸⁴⁷ R. Renwick, *Unconventional Diplomacy in Southern Africa*. (London: 1997), 133.

People's Liberation Army of Namibia (PLAN) soldiers died on that fateful day, as the South African ground forces opened fire. By the time she had left Namibia, Margaret Thatcher had not only left her mark on the Rössing mine but also on the second bloodiest day in Namibia's 27 years of armed struggle. Three months later in August 1989, following a period of political and diplomatic uncertainty in the UN settlement plan for Namibia, RTZ invited the Ahtisaari family for a tour of the Rössing mine (see Figure 7.10 above).⁸⁴⁸ If Thatcher's visit had impressed 'future customers' then Ahtisaari's visit would no doubt generate commentary in the international community on Rössing Uranium's role in the economic outlook of an independent Namibia.

7.8 Rössing Uranium and the SWAPO Leadership

During the diplomatic negotiations for Namibian independence it had become increasingly clear that 'no stable or internationally-acceptable regime in an independent Namibia can be established without the involvement of ... (SWAPO)'.⁸⁴⁹ To this end, the British government decided that they would keep good relations with SWAPO's representative offices in London and especially with the nationalist movement's representative Mr Peter Katjavivi.⁸⁵⁰ The Foreign and Commonwealth Office, for example, records a meeting that took place in 1975 between the leadership of SWAPO and the Secretary of State for Foreign and Commonwealth Affairs. In a rather animated exchange, Sam Nujoma, the President of SWAPO, asked the Foreign Secretary James Callaghan if the British government would request RTZ and other British firms to withdraw from Namibia, to which the Secretary of State responded 'no ... others would be sure to step into our shoes, if we left, and we were not prepared to cut off our noses to spite our faces in this way'.⁸⁵¹ With one party levelling criticism while the other defended their position, an offer was made to arrange a meeting for Nujoma with RTZ's management in London so as to avail SWAPO the opportunity to level direct criticism to RTZ for its operations in Namibia.⁸⁵²

⁸⁴⁸ Rössing News, Ahtisaari comes to mine, 4 August 1989, 1.

⁸⁴⁹ TNA FCO 45/1936 Foreign and Commonwealth Office, Namibia: The Position of SWAPO, June 1976, 1.

⁸⁵⁰ TNA FCO 45/1976 H.M.S. Reid (Central and South African Department) to Mr Aspin, Namibia, 8 June 1976.

⁸⁵¹ Record of a Meeting between the Secretary of State for Foreign and Commonwealth Affairs and Mr Sam Nujoma, President of SWAPO, at the Foreign and Commonwealth Office on 11 June 1975, 4.

⁸⁵² Record of a Meeting, 4.

In the 1980s RTZ, through the management of Rössing Uranium, initiated contact with SWAPO. According to Hecht, Rössing Uranium ‘initiated an informal approach to SWAPO leaders by inviting them to a briefing in Zimbabwe’.⁸⁵³ It is noteworthy that this happened in Zimbabwe, where RTZ had already successfully negotiated with the Zimbabwe African National Union (ZANU), who were also influenced by Marxist ideas, to retain its operations almost unaltered. The first meeting happened in 1981, when Clive Algar, Rössing Uranium’s public relations director, met a senior SWAPO representative, the late Aaron Mushimba, in Zimbabwe.⁸⁵⁴ RTZ viewed this chance encounter, which turned into a series of meetings, as an opportunity to communicate with the top echelons of the SWAPO organization. The meetings were held in secrecy, owing to South Africa’s war against SWAPO, Rössing’s supposed non-partisan approach to Namibian politics and SWAPO’s overt criticism of Rössing Uranium’s operations in Namibia. The aim, for Rössing, was to explain its operations to the leadership of nationalist movement and in so doing convey a positive image of the company. A tour of the Rössing Uranium mine would undoubtedly have been the preferred mode for the public relations department, but in the early 1980s the SWAPO leadership in exile could not as yet travel to Namibia, lest they risk arrest and harassment by the South African regime.⁸⁵⁵ As the diplomatic negotiations of the Western Contact Group dragged on, the meetings between RTZ and SWAPO began to fizzle out.⁸⁵⁶ Contact between the two parties was only restored once the diplomatic accord for Namibian independence had been signed in 1988.

It was interestingly during this period that SWAPO ruled out the outright nationalisation of various industries, including the mining industry. In November 1988, as ‘independence appeared more and more probable in 1989’, the political bureau of the central committee of SWAPO released an ‘Economic-Policy-Position-Document’ in which the movement documented its ‘thinking on Namibia’s future economic reconstruction and development’.⁸⁵⁷ The policy document specified that although ‘the state would seek to have ownership of a significant part of the country’s resources ... no wholesale nationalisation of the mines, land and other productive sectors is ... envisaged...’⁸⁵⁸ Whether or not the decision against nationalisation was influenced by the movement’s interactions with company executives of

⁸⁵³ Hecht, *Being Nuclear*, 168.

⁸⁵⁴ Daniel, *Against All Odds*, 140.

⁸⁵⁵ Hecht, *Being Nuclear*, 168.

⁸⁵⁶ Daniel, *Against All Odds*, 140.

⁸⁵⁷ BAB 88FSBoPR5 Basel SWAPO of Namibia, *Namibia’s Economic Prospects Brighten Up: An Economic-Policy- Position-Document of the Political Bureau of the Central Committee of SWAPO*, 28 November 1988, People’s Republic of Angola, 3.

⁸⁵⁸ SWAPO, *Namibia’s Economic Prospects*, 4.

mines like Rössing Uranium is difficult to ascertain. What is clear, however, is that the phenomenon was not unique to SWAPO. Examples from other African countries demonstrate that despite the 'socialist rhetoric in the lead up to independence,' nationalisation was often viewed as a last resort.⁸⁵⁹ The understanding was that nationalisation of various industries, including the mining industry, would not only result in a 'waste [of] capital that could be better spend on schools or hospitals, but [it] would also frighten foreign investors, draining their capital and skilled expatriate manpower from the country'.⁸⁶⁰ Outright nationalisation had thus been ruled out by the nationalist movement. What was not clear, however, was whether SWAPO, in its quest for 'ownership of a significant part of the country's resources', would 'go for ... a majority stake, a minority stake, [or] retrospective compensation for RTZ's removal of Namibian assets'.⁸⁶¹ First an election had to be won.

In December 1988, the parties to the diplomatic negotiations for Namibian independence signed the independence accord. The following year, in 1989, several members of SWAPO's leadership in exile were able to return to Namibia in preparation for the impending elections. It is here that Rössing Uranium was presented with a first-hand opportunity to demonstrate its 'Working for Namibia' slogan to the SWAPO leadership. Realising the need for a more polished approach to the future leadership, Rössing Uranium's public relations director advised the mine's executives on how best to 'diplomatically' present the work of the mine to the future officials of an independently elected Namibian government. Algar stated that:

Sometimes we - and I am as guilty as anybody - tend to show our satisfaction at Rössing's successes in various fields but this may be the wrong psychological approach when dealing with the future cabinet ministers whose whole *raison d'être* is change and improvement of Namibia. Our theme throughout should be not only what we have achieved but what remains to be done, and in speaking about such aims we should make it clear that we are open to suggestion and comment. This of course hardly applies in the technical area but is very relevant to the whole human aspect of Rössing.⁸⁶²

Algar's psychological approach was first put to the test when SWAPO's 'future cabinet ministers' showed up at Rössing in August 1989, while on the campaign trail for the November 1989 parliamentary elections. The campaign trail was evidently the preoccupation of the

⁸⁵⁹ Morris, 'Cultivating the African', 659.

⁸⁶⁰ Morris, 'Cultivating the African', 660.

⁸⁶¹ TNA FCO 45/1936 June 1976, 1.

⁸⁶² C. Algar, cited in Hecht, *Being Nuclear*, 305.

SWAPO representatives, with the future Minister of Foreign Affairs, Theo-Ben Gurirab, pictured below (Figure 7.11) clutching SWAPO's Election Manifesto in his left hand. While Rössing's 'human aspect' presented the nationalist movement with an opportunity to rally potential voters on the mine site, it also presented RTZ with the opportunity to demonstrate to the 'future' government the degree of its investment in its workforce, with the mining town of Arandis as the star 'social responsibility' project. Algar's final comment on the technical area, on the other hand, is also worth noting. It not only reveals that Rössing Uranium was not open to suggestion and comment when it comes to the technical area but it is also indicative of the company's intention to maintain operational control over the mine without interference from the new government.

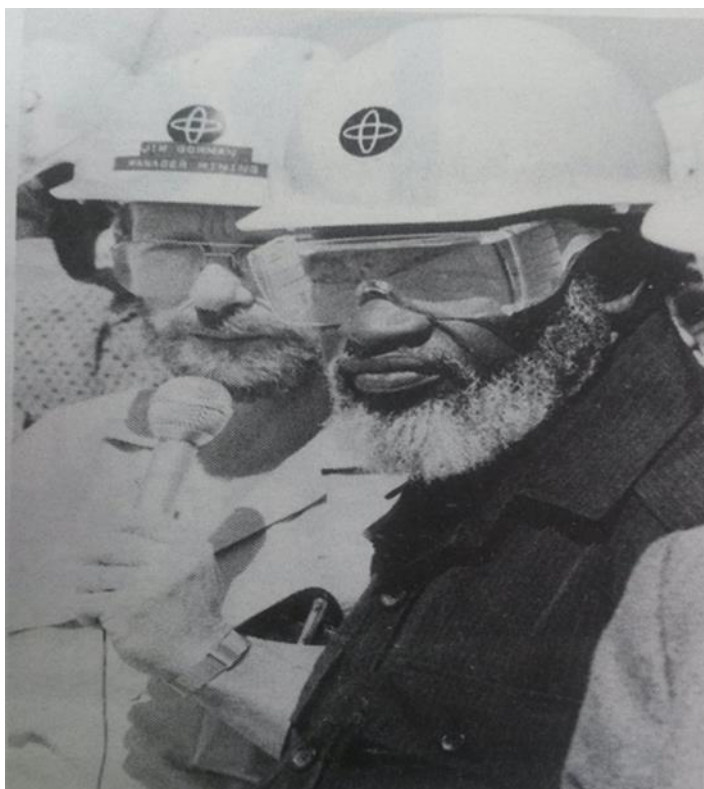


Figure 7-11: SWAPO leaders visit Rössing Uranium.

That the psychological approach had been effective was proven in November 1989, when the leader of SWAPO and elected president of Namibia, Sam Nujoma, arrived at the mine accompanied by the future Prime Minister, Hage Geingob (who had previously participated in RTZ/SWAPO meetings in Zimbabwe) and the future Minister of Foreign Affairs, Theo-Ben Gurirab (see Figure 7.12 below). The visit to the mine took place on the 10 November 1989, a

⁸⁶³ Rössing News, SWAPO leaders come on site, 18 August 1989, 2. Manager Public Affairs, Rössing Windhoek, Clive Algar; Head of Mobilisation and Publicity SWAPO, Hidipo Hamutenya; Assistant General Manager, Sean James; Head of Foreign Liaison and Public Relations SWAPO, Theo-Ben Gurirab; and Chief Organiser for the Coastal Region SWAPO, Ben Amathila.

day before the end of the parliamentary elections for the establishment of the National Assembly of an independent Namibia. The future President, much like the future ministers who had visited the mine in August, was given a tour of the mine and of Arandis. The future political top brass of the country had thus been introduced to Rössing Uranium's top management, and to the 'human aspect' of Rössing Uranium. Rössing Uranium's public relations department had moved smartly by successfully establishing a relationship with the future government days before SWAPO's victory in the parliamentary elections had been announced.



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Figure 7-12: Rössing Uranium Mining Manager, Jim Gorman pictured with President Sam Nujoma.

Algar's statement on remaining open to suggestions and comments on the human aspects of Rössing, but not the technical aspects of the mine's operations brings us back to the public relations strategy that had been put in place by Rössing Uranium since the beginning of the 1980s. The 1985 acquisition of shares in Rössing Uranium orchestrated by the South African administration in collusion with RTZ, had undoubtedly set parameters in place for the manner in which the independently elected government of Namibia would govern the country's

⁸⁶⁴ The Mining Manager, Jim Gorman pictured with President Sam Nujoma, Rössing News, SWAPO leader visits mine, 5.

uranium resources. The newly established government received a 3.5 per cent stake in Rössing Uranium in addition to the controlling vote on the Board of Directors, previously exercised by the IDC. As the majority shareholder, RTZ would notably maintain operational control over Rössing Uranium, something the company had always intended to do judging by Algar's comment on the technical area. The newly established government was welcome to give input on the human aspect, on that which pertained to its citizenry, but the technical and operational area would remain the ambit of RTZ.

This move to protect 'commercial interests' also echoed the 1982 Constitutional Principles advocated for by the WCG. Grovogui writes that the WCG had assumed that 'SWAPO was inimical to their own economic interest' in Namibia and had therefore 'compelled the nationalist organisation to adhere to pre-independence constitutional principles that clearly delineated the public sphere, where state intervention was permitted, from the private spheres' such as the 'technical area' referred to by Rössing's public relations director.⁸⁶⁵ The Constitution would, in accordance to the WCG's Constitutional Principles, contain 'a declaration of fundamental rights' which include 'the right to protection from arbitrary deprivation of private property or deprivation of private property without just compensation.'⁸⁶⁶ The 1982 Constitutional Principles also forbade the creation of criminal offences with retrospective effect or the provision for increased penalties with retrospective effect. Demanding 'retrospective compensation for RTZ's removal of Namibian assets' would thus be unconstitutional. Grovogui writes that under the conditions set out in the Constitutional Principles, 'foreign interest in Namibia did not have to fear popular pressure on SWAPO to effect change in the structure of capital and the economy in order to meet the needs of the dispossessed majority of Namibians'.⁸⁶⁷ RTZ and the IDC's shareholding in Rössing Uranium, including the 3 per cent shareholding held by the Louw Company associated with the discovery of the Rössing deposits, was thus protected under the provisions of these principles. Mining ventures like Rössing Uranium were thus assured of the continuation of their operations in Namibia, both through the assurances of SWAPO's anti-nationalisation policy and through the diplomatic negotiations of the Western Contact Group which produced the Constitutional Principles.⁸⁶⁸

⁸⁶⁵ Grovogui, *Sovereigns, Quasi Sovereigns*, 186.

⁸⁶⁶ *Ibid.*

⁸⁶⁷ *Ibid.* 176.

⁸⁶⁸ *Ibid.* 177.

7.9 Namibia Institute of Mining Technology: The Goodwill Gesture

By 1990, with the granting of Namibian independence, Rössing Uranium was boldly declaring that its operations were a ‘vital part of the fabric of the Namibian economic system and indivisible from the country’s forward development’.⁸⁶⁹ Rössing Uranium argued that if the mine had not been established, ‘the town of Arandis would not exist, Swakopmund would be far smaller than it is today and all economic indicators would be substantially lower’.⁸⁷⁰ One could, however, also add that if the Rössing mine had not been established, there would be no ‘biggest mine in the world’ generating profits for RTZ and its shareholders. More importantly, Namibia’s full uranium resource potential would have remained in the ground, to be unearthed for the full benefit of the Namibian people (this line of thought would of course neglect the role of those associated with the discovery of the Rössing deposits, the mining venture which declared the deposits ‘a poor man’s pudding’ and the South African officials responsible for approving the mining concession). Independence had been granted, Rössing Uranium would now be ‘Working for Namibia’ and the time had come to demonstrate just how vital the mine was to the economy of an independent Namibia.

On 16 March 1990, five days before the independence-day celebrations in Namibia, Rössing Uranium announced its intention to fund and construct a national school of mining technology, which would be donated as an ‘independence gift’, supposedly for the new nation-state (see Figure 7.13 below). This ‘independence gift’ was undoubtedly a goodwill gesture aimed at gaining favour with the Namibian government. It would become known as the Namibian Institute of Technology (NIT) and it would provide training to artisans, technicians and supervisors in the engineering, geology, metallurgy and mining disciplines.⁸⁷¹ The first phase of construction was to commence immediately in 1990, with the first intake of students, an estimated one hundred students, starting their training in 1991.⁸⁷² The construction of the Institute was estimated to cost six million Rand.⁸⁷³ The institute’s proximity to the Rössing Uranium mine, and the internship attachment which the mine had undertaken to provide to the students at the NIT, indicate that Rössing Uranium had for all intents and purposes proposed

⁸⁶⁹ Rössing Uranium Limited, Social and Economic Report 1990. (Windhoek: 1990), 5.

⁸⁷⁰ Rössing Uranium, Social and Economic Report, 8.

⁸⁷¹ E D G Mueller (Director N.I.M.T.) Namibian Institute of Mining and Technology Information Brochure – Arandis, Republic of Namibia.

⁸⁷² Rössing News, Rössing to donate school of Mining Technology to Namibia, 16 March 1990.

⁸⁷³ Rössing News, Rössing to donate school.

an independence gift that would secure a future workforce for its mining venture and for the mining industry at large.



Figure 7-13: Rössing Uranium's Goodwill Gesture.

Rössing Uranium's presentation of its 'independence gift' as a novel idea, is refuted by Dr Leake Hangala, the first post-independence government's representative on the Rössing Uranium Board. Dr Hangala, a mining geologist by profession, was appointed as Permanent Secretary in the Ministry of Mines and as the accounting officer for the Ministry was party to the various negotiations between the government and the mining companies. The idea for the establishment of a mining institute had supposedly been suggested to him while on a familiarisation tour of the uranium mining industry in Canada. The idea was then put before the Rössing management during a visit to the mine by the Permanent Secretary and the Minister Designate of Mines and Energy, Toivo ya Toivo, in January 1990 (see Figure 7.14 below).⁸⁷⁵ The idea was then conveyed to RTZ's Headquarters in London by the management of Rössing Uranium. RTZ's headquarters approved the proposal and Rössing Uranium presented it as a goodwill gesture to independent Namibia. Eckhart Muller, who previously served as a Physical Educational Planner in the Department of National Education, was appointed as the Director of the yet to be constructed institute.⁸⁷⁶ The 'independence gift', whose name changed from the NIT to the Namibia Institute of Mining Technology (NIMT), had thus been conceded through Rössing Uranium's interactions with the future government.

⁸⁷⁴ Rössing Uranium, 30 Years Special Edition 1976-2006, 13. Rössing News, Rössing to donate school.

⁸⁷⁵ Interview with Dr Leake Hangala, Friday, 12 May 2017 (Windhoek, Namibia).

⁸⁷⁶ Eckhart Müller served as Director of NIMT from 1990 until his untimely death in April 2019. The Namibian, 2 Killed at Arandis, 16-04-2019 <https://www.namibian.com/187655/archive-read/2-killed-at-Arandis>, accessed 05 February 2021.



Figure 7-14: Minister of Mines and Energy visit Rössing Uranium.

Following the independence-day celebrations on 21 March 1990, the newly established Republic of Namibia submitted an urgent application to the Committee on the Admission of New Members to the United Nations. The application had been submitted with the request that it be given priority consideration to enable Namibia to participate in the special session of the General Assembly devoted to economic development, to be held from 23 to 28 April 1990. The application for Membership to the UN was approved in record time when on 17 April 1990 the Security Council unanimously recommended to ‘the General Assembly that the Republic of Namibia be admitted to membership in the United Nations’.⁸⁷⁸ On 23 April 1990 Namibia became the 160th Member State of the United Nations Organisation.⁸⁷⁹ A delegation of the Namibian government, accompanied by political and business personalities, travelled to New York to attend the admission ceremony at the United Nations Headquarters as Namibia officially joined the world community of nations.

⁸⁷⁷ Rössing News, Minister Designate of Mines and Energy visits Rössing, 19 January 1990.

⁸⁷⁸ United Nations Security Council Resolution 652 (1990) of 17 April 1990, Application of the Republic of Namibia. <http://dag.un.org>, accessed 16 December 2020.

⁸⁷⁹ United Nations General Assembly Resolution S-18/1 of 23 April 1990.



Figure 7-15: Flag Raising Ceremony at the UN Headquarters in New York.

Included among the business personalities who attended the admission ceremony were Rössing Uranium's Chairman John Kirkpatrick and the newly promoted Manager for Corporate Affairs Clive Algar (former public relations director). The newly appointed government used the admission ceremony to promote foreign invest for Namibia. According to Hecht, Rössing executives used occasions such as this to turn Namibian independence into a marketing tool proclaiming that by purchasing uranium from Rössing current and future customers would aide a new nation.⁸⁸¹ By 'invoking independence in its contracts' and using Namibian independence 'as a trump card in price negotiations' Rössing Uranium turned political change to economic advantage.⁸⁸² The recognition of both independent Namibia and its independently elected government had meant that the 3.5 per cent shareholding in Rössing Uranium which was acquired by the Administrator General could now be passed to the Namibian government. Rössing Uranium, in honour of the admission ceremony of its newest shareholder, organised a reception in Washington DC at which Theo-Ben Gurirab, SWAPO's former permanent representative to the United Nations and Namibia's first Foreign Minister, was the guest of honour.⁸⁸³ The rich language of nationalism, with which Theo-Ben Gurirab had criticised the plunder of Namibian uranium during the proceedings of the 1980 Uranium Hearings organised by the UN Council for Namibia, appeared to have been remanded to the pre-independence era,

⁸⁸⁰ Admission of Namibia into the United Nations - A close-up of the Namibian flag (third from left) following the flag raising ceremony at UN Headquarters. UN Photo/John Isaac, 23 April 1990 United Nations, New York.

⁸⁸¹ Hecht, *Being Nuclear*, 293.

⁸⁸² Hecht, *Being Nuclear*, 168. Phimister, *Corporate Profit and Race*, 749.

⁸⁸³ Rössing News, Rössing represented in delegation to UN. 11 May 1990, 2.

as the shareholding partnership between State and firm took hold.⁸⁸⁴ Thereafter, according to Hecht, ‘postcolonial state fully backed the company’s new slogan: “Working for Namibia”’.⁸⁸⁵

In June 1990 Dr Leake Hangala joined the Rössing Uranium board as the government nominee, to exercise government’s 51 per cent voting rights in the company.⁸⁸⁶ In July 1991, the sanctions against South Africa, issued under the 1986 Comprehensive Anti-Apartheid Act, were lifted and with them the restrictions on the import of Namibian uranium.⁸⁸⁷ Rössing Uranium then set out to regain its foothold on the world uranium market, having committed to regaining the business that it had lost due to the impact of the sanctions.⁸⁸⁸ RTZ’s mining venture, had not only secured its place in the Namibian economy but was also now free to use Namibian independence as a marketing tool for securing new contracts, such as the long-term contract it secured in 1990 for the supply of 5,200 tonnes of uranium ore to the French electricity industry.⁸⁸⁹ For RTZ’s mining venture on the fringes of the Namib Desert, it was business as usual, minus the controversy. By 1996 Rössing Uranium was celebrating 20 years of production, notwithstanding the first 10 years that constituted the exploration phase (1966-1976). Figure 7.16 below portrays Rössing Uranium’s Board of Directors in 1990, with some noteworthy faces. The lone African face is that of Dr L Hangala, the government representative on the Board. Dr Hangala represented the 3.5 per cent government shareholding in Rössing with a 51 per cent voting right. The Louw Company was also represented on the Board by Graham Louw (middle row 1st from the left) and John Louw (front row, first from the left).⁸⁹⁰

⁸⁸⁴ Hecht, *Being Nuclear*, 151.

⁸⁸⁵ Hecht, *Being Nuclear*, 293.

⁸⁸⁶ Hecht, *Being Nuclear*, 305.

⁸⁸⁷ CQ Almanac, *Sanctions Against South Africa Lifted*, 1991. <http://library.cqpress.com/cqalmanac/document>, accessed 16 December 2020.

⁸⁸⁸ The Chamber of Mines of S.W.A/Namibia, 11th Annual Report, 1989, 2.

⁸⁸⁹ The Chamber of Mines of Namibia, 12th Annual Report, 1990, 3. Deliveries under this new contract commenced in 1995.

⁸⁹⁰ John Louw served on the Rössing Board until 2012 when he was replaced by H. P. Louw, the grandson of Captain Peter Louw.



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Figure 7-16: Rössing Uranium Board of Directors - 1990.

7.10 Conclusion

The strategies adopted by Rössing Uranium in anticipation of the impending political change in Namibia were geared towards the continuity of its operations in independent Namibia. These strategies were characterised by a rebranding and public relations exercise aimed at shedding Rössing's colonial era image of collusion with the apartheid regime in the exploitation of the Namibia's natural resources. The rebranding exercise was also aimed at formulating a message for the incoming government, a message that would bring the mine in good standing with the government of independent Namibia. Abandoning the policy of secrecy that earlier had guided Rössing Uranium's operations was key to the mine's public relations exercise and to its 'Working for Namibia' brand. To shed the veil of secrecy Rössing Uranium opened itself up to outsiders, to international and national visitors and to media practitioners whose reportage was vital to the aims of the public relations department. Rössing Uranium also pursued a corporate social responsibility exercise by availing financial assistance to the social challenges facing the country and most especially through the provision of educational opportunities to Namibian youths. The Rössing Foundation and the training facilities at the mine site were the mediums through which training opportunities were facilitated. This community-focused outlook, along with transparency, became the foundations of the rebranding stage and a clear

⁸⁹¹ Rössing News, Board holds annual visit. 30 November 1990, 1.

strategy for achieving a public relations endeavour. Rössing Uranium's public relations strategies comprised of four main pillars: the international relations pillar to which much of the mine's relations with international media houses was directed, the national relations pillar through which Rössing navigated the political landscape in the territory, the community affairs pillar exemplified by the establishment of the Rössing Foundation, and the internal pillar through which Rössing availed training programmes for its workforce. The mine's various strategies were vital for establishing relations with the incoming government. This best foot forward approach illustrates how Rössing Uranium, a company that was a symbol of colonial exploitation and whose activities were conducted in the interests of others and in contravention of UN resolutions, formulated a set of strategies which reinvented the mine and reimagined its place and the continuity of its operations in independent Namibia.

Chapter 8: Conclusion

This study explored how a company that became an emblem of injustice, for its role in the exploitation of Namibia's uranium resources in collusion with apartheid South Africa, was able to re-invent and re-imagine its place in independent Namibia. The research did this through a case study of RTZ's Rössing Uranium mine, the only uranium mine to have been brought into production during the colonial period. A case study on Rössing Uranium illuminates our understanding on the history of uranium production in Namibia and the role of big business and diplomacy in the establishment and operations of the Rössing Uranium mine during the colonial and post-colonial period. The study argues that RTZ adopted a set of strategies to secure its claims to and operations of the Rössing deposits in colonial and post-colonial Namibia. The aim of the study is to explore the history of uranium production in Namibia and to present a detailed understanding of the strategies that were adopted by big business in response to changes in the political and economic environment in Namibia in the period between 1966 and 1990.

The discovery of the Rössing deposits is credited to the Louw family and particularly to the patriarch, Captain Peter Louw. Chapter 2 documents the role of the Louw family in the Rössing story focusing on the pioneering stage which lasted from 1928 to 1965. Chapter 2 divides the pioneering stage into two main periods. The first occurred between 1928 and 1955 when the Louw family discovered and pegged their claims. During this initial period there was no commercial or political interests in the activities of the Louw family. This was demonstrated by the relative ease with which the Louw family were able to secure prospecting rights over their claims from the South African colonial administration. The outbreak of the Second World War not only disrupted the prospecting activities of the Louw family but it also changed the economic, political and strategic value of uranium. The atom bomb, and nuclear power in general, made uranium a highly sought after mineral during and after the Second World War. The belief that uranium was scarce fuelled what Helmreich described as a wild goose chase geared towards securing a monopoly over global uranium supplies. This search for monopoly led not only to the establishment of a uranium mining industry in South Africa, in the early 1950s, but also to the second period in the pioneering stage of Rössing uranium dating from 1956 to 1965. It was during this second period that the initial disinterest in the Louw claims turned to interests through the signing of an option agreement between the Louw Syndicate and the Anglo-American Corporation. Chapter 2, therefore argues that the changing importance

of uranium was significant for the commencement of uranium production in Namibia. The external context, that is the military use of uranium, the desire to monopolise global uranium supplies and the subsequent establishment of a uranium mining industry in South Africa, had implications for Namibia's uranium deposits whose presence was known for decades and whose geological facts did not change throughout the 20th century.

Following decades of political and commercial disinterest Namibia's uranium deposits Chapter 3 examines the first major investment in the Rössing deposits. This sudden interests in Namibia's uranium deposits illustrates Grovogui's description of the administration of the territory's mineral resources as instruments of free trade.⁸⁹² In 1966 the British multinational corporation, RTZ entered into negotiations with the Louw Company. These negotiations culminated in the signing of an option agreement between the two parties. To carry out the prospecting work on the Rössing deposits and to meet the financial requirements of the project RTZ entered into an exploration partnership with Urangesellschaft of West Germany. The right to exploit the uranium resources was, however, contingent upon the approval of the South African regime, giving the regime leeway to insist on South African participation in the mining venture. RTZ's exploitation of the Rössing deposits faced opposition from Namibian nationalists and opponents of apartheid South Africa who deliberately sought to isolate the regime and deny its economic control over Namibia. Chapter 3 argues that Namibia's disputed international status, along with international condemnation of apartheid South Africa, had meant that other governments were reluctant to support investments in Rössing Uranium. This reluctance was most evident in the decision by the West German government to support Urangesellschaft's investment in Rössing. These events explain how RTZ came to be dependent on the South African regime for the viability of the Rössing mine. Chapter 3 supports this study's argument on the importance of the international context to our understanding of the sudden interests in Namibia's uranium industry.

Chapter 4 examines how this international context bore on the construction and development phase of the Rössing mine in the period 1971 to 1975. In order to develop a complex mining venture on the outskirts of the Namib Desert required had to secure the much needed capital. More importantly RTZ needed to secure extensive investment to shield it from the risks of developing a mining venture in disputed territory. Rössing's construction and development phase coincided with the onsets of the energy crises of the early 1970s which exposed

⁸⁹² Grovogui, *Sovereigns, Quasi Sovereigns*, 141.

vulnerabilities in the energy sectors of many Western countries and led to the development of energy policies which looked to nuclear energy as one of the alternative sources to oil. To diversify their energy sources countries like Britain, France and Japan expanded their nuclear power programmes. As these Western nations sought secure sources of uranium supplies for their nuclear energy programmes, RTZ aligned its commercial interests in Rössing with the national interests of these nations and thereby secured the necessary finance for the project. This, as Chapter 4 argues, was achieved through what Richard West described as a peculiar method of financing aimed at national and international support for RTZ's operations at Rössing Uranium.⁸⁹³ The strategy of aligning commercial and national interests was especially important for buffering RTZ against international criticism for its operations in Namibia. RTZ's partnership with the South African regime, in a period in which demands for Namibian independence had become acute, was arduous but, as Chapter 4 demonstrates, the international buy-in of countries like Britain, France, Japan and West Germany made the risk of colluding with the apartheid state worthwhile. The trade in Namibian uranium was declared illegal by UN resolutions, which called on UN member states to disinvest in Namibia, and the UN Council for Namibia's Decree No.1. RTZ's partners and customers in the Rössing venture were, however, well placed to uphold a buffer against these international instruments particularly because of the importance of their international standing. The roles of, for instance, the British and French governments in powerful organs such as the UN Security Council meant that RTZ was assured of the international support it sought for its investments in Namibia. Rössing Uranium, as West argues, had thus served as an office of profit and a position of private advantage for the South African regime, RTZ and its partners in the mining venture.

In return for their support, RTZ offered its shareholders and customers privileged access to a secure source of uranium. The lack of domestic sources of supply made a secure source like Rössing all the more important. This was particularly true for the British government whose investments in Rössing Uranium form the focus of Chapter 5. Rogers observes that the responsibility for the financing of the Rössing mine falls squarely at the feet of the British government.⁸⁹⁴ This was because the British government had approved the forward purchasing contracts which had been used to RTZ to secure the necessary loan finance for the Rössing venture. Additionally, Hecht draws our attention to the link between state and company, arguing that for the British government, extending support to RTZ's operations in Namibia was

⁸⁹³ West, *River of Tears*, 23.

⁸⁹⁴ Rogers, *Namibia's Uranium*, 4.

almost patriotic because it was felt that failure to do so would result in a dependence ‘on foreign mining companies’.⁸⁹⁵ Security of supply was undoubtedly the underlying motivation for British investment in Rössing Uranium and this underscores Hecht’s argument on the importance of colonialism in the nuclear age.⁸⁹⁶ RTZ’s British status, and its partnership with the government of a self-governing dominion of the British Empire, meant that Rössing was considered a secure source of uranium for Britain. Chapter 5, however, also noted that the British government, despite having underwritten the financial security of the Rössing mine, remained concerned with the question of security of supply. The main concern was with the risk of interference with the Rössing contracts, which could have resulted from political change in Namibia. These concerns justified the arguments in defence of the Rössing contracts, arguments which were formulated in response to mounting national and international opposition against the government’s decision not to interfere with the Rössing contracts and indeed the commercial activities of British companies operating in Namibia. This policy of non-interference also guided the British government’s foreign policy towards Namibia, leading Rogers to argue that obtaining uranium from Namibia while under South African occupation was at the forefront of British policy towards Namibian decolonisation.⁸⁹⁷ This study concurs with Rogers, adding that the policy of non-interference also reflected the British government’s fears that political change in Namibia could result in interference with the Rössing contracts. The main concern was that the government of an independent Namibia would seek to either renegotiate the contracts, particularly in terms of price, or cancel the contracts all together. Neither one of these options was acceptable to the British government. The completion of deliveries to the British Nuclear Fuels (BNFL) prior to the attainment of Namibian independence was thus the ideal situation for the British government. That the British government’s support for Namibian decolonisation coincided with the completion of deliveries to the BNFL in 1982 is particularly telling, adding to this study’s argument on the importance of studying uranium production in Namibia in relation to the activities of big business and diplomacy in the territory.

Chapter 6 highlights the role of international diplomacy in the process of decolonisation in Namibia with a particular focus on the resolutions of the UN General Assembly and the UN Security Council as well as initiatives of the UN Council for Namibia which called for an end to South African occupation of the territory. Namibia’s natural resources and particularly its

⁸⁹⁵ TNA AB 44/264 G.W. Thynne Department of Energy to E.J.S Clarke, UKAEA 23 May 1974, 2.

⁸⁹⁶ Hecht, *Being Nuclear*, 23.

⁸⁹⁷ PH PA1/20/56, Rogers, *Changes in UK Policy*, 1.

uranium resources took centre stage in the initiatives of these UN organs and this was because of the recognition of the importance of these resources in the continued occupation of the territory by the South African regime. In the mid-1970s the initiatives of these UN structures were usurped by the diplomatic efforts of the Western Contact Group (WCG). Described by Grovogui as an alternative international forum and by Prantl as an exit from the structures of the UN the WCG was supposedly established to bring about an internationally acceptable settlement for Namibian independence. The aim of the Group, as Moukambi and Karnes have argued, was to protect their material interests in Namibia and to contain the fallout of anti-apartheid policies at the UN, and particularly the calls for sanctions against South Africa with implications for Namibia. Chapter 6 argues that the WCG's diplomatic initiatives marked an intentional change of strategy aimed at thwarting an unfolding path of decolonization that would have endangered their investments in Namibian uranium. Through Decree No.1 for the Protection of the Natural Resources of Namibia, for instance, the UN Council for Namibia authorised the seizure of illegally extracted uranium from Namibia and made provision for the compensation of the Namibian people via a national court system. The strategy pursued by the WCG not only weakened the UN Council's initiatives but it also allowed the Group to control the pace of decolonisation in Namibia. Despite the fact that the settlement plan under Resolution 435 of 1978 set out a twelve month time frame for the granting of independence to Namibia under UN supervision, decolonisation in the territory was not achieved within the said time frame. In fact Namibia only became independent twelve years after Resolution 435 had been produced by the WCG and adopted by the UN Security Council. It is noteworthy that all the members of the WCG had vested interests in Rössing Uranium and that the WCG was established at the time that the mine came into full production. Controlling the pace of decolonisation in Namibia thus had the added effect of ensuring that Rössing's shareholder customers had made a return on their investment and secured the completion of their uranium deliveries from the mine. This was particularly true for the British government (see Chapter 5). Moreover, the WCG's strategy of controlling the pace of decolonisation in Namibia went beyond the protection of their national interests to those of private property rights. This occurred through the introduction of Constitutional Principles that upheld property rights as sacrosanct and guaranteed protection from nationalisation for companies like Rössing. The manoeuvring of the WCG again highlights the importance of the external context and of international diplomacy in our examination of the role of big business in processes of decolonisation.

The approach of Rössing Uranium and its parent company RTZ to decolonisation in Namibia is examined in Chapter 7. Jepson's argument that RTZ was fully cognisant of the political sensitivities and the implications of its decision to invest in and operate a mine located in a disputed territory is confirmed in Rössing's approach to political change in Namibia.⁸⁹⁸ It is worth noting that other studies of big business and decolonisation emphasise how quickly businesses had to adapt to major political changes. This was not the case in Namibia, as the study points out. The decade-long wait for the implementation of the UN settlement plan for Namibian independence had given Rössing Uranium ample time to assess its operations and position in Namibia. As with the case studies presented in the literature on big business and decolonisation by authors like Stockwell, Morris and Decker, Rössing Uranium embarked on a public relations exercise aimed at navigating impending political change in the territory. Here the focus was on what Decker described as attempts to secure goodwill at a national level and the mine's responses to the challenges posed by the international dimension to the process of decolonisation in Namibia.⁸⁹⁹ The first order of business for Rössing Uranium was to shed the veil of secrecy behind which the mine had operated in the foregoing decade. Opening the mine up to outsiders and especially international media houses was the first step in conveying a message, at a national and international level, that reimagined Rössing Uranium's place in independent Namibia. Transparency not only became the motto of Rössing's rebranding exercise but it also set the parameters within which the mine secured goodwill at a national level. The provision of educational opportunities for indigenous Namibians were facilitated by the establishment of a corporate foundation through which the mine was able to tackle the national relations and community affairs strategy set out by the public relations department. The efforts of the Rössing Foundation were also complemented by Rössing Uranium's bursary scheme and the Mark Turner Memorial Scholarships aimed at providing opportunities at a tertiary level. Rössing Uranium's alumni would not only serve as leaders of industry but also as evidence of the mine's contributions to the various economic sectors of Namibia, contributions that were in line with the mine's 'Working for Namibia' brand. Rössing Uranium also developed its indigenous workforce by offering in-house training programmes aimed at upskilling the mine's lesser skilled workforce. The training programmes were further complemented by the Africanization of key positions in Rössing's management, actions which served to portray an image of a mine investing in its people. Africanization, as Decker argues,

⁸⁹⁸ Jepson, *Rio Tinto Zinc in Namibia*, 1.

⁸⁹⁹ Decker, 'Building up Goodwill', 6.

was important for securing goodwill with the incoming administration which in turn ensured the continuity of the mine's operations in independent Namibia.⁹⁰⁰ Africanization at a managerial level, as Morris argues, also produced Rössing's public relations men who were well placed to communicate the message of company's contributions and importance to the future of Namibia.⁹⁰¹ In the case of Rössing, these public relations men were chosen not only because of their qualifications and competencies but also because of their personal links and involvement in the nationalist movements and the struggle for Namibian independence. Rössing Uranium's recruitment and promotion of, for instance, Dr Zed Ngavirue to the position of Chairman was thus strategically motivated. Tours of the mine also formed an important part of Rössing's public relations strategy. These tours were availed to various sectors of the national and international community and it is again here that the importance of the international context to Namibian decolonisation comes into play. Prominent figures like the British Prime Minister, Margaret Thatcher were given a tour of the mine and in return reaffirmed the British government's support for Rössing Uranium's operations in Namibia. This level of support from the highest ranked British politician of the time is unparalleled in any of the literature that was reviewed for this study on big business, and particularly British businesses, in processes of decolonisation on the African continent. Uche's argument on government and business working in concert to protect British interests was thus on display at Rössing Uranium in April 1989.⁹⁰² The tour of the mine by the special representative of the UN Secretary General, Marti Ahtisaari, had also interestingly conveyed a stamp of approval by the international community of the same mine that had formed the focus of the 1980 Namibian Uranium Hearings. The international support that undergirded RTZ's operations in colonial Namibia was thus once again on display as the mine navigated political change in the territory.

The crown jewel in Rössing Uranium's arsenal of public relations strategies was the colonial administration's acquisition of shares in the company. These shares were transferred to the government of independent Namibia. Through these shares the mine was able to co-opt the incoming government into a partnership that would ensure that the control over the operational aspects of the mine would remain in the hands of RTZ. Here Lanning and Mueller's argument that control over the minerals of Namibia lay neither with the people nor with the government

⁹⁰⁰ Decker, 'Building up Goodwill', 6.

⁹⁰¹ Morris, 'Cultivating the African', 657.

⁹⁰² Uche, 'Lonrho in Africa', 357.

but with the giant multinational companies rings true.⁹⁰³ What little benefits were accrued to the people were through placations that addressed areas of importance to the incoming government, such as the provision of education and the upskilling of the Namibian workforce. The presentation of Namibia Institute of Mining Technology (NIMT) as an independence gift to the Namibian government by Rössing Uranium is one such example. These placations led to the establishment of relations between the incoming government and Rössing Uranium. More importantly, these strategies ensured that the mine was able to survive political change and decolonisation in Namibia virtually unscathed and to secure the continuity of Rössing's operations in independent Namibia.

The central arguments of this study can be restated as follows. The internal context, that is the presence and geological composition of Namibia's uranium resources, had remained the same for decades. The external context had, however, drastically changed, leading to the shift in the ownership and exploitation of Namibia's uranium resources. The changing strategic value of uranium thus explains the sudden interest in the Rössing deposits. The international status of Namibia, the opposition to South Africa's apartheid policies and the consequent isolation of the apartheid regime led to the reluctance by certain governments to support investments in RTZ's Rössing Uranium mine. It was in this context that RTZ came to depend on South African investment through the IDC, to ensure the viability of Rössing and to cement its place in the territory's mining industry. To navigate the risk of investing in a politically precarious territory, RTZ established shareholder customer partnerships with state-owned nuclear power utilities in the Western world. These power utility companies and their governments were motivated by the need to access secure sources of uranium supplies as they adopted policies that diversified their energy sources to include nuclear power. RTZ's British status especially represented this sense of security for the British government's investment in Rössing Uranium. The question of political change in Namibia would, however, give rise to concerns over this security of supply, especially if independence were to be attained prior to the completion of uranium deliveries to Britain. The question of security of supplies, and particularly the need to protect material interests also motivated the diplomatic initiatives of the WCG. By removing the question of Namibia from the realm of the UN the WCG was able to control the pace of decolonisation in Namibia and in so doing protect the material interests of its members especially from calls for sanctions at the UN. Lastly, having fulfilled its obligations to its customers, Rössing Uranium approached Namibian independence with a set of strategies

⁹⁰³ Lanning and Mueller, *Africa Undermined*, 474.

adopted under a public relations exercise. These strategies were not necessarily new and there were indeed similarities to the measures adopted by British businesses elsewhere on the continent. What is different, however, is the international dimension to the process of decolonisation in Namibia which necessitated an engagement to secure goodwill not only from Namibian nationalists but also from the international community as represented by the UN. Rössing Uranium's strategies were thus aimed at both a national and an international audience as the mine navigated political change in the territory and ensured the continuity of its operations in independent Namibia.

To conclude, this study identified other strands of histories which are worth recommending for future research. The first strand would be the question of labour and particularly indigenous labour in the history of Rössing Uranium. The record omits the role of indigenous labour in the feverish searches and discovery of the Rössing deposits by the entrepreneurial prospectors. A labour focused study would establish whether or not the members of the Louw Syndicate did the job of prospecting all by themselves and more importantly if indigenous Namibians played a role in the geological studies conducted by the Geological Survey of South Africa or the Anglo-American team that set up camp in the desert. The exclusion of the role of indigenous labour in the history of uranium production in Namibia limits our examination of this history to the international context, as demonstrated by this study, and to the post-production labour relations studied by authors such as Hecht. A second strand of history worth studying would be the South African regime's disengagement from Rössing which was finalised in 1985 through the purchase of shares in the mine by the Administrator-General (see Chapter 7). South African control over Rössing Uranium was the main condition for RTZ to obtain the right to mine the Rössing deposits in the late-1960s. It was upon this insistence that the IDC acquired shares in Rössing, according the state owned entity majority voting rights over the mine. The IDC's loss of effective control over Rössing Uranium and the regime's disengagement from the mine cannot be taken at face value. What, for instance, explains the timing of South Africa's withdrawal: was it the anticipation of US sanctions legislation instituted in 1986; was it the completion of uranium deliveries to countries like Britain and France which resulted in the decline in Namibian uranium export prospects; or was it clear by the mid-1980s that South Africa did not need Namibia's uranium for its domestic nuclear power programme since Namibian uranium was exported overseas? These are all interesting questions which would be worth exploring in a future study. The third and final strand would be an examination of the British government's continued investment's in the exploitation of Namibia's uranium

resources after 1990. This is particularly in reference to the BNFL's expressed interests in the Langer Heinrich Uranium mine (see Chapter 5). When the BNFL made its intentions known to British government officials, the response was that it would be inadvisable to invest in Langer Heinrich, or any other uranium prospecting activities, in light of the looming political change in Namibia. The Langer Heinrich mine was, in the period under study, controlled by Gold Fields of South Africa. A study on the BNFL's investments in Langer Heinrich, in post-independence Namibia, would thus be relevant for an examination of Britain's on-going collaboration with South Africa over Namibian uranium. Such a study, and indeed all the recommended studies, would require unrestricted access to government archives, and more importantly the RTZ and Rössing archives, but the enduring secrecy in the records presents both present and future researchers with an even greater challenge.

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