



**Tuesday, 11 December 1956,
 at 3.10 p.m.**

New York

CONTENTS

	<i>Page</i>
Agenda item 37:	
Question of South West Africa: report of the Com- mittee on South West Africa (<i>continued</i>)	
Hearing of petitioners (<i>continued</i>)	111

Chairman: Mr. Enrique de MARCHENA
 (Dominican Republic).

In the absence of the Chairman, Miss Brooks
(Liberia), Vice-Chairman, took the Chair.

AGENDA ITEM 37

**Question of South West Africa: report of the
 Committee on South West Africa (A/3151 and
 Corr.1, A/C.4/338) (*continued*)**

HEARING OF PETITIONERS (*continued*)

*At the invitation of the Chairman, the Reverend
 Michael Scott and Mr. Mburumba Kerina Getzen took
 places at the Committee table.*

1. Mr. RAMAIAH (India) thanked the petitioners, who had given the United Nations valuable information on the deplorable conditions prevailing in South West Africa. He would like to know, by way of additional information, whether Native employees who were mistreated could make an appeal against their employer and whether it was easy to make such an appeal.

2. The Reverend Michael SCOTT replied that it was difficult for the Natives to make complaints. They generally had to walk several miles to reach the nearest police station if they wished to lodge a complaint, and the plaintiff was often threatened. There were no special provisions to enable Africans to obtain justice. When an African escaped, the police helped his employer to find him.

3. Mr. RAMAIAH (India) asked whether the Natives were free, inside a reserve, to carry on any trade they chose or whether certain activities were forbidden to them by law.

4. Mr. GETZEN explained that, in general, Africans had only very modest establishments, such as carpenter's, shoemaker's and grocer's shops. They could not engage in any truly industrial work. They were not allowed to import or export, for example. Of course, they could not conduct their business outside the reserves, whereas the white people could always set up establishments in the Native locations.

5. Mr. RAMAIAH (India) asked whether, in the medical field, the Africans were at a disadvantage in relation to the white people.

6. Mr. GETZEN answered in the affirmative, saying that the Natives generally had to wait several weeks before being treated. Doctors did not conceal the fact that they had no time to take care of the Natives.

7. Mr. RAMAIAH (India) requested additional information on the authorization which Natives had to procure before being admitted to a hospital.

8. Mr. GETZEN replied that the person concerned had to apply to the commissioner, who could easily refuse the authorization or postpone granting it.

9. The Reverend Michael SCOTT added that there was not a single hospital in the eight Herero reserves.

10. In reply to a question by Mr. RAMAIAH (India) on the instruction given to Africans, Mr. GETZEN said that there was only one good school, the Anglican school, but in 1953 the Administration had taken over the management of that establishment. Instruction was given in Afrikaans in all the schools. The subjects taught were arithmetic, the Bible and some history of the Union of South Africa. The level of the schools was low. When a Native entered a secondary school in the Union of South Africa, he had to study there three years, whereas the normal length of the course was two years.

11. The Reverend Michael SCOTT pointed out that there was no mission school for the Hereros.

12. Mr. RAMAIAH (India) asked whether freedom of assembly and freedom of speech were recognized in the reserves.

13. Mr. GETZEN replied that they were not. The meetings always had to be presided over by a representative of the Administration. The restrictions placed on freedom of speech and assembly could, moreover, be ascertained by referring to the Suppression of Communism Act.

14. The Reverend Michael SCOTT said that under that Act it was possible to declare almost any organization illegal.

15. Mr. RAMAIAH (India) inquired whether the Natives had a voice in choosing the representatives of the Territory.

16. The Reverend Michael SCOTT explained that they could not vote in the elections for parliamentary representatives, who were all members of the white race.

17. Mr. RAMAIAH (India) asked what steps a Native had to take before going abroad. Did those steps have troublesome repercussions for the person who undertook them?

18. Mr. GETZEN said that he was the first and only Native who had succeeded in going abroad.

19. The Reverend Michael SCOTT stated that a professor at the former Anglican school who had

received a scholarship to study at Oxford had never obtained a passport. He added that the police resorted to intimidating practices and often went so far as to search houses.

20. Mr. HASAN (Pakistan) asked whether Africans were dispossessed by virtue of an act or a decree. In the latter case, had the decree been issued pursuant to a legislative regulation of the Territory?

21. The Reverend Michael SCOTT said he was not able to give a definite reply immediately.

22. Mr. HASAN (Pakistan) asked for details on the income resulting from the sale of Native property: was it paid to the former proprietors?

23. Mr. GETZEN replied in the negative. The Natives were dispossessed *manu militari* and the income from the dispossession accrued to the State.

24. Mr. HASAN (Pakistan) asked whether the Natives could have recourse to the courts.

25. Mr. GETZEN explained that a distinction had to be made between principle and practice: in the Territory, might was right. The Natives could not even have recourse to the lower courts.

26. Mr. HASAN (Pakistan) asked whether Africans had the right to form associations and organize political movements.

27. Mr. GETZEN said that the Natives were aware of political problems but that they were not allowed to organize. The Government of the Union of South Africa saw to it that all Native political movements were suppressed and it would continue to do so until the United Nations put an end to it.

28. Mr. HASAN (Pakistan) asked whether the Natives had political leaders.

29. The Reverend Michael SCOTT replied that some tribes, such as the Herero tribe, had a very keen group awareness and respected their leader. Thus Chief Hosea Kutako enjoyed great prestige.

30. In reply to a question by Mr. HASAN (Pakistan), Mr. GETZEN explained that the Native languages were taught only in the first three years of school.

31. Mr. RODRIGUEZ FABREGAT (Uruguay) asked for additional information on the dispossession of Natives. What legislative provisions authorized such dispossession?

32. The Reverend Michael SCOTT answered that the authorities, in making the dispossessions, had probably applied the regulations which had recently entrusted all Native property to the South African Native Trust. The Natives of South West Africa had no right to the property. Formerly, the headmen had been the custodians. The Government of the Union of South Africa, in replacing the headmen, now reserved the right to allocate the lands or mining concessions as it pleased.

33. Mr. RODRIGUEZ FABREGAT (Uruguay) inquired whether, in the hospitals, the same treatment was given to white people and Natives.

34. The Reverend Michael SCOTT noted that some progress had been achieved in the field of public health.

35. Mr. GETZEN said that the authorities were practising a policy of racial discrimination in the seven existing hospitals.

36. Mr. RODRIGUEZ FABREGAT (Uruguay) asked whether Mr. Getzen had really had to change his name to obtain a passport.

37. Mr. GETZEN replied in the affirmative. He had also had to state that he was a Cape Mulatto. He had been able to obtain a passport because the South West African authorities had not notified the South African authorities until after his departure.

38. Mr. RODRIGUEZ FABREGAT (Uruguay) asked whether Mr. Scott had been able to enter into contact with the populations which had chosen him as their representative, and whether he could return to South West Africa.

39. The Reverend Michael SCOTT explained that the authorities had prohibited him from living in South West Africa and even from visiting the Territory. He had tried in vain to have the prohibition lifted.

40. Mr. RODRIGUEZ FABREGAT (Uruguay) said he was surprised that Native workers were very poorly paid when they worked in diamond mines, which were a source of great wealth. He inquired what the working conditions of the miners were and whether it was true that the police ruled with an arbitrary hand.

41. Mr. GETZEN replied that there were three shifts of miners every day that worked eight hours each. The fact that there was no workers' union was not the fault of the companies themselves, which had organized groups in which the miners could air their grievances. The companies had tried to improve the housing of the Natives, but obviously they could not assume responsibility for matters which were really the concern of the Government.

42. Mr. RODRIGUEZ FABREGAT (Uruguay) asked whether it was true that an African who could not find employment had to agree to work for anyone who offered him work, under penalty of penal sanctions.

43. Mr. GETZEN said that every African had to find employment within seven days; thereafter, he could be arrested under the vagrancy laws.

44. Mr. RODRIGUEZ FABREGAT (Uruguay) protested against the failure of the Union of South Africa to respect international instruments. He also stressed the human aspect of such a painful problem.

45. Mr. PACHACHI (Iraq) noted that it was stated in paragraph 31 of the report of the Committee on South West Africa (A/3151 and Corr.1) that the Governor-General had the power to require the removal of "redundant Natives". He wondered what was the meaning of the expression "redundant" and whether the Governor-General exercised his powers often.

46. The Reverend Michael SCOTT explained that some Natives in the cities lived with their families and did not work. Since any person who lived in the city and was unemployed was liable to penal sanctions the authorities carried out searches from time to time. All those who did not have a permit showing that they were looking for work were then force

to sign an agricultural work contract or go to prison or return to their reservation. The indigenous inhabitants were often accused of laziness. In reality, they had no feeling of security either in the cities or in the country and therefore had no incentive to develop their properties.

47. Mr. GETZEN said that in 1946 he had seen the people of Walfish Bay being transferred to the desert coastal region. No one knew what had become of them.

48. Mr. PACHACHI (Iraq) asked whether the three largest mining companies in the Territory (the Consolidated Diamond Mines of South West Africa Ltd., the South West Africa Company Ltd. and the Tsumeb Corporation Ltd.) had any influence on the policy of the South African Government.

49. Mr. GETZEN said that those companies, which had been established in the Territory after the Government had defined its policy, could only submit to it.

50. The Reverend Michael SCOTT said he was certain that those companies had tried to improve the people's living conditions. However, the problem of the establishment of a stable urban labour force among the African population had never been squarely faced. Industrial development rested wholly on a system under which the reserves were used as reservoirs of cheap labour. That was one of the most discouraging and most dangerous features of African society.

51. Mr. PACHACHI (Iraq) said he had not meant to give the impression that the mining companies had any real influence on policy. As indicated in paragraph 113 of the report, they had apparently done quite useful work. He asked whether, in the view of the petitioners, the restrictions of the Africans' freedom hampered the Territory's development.

52. The Reverend Michael SCOTT replied that he was sure those restrictions were a retarding factor. The granting of freedom would cause a great upsurge in the entire African community. If the indigenous inhabitants had adequate purchasing power, the resulting demand would spur the development of local industries.

53. Mr. PACHACHI (Iraq) asked the petitioner whether he agreed with the statement by a representative of the United National South West Party, mentioned in paragraph 129 of the report, that the labour position had worsened steadily under the Nationalist administration.

54. The Reverend Michael SCOTT explained that, because of the competition of industry, farmers had found it difficult to hire agricultural labour and had accused the foreign companies of luring manpower away from agriculture. He noted that, according to paragraph 132 of the report, indigenous inhabitants were to be recruited in the Union of South Africa and sent to work for farmers in South West Africa. That would be an attempt to reverse the trend noted in recent years.

55. Mr. JAHANBANI (Iran) noted that in paragraph 22 of its report the Committee on South West Africa made a distinction between Natives, Coloured persons, and Cape Malays. He asked whether any racial discrimination existed between non-Europeans.

56. Mr. GETZEN replied the Africans were divided into sections according to ethnic groups.

57. In reply to a question by Mr. DORSINVILLE (Haiti), Mr. GETZEN said that for some time, when he had worked for the Railways and Harbours Native Association, he had carried a pass which had enabled him to travel throughout the Territory and to observe the maltreatment of the inhabitants. He spoke seven dialects and had therefore been able to talk to the people everywhere. He had attended secondary school in the Union of South Africa, where he had also travelled widely.

58. Mr. CARPIO (Philippines) failed to see why the Committee should go on discussing the question, as it had been doing for eleven years, seeing that the South African Government turned a deaf ear to the recommendations of the General Assembly and the advisory opinions of the International Court of Justice.

59. His delegation had been greatly impressed by the conclusion of the Chairman of the Committee on South West Africa that it was high time for the United Nations to re-examine the problem. In view of the manifest intention of the South African Government to annex the Mandated Territory, the United Nations had no option but to take measures to enforce its authority. If the United Nations failed to take such action and to exact compliance, it would soon meet the fate of the League of Nations.

60. He asked the petitioners, the members of the Committee on South West Africa and the members of the Fourth Committee for their views on the steps that might be taken by the United Nations to achieve a satisfactory settlement of the question.

61. The Reverend Michael SCOTT thought that the United Nations could take both negative and positive action. On the one hand, it might consider negative sanctions, with a view to reminding the South African Government of its duties towards the community of nations and towards the peoples whose administration it had accepted as a sacred trust. An attempt should be made to halt in that way the process of absorption which was being carried out in such a manner that it was becoming almost impossible to discuss the matter without seeming to attack the sovereignty of the Union of South Africa. On the other hand, the United Nations could, as had been suggested, establish an economic pool, which could provide technical assistance to all the African territories in need of it. As he had mentioned at the 570th meeting, a conference of all the specialized agencies might be called. While that conference would probably not be held in South West Africa, it could be organized by an Administering Authority in a dependent African territory or by a sovereign African State. It would enable Africans to see how the specialized agencies tackled problems of poverty and ignorance such as those which existed in South West Africa.

62. Mr. GETZEN supported Mr. Scott's suggestions. He recalled that, under article 119 of the Treaty of Peace signed at Versailles and Article 22 of the Covenant of the League of Nations, German South West Africa had been placed under mandate on the understanding that it would not be annexed and that the Mandatory Power would undertake, as a sacred trust, to promote the advancement of the people. There had never been any intention of ceding the Territory

to the Union of South Africa. The United Nations, as the successor of the League of Nations, should declare that it was placing the Territory under the Trusteeship System. It should take the administration of the Territory away from the Union of South Africa and set up some kind of international body which would advise the Legislative Assembly of South West Africa until the Territory had become capable of self-government.

63. Mr. CARPIO (Philippines) asked whether the petitioners did not think that, in view of the temperament and psychology of the inhabitants of South West Africa and of the almost intolerable situation in the Territory, there was a danger that the problem might be solved by other than peaceful means.

64. The Reverend Michael SCOTT said that very few conflicts known to history had not been settled by violence. In spite of their trials and tribulations, the Africans had remained patient and good-natured, but he wondered how long they would continue in that spirit in the face of so much injustice. Unfortunately, it was hard to imagine that South West Africa

could win its freedom without some bloodshed. That was why the United Nations should consider applying sanctions to the Union of South Africa—which would have the advantage of not disturbing the peace and of saving that country from a far worse fate. The Union of South Africa was extremely vulnerable in that it depended on the community of nations for the sale of its products, such as gold and diamonds, and its industry would be paralysed by a petrol shortage, even of brief duration. It was to be regretted that the countries which were in the best position to exert economic pressure on the Union of South Africa failed to do so. Whatever happened, the world would have had sufficient warning.

65. Mr. GETZEN said he did not expect violence, but the possibility was not excluded. It was natural for an oppressed and frustrated people to resort to violence. Nevertheless in the present case he thought that satisfactory results would be obtained if the countries which traded with the Union of South Africa were to take a strong stand.

The meeting rose at 5.45 p.m.