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

In the absence of the Chairman, Mr. Soward (Canada), Rapporteur, 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, A/C.4/L.442 to 444) (*continued*)

GENERAL DEBATE (*continued*)

1. Mr. AGUERO (Chile) said that his delegation's sole object with regard to South West Africa was to do everything in its power to further the progress and well-being of the population of the Territory, particularly the indigenous inhabitants. Chile felt strongly that the Union of South Africa should place the Territory under trusteeship. Until such time as it did so, the Union Government had no authority in the Territory beyond that conferred on it under the Mandate, which could not be terminated unilaterally. The responsibilities of the United Nations towards the Territory could not be discharged unless South Africa co-operated with the Committee on South West Africa. That Committee's constant efforts to elicit such co-operation had earned the gratitude of his delegation, which deplored South Africa's repeated refusal to provide the United Nations with the information it needed.

2. It was clear from the report of the Committee on South West Africa (A/3151 and Corr.1) that international guardianship of the Territory had been greatly weakened by the Union Government's ever-growing practice of adopting legislation incompatible with the rights of the indigenous inhabitants under the Mandates System. Moreover, the Union Government had refused to take advantage of the services which the United Nations Children's Fund, United Nations technical assistance and the specialized agencies could render to promote economic and social advancement in South West Africa.

3. His delegation thanked the Committee on South West Africa and the Secretariat for the information and suggestions they had furnished, and asked them to pursue unremittingly their efforts to ensure respect for the principle of international responsibility for the Territory. Chile was confident that the march of events would induce the Union Government to discard its negative attitude in favour of full co-operation with the United Nations in the discharge of that body's

ineluctable responsibility of supervising the Mandatory Power's administration of the Territory. His delegation would support any draft resolution embodying the principles he had stated.

4. Mr. ABIKUSNO (Indonesia) said that the conclusion he drew from the Committee's discussions was that the solution of the South West African problem depended upon two interrelated factors. The first factor was the position adopted by the Union Government with regard to the Territory's status. The political control of South West Africa and political relations between the Territory and the Union of South Africa were governed by the Mandate. On the hypothesis that the disappearance of the League of Nations implied the expiry of the Mandate, the Union of South Africa had assumed sole responsibility for the well-being of the people of the Territory and treated South West Africa as one of its own provinces. In taking that course, however, South Africa overlooked the fact that, had the Mandate really expired, its own authority in the Territory would have expired likewise whereas, if the Mandate was still in force, it was incumbent on the Mandatory Power to promote the people's advancement towards the objectives of the Mandates System.

5. In practice the Mandatory Power was using its political authority for a diametrically opposite purpose. It was clear from the report of the Committee on South West Africa that the Administration was depriving the indigenous population of the Territory of the most basic human rights in order to prevent them from becoming politically conscious and receptive to democratic ideas. Paragraphs 109, 147, 26 and 15 of annex II of the report made it clear that the principle of equality of peoples was being flagrantly violated in the Territory; that the educational facilities needed to produce an *élite* capable of leading the people to self-government were not being provided; that the indigenous inhabitants had no national status and were consequently in the position of stateless persons; and that the Committee on South West Africa had every reason to feel disturbed about a situation in which the Territory was represented in the Union Parliament exclusively by Union nationals of European descent.

6. If the present course of events was allowed to continue uninterrupted and unheeded, existing anxieties about the Territory would be wholly justified and the establishment of an all-white South African State would not be long delayed. It required no effort of the imagination to envisage the removal of indigenous inhabitants from their homesteads for failure to comply with laws enacted for the benefit of one section of the community: a state of affairs incompatible with article 2 of the Mandate. It was plain that South Africa was not complying with the provisions of the Mandate relating to the internal administration of the Territory.

7. The second factor affecting the problem was the Mandatory Power's obligation towards the international

community. International responsibility for supervision of the Territory had not lapsed, even though circumstances might necessitate some policy changes from time to time. While the United Nations itself was not empowered to govern Trust or Non-Self-Governing Territories, its influence on international opinion could not be ignored by the administering Powers, nor could the Trusteeship Agreements be honoured save through co-operation between the Administering Authorities and the United Nations. There might be disagreement on the methods, timing and phasing of the advancement towards independence, but both sides were bound by the Charter.

8. Conditions in South West Africa called for the application of Articles 55, 73 and 76 of the Charter. In view, however, of the duty of respecting State sovereignty, the United Nations had persistently sought the co-operation of the Union Government, whose refusal to co-operate had taxed the forbearance of the Committee on South West Africa.

9. The United Nations, which was the only authority competent to remedy the situation, had two possible courses of action: either it could set a time-limit for South Africa's reply, whether positive or negative, to a final appeal for co-operation; or it could declare South West Africa a Trust Territory, in order to put an end to the injustice and abuses inflicted on the inhabitants of the Territory.

Mr. de Marchena (Dominican Republic) took the Chair.

10. Mr. DORSINVILLE (Haiti) said it had often been suggested that the best way of contributing to a settlement of the question of South West Africa would be to ignore it, and that any intervention by the United Nations would only stiffen the attitude of the South African Government. That view might appear to be confirmed by the attitude taken by that Government in connexion with two other questions on the agenda of another Committee of the General Assembly. The question was, however, whether the moral obligations subscribed to by all Members of the United Nations were to be abandoned.

11. The Union Government's attitude was logical only if it considered that to agree to international supervision would prevent it from applying laws which deprived the indigenous inhabitants of the Territory of any hope of ever enjoying human dignity. The legal controversy could continue as long as new arguments could be found or old ones revived, but there was also the moral problem raised by the human conscience, imbued with the principles common to all the great religions and in particular the principles of Christianity, to which South Africa professed to belong.

12. Despite the difficulty caused by the non-co-operation of the Union Government, the Committee on South West Africa had produced an admirable report and had made a number of recommendations concerning measures which the South African Government should take to fulfil its obligations and responsibilities under the Mandate. The delegation of Haiti was convinced that the Fourth Committee would regard those recommendations as completely reasonable.

13. He would not attempt once again to describe a situation with which most of the members of the Fourth Committee were familiar, but would pay a tribute to the Reverend Michael Scott for his zeal and tireless devotion to the cause of his friend Chief Hosea

Kutako and the Herero people, and would say how glad his delegation had been to hear a genuine representative of the despised and ill-used people of South West Africa. The situation described by Mr. Getzen at the 571st meeting might appear almost incredible if it were not confirmed by numerous accounts from journalists, educationalists, statesmen, and missionaries, as also by the actual text of the relevant laws and regulations. Mr. Getzen had spoken with vigour, boldness and clarity. His courage should be an inspiration to all and should stimulate those who might have some influence on the leaders of the Union of South Africa to use their good offices to halt the advance towards catastrophe.

14. He could not understand how the other Administering Authorities, who behaved with decency and were endeavouring to correct the worst errors of the past, could not see that their work was being endangered. The very composition of South African society was explosive: to admit the fact would not produce an explosion. He hoped, on the contrary, to prevent one, not by abandoning the fight for the survival of the moral law but by recalling the Christian doctrine "Do unto others as you would they should do unto you". At the previous meeting the Indian representative had suggested that the world would be more concerned about what was happening in South West Africa and the Union of South Africa if the people concerned had not been coloured. The mere fact that such an idea could be formulated should give pause to those who claimed to belong to the master race.

15. His delegation was prepared to vote in favour of the draft resolution on the report of the Committee on South West Africa (A/C.4/L.442) and hoped that the amendments suggested at the previous meeting by the representative of Tunisia would be adopted. He would vote in favour of the draft resolution concerning the status of the Territory (A/C.4/L.443), either as it stood or with the addition of the paragraph suggested by Tunisia at the same meeting. He would also vote in favour of the draft resolution concerning the hearing of petitioners on conditions in the Territory of South West Africa (A/C.4/L.444).

16. His delegation would always be ready to support any proposal based on the principles enunciated in paragraph 168 of the report of the Committee on South West Africa.

17. Mr. MIRGHANI (Sudan) expressed his delegation's appreciation of the work done by the Committee on South West Africa despite the difficulties caused by the unco-operative attitude of the Union Government.

18. He paid a tribute to the Reverend Michael Scott for his devotion to the cause of the people of South West Africa, which had helped to keep the issue alive, and to Mr. Getzen for his moral courage, patriotism and political maturity.

19. From the information made available by the Committee on South West Africa and by the petitioners it was clear that matters in South West Africa were going from bad to worse. The Union Government rejected the authority of the United Nations over the Territory and refused to abide by the decisions of the International Court of Justice. For all practical purposes South West Africa was now administered as a fifth province of the Union; indeed it did not enjoy the same democratic rights and privileges as the other provinces. The indigenous population, which consti-

tuted about 88 per cent of the total population, was denied the right to use its own land and denied the right to self-government and all other fundamental democratic rights.

20. The Territory was potentially very rich; it earned millions of pounds by its export trade; it produced diamonds and strategic minerals and had lucrative fisheries. In a country with such a substantial national income and such a small population a high standard of living might be expected. Unfortunately, however, that was not the case. The petitioners had told the Committee of the miserable wages and living conditions of the workers in South West Africa. The Territory had in fact become a reservoir of cheap labour for the Union of South Africa. The money earned by the Territory was not used to promote the welfare of the inhabitants but went to the Union Government. The educational and health services were utterly inadequate and racial segregation was practised. The majority of the population lived in wretched slums and were a prey to dangerous diseases.

21. The people were denied their most elementary political rights. They had no vote and no voice in the government of the Territory. There was no freedom of thought, of expression, of political association or of movement. The indigenous people were compelled to carry passes regulating their movements and were not allowed to move about after 9 p.m. Furthermore, the policy of *apartheid* was applied in South West Africa. That backward and inhuman policy not only denied Africans equal participation in government but also opposed any form of political partnership, cultural assimilation or human association between the races. According to that policy the mere idea of social equality was treason. It was a policy dictated by fear, selfishness and lack of imagination.

22. Great liberation movements were sweeping Africa. History was on the march, and history was always on the side of those who were striving for freedom. The Union of South Africa would be unable to preserve the *status quo* for long.

23. In recognition of the struggle of the African peoples for fundamental democratic rights, his delegation appealed to all representatives to extend their maximum support to the people of South West Africa and it endorsed their demand for democratic rights and self-government.

24. Mr. BENHIMA (Morocco) said that when, after the First World War, the League of Nations had decided to entrust the Territory of South West Africa to the Union of South Africa under mandate, many had rejoiced at a decision which seemed to indicate the end of the system hitherto practised of sharing out the African continent among the European Powers. With the introduction of the Mandates System some territories at least have been able to face the future with confidence. Among those territories had been South West Africa, whose people had regarded themselves as the wards of an international organization. The choice of the Mandatory Power had been governed by geography. It had even been thought in some quarters that placing the Territory under the Mandates System was a skilful move which would protect it from any attempt at annexation by the Union of South Africa. In reality it had enabled the Union to exploit the Territory. Nevertheless, the people had resigned themselves to the situation, perhaps in the hope that they would eventually regain an enriched heritage. Today, however, they

were the most unfortunate of all the peoples of the earth, living like slaves in a country in whose riches they had no part. The picture drawn by the Committee on South West Africa and by the petitioners could not leave the members of the Committee indifferent. The situation called for attention in connexion with two distinct problems, in the light of which his delegation had come to the conclusion that the Union of South Africa had not fulfilled its obligations.

25. The first related to the administration of the Territory. Both the Committee's report and the petitioners' statements clearly showed the indifference of the Mandatory Power with regard to the material and intellectual advancement of the population. He would not dwell on the misery of the people, living in poverty, disease and ignorance, which had been described by Mr. Scott and Mr. Getzen with a calm and dignity which did them honour. The Fourth Committee, by the nature of the problems submitted to it, knew that the welfare of the peoples was not the chief concern of those who dominated them. In the case in point colonialism appeared in its most contemptible aspect, that of racialism. One community proclaimed its superiority over another on the basis of a racial difference according to which humanity would be divided into a ruling category and a subservient category. He did not believe that any representative in the Fourth Committee clung to such principles; those who proclaimed them preferred, perhaps naturally, to absent themselves.

26. The second problem to which he had referred related to the decision of the Union of South Africa not to be represented on the Fourth Committee, on the grounds that the United Nations interest in the future of South West Africa was an interference in its domestic affairs. That might be true if South West Africa were an integral part of the Union, if there were no Universal Declaration of Human Rights and no Charter to which the Union of South Africa had voluntarily subscribed. Moreover, the Territory in question was a separate entity entrusted to the Union Government by the international organization, which maintained all rights of supervision and of decisions with regard to its status. The decision of the Union of South Africa to annex the Territory had thus been made in defiance of the United Nations and of the world. The small nations were deeply and justifiably disturbed to witness that phenomenon, which threatened to destroy the spirit and the authority of the United Nations. Perhaps some of the Powers no longer felt the need of that Organization, but the peoples who still bore the scars of their sufferings intended to make every effort to preserve and strengthen their heritage and to uphold the principles of justice, law and liberty.

27. In that spirit and for that purpose his delegation, together with two other African delegations and that of Burma, had submitted a draft resolution (A/C.4/L.442) which they hoped would have the effect of improving the lot of the people of South West Africa and helping them not to lose hope.

28. Miss BROOKS (Liberia) said she had detected a note of despair in what many of the previous speakers had said on the question of South West Africa. It was indeed somewhat disturbing that a solution to the problem had eluded the United Nations for ten years. That very fact, however, should strengthen its conviction that a solution must be found, even if that required a new approach to the problem.

29. In view of the fact that the Union of South Africa was a Member of the United Nations and a signatory to the Charter, under which it had certain obligations as well as rights that South West Africa was a mandated territory which the South African Government held as a sacred trust and that the Charter of the United Nations provided for the protection of the fundamental rights of the indigenous inhabitants, it was clear that the abuse of the international Mandate by the South African Government could not and must not be perpetuated. Moreover, since the Charter of the United Nations required that body to perform its functions in conformity with the principles of justice and international law, it was only through the faithful fulfilment of those requirements by its Member States that the United Nations could discharge its duties to mankind. South Africa, as a Member of the United Nations, could not be allowed to evade its obligations under the Charter and the Mandate and successfully to defy the Organization, thereby lowering its prestige and shattering the hopes of those who turned to the United Nations as a last resort.

30. For all those reasons, the United Nations could not but decide that the Union of South Africa must fulfil its obligations under the Charter and that steps must be taken to ensure that it placed the Territory under the trusteeship of the United Nations. Her delegation felt that the States which had formerly had some connexion with the Territory had a moral duty to use their influence with the South African Government to that end, and it appealed to them to do so.

31. She would like to hear the views of the Committee on the following suggestions, which were offered with a view to solving the dilemma in which the United Nations found itself. The General Assembly could perhaps authorize the Secretary-General to go to the Union of South Africa to negotiate a trusteeship agreement for the Territory of South West Africa with the South African Government. Alternatively, the General Assembly might authorize the Secretary-General, the United States, the United Kingdom, France, an African State and a Latin American State to seek a round-table conference with the South African Government for the purpose of concluding a trusteeship agreement for the Territory of South West Africa. If either of those suggestions was accepted, her delegation would be willing to submit a draft resolution embodying it.

32. In connexion with the draft resolutions before the Committee, her delegation felt that the United Nations should continue to uphold the international status of South West Africa, in accordance with the decision of the International Court of Justice, as given in its opinion of 11 July 1950.¹

33. It also felt that the recommendations of the Committee on South West Africa should not be left unheeded. For that reason it had seen fit to include them in the draft resolution of which it was a co-sponsor (A/C.4/L.442).

34. The Liberian delegation congratulated the Committee on South West Africa on its report, for in spite of the handicaps with which the Committee had to

contend, it had been able to furnish vital information concerning the Territory. It also thanked the petitioners for the contribution they had made to the Committee's deliberations; it felt that the valuable information given in their statements should be transmitted to the Committee on South West Africa for its study and consideration. Her delegation did not agree with the view expressed by the representative of China at the previous meeting however, it continued to feel that in existing circumstances it was necessary for the Committee to exercise its right to grant hearings to petitioners whenever it was deemed necessary.

35. Mr. GREKOV (Byelorussian Soviet Socialist Republic) said his delegation noted with regret that the problem of South West Africa had not yet been solved, although the General Assembly was now considering it for the tenth time. The responsibility for that state of affairs rested solely with the Government of the Union of South Africa, which continued to ignore the interests of the indigenous inhabitants of South West Africa, the United Nations Charter and the General Assembly resolutions, and had for ten years refused to transfer the Territory to the trusteeship of the United Nations. At the beginning of its work during the current year, the Committee on South West Africa had endeavoured to establish communication with the South African Government but the latter had, as always, refused to enter into negotiations. It proposed to act not by negotiation but by annexation. That policy had given rise to justifiable indignation on the part of the people of the Territory. Thus by refusing to place the Territory under United Nations trusteeship, the South African Government was impairing not only its own authority but that of the United Nations.

36. Meanwhile, conditions in South West Africa continued to be extremely unsatisfactory. The South African Government made life unbearable for the indigenous inhabitants, as the report of the Committee on South West Africa and the statements made by the petitioners demonstrated. It had deprived the non-European inhabitants of the Territory of their fundamental human rights and it refused to allow them to participate in the administration of their own country. It practised racial discrimination and continued to retain the barbarous punishment of flogging, which was a shameful survival of the worst practices of colonialism. The previous reports of the Committee on South West Africa had already furnished many instances of the restrictions imposed on the freedom of movement of non-Europeans in the Territory. New regulations enacted during 1955 had restricted that freedom still further.

37. The housing conditions in which the non-Europeans lived were intolerable. The medical care available to the Territory's non-European inhabitants was inadequate and those living in the reserves had no doctors or medical facilities whatever. The South African Government was depriving the indigenous inhabitants of their land and appropriating the riches of their country for the exclusive benefit of the European community. In 1954, for example, the value of the diamonds exported from the Territory had been £12,068,070, while at the same time African workers had been receiving wages of 33 to 45 cents a day. Finally, the Government's policy was always to favour the European minority and to maintain the non-Europeans in an inferior and subordinate status.

¹ *International Status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.* (Transmitted to Members of the General Assembly by the Secretary-General under cover of document A/1362.)

38. His delegation felt that the problem of South West Africa could and should be solved by placing the Territory under United Nations trusteeship, a course which had justified itself in the case of other mandated territories. His Government had always been, and

would continue to be, in favour of a solution which furthered the progress of the Territory toward self-government.

The meeting rose at 12 noon.