



**REPORT
OF
THE SPECIAL COMMITTEE
FOR SOUTH WEST AFRICA**

GENERAL ASSEMBLY
OFFICIAL RECORDS : SEVENTEENTH SESSION
SUPPLEMENT No. 12 (A/5212)

UNITED NATIONS

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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REPORT OF THE SPECIAL COMMITTEE FOR SOUTH WEST AFRICA

PART I

INTRODUCTION

Chapter I. Organization of the Special Committee and terms of reference

1. By its resolution 1702 (XVI) of 19 December 1961,¹ the General Assembly solemnly proclaimed the inalienable right of the people of South West Africa to independence and national sovereignty and to this effect decided, among other things, to establish a United Nations Special Committee for South West Africa.

2. Under operative paragraph 2 of the resolution, the Special Committee was specifically entrusted with certain urgent functions preparatory to the granting of full freedom to the people of the Mandated Territory of South West Africa, which functions the Special Committee was to perform in consultation with the Mandatory Power.

3. Thus, the Special Committee was charged with the task of achieving the following objectives:

(a) A visit to the Territory of South West Africa before 1 May 1962;

(b) The evacuation from the Territory of all military forces of the Republic of South Africa;

(c) The release of all political prisoners without distinction as to party or race;

(d) The repeal of all laws or regulations confining the indigenous inhabitants in reserves and denying them all freedom of movement, expression and association, and of all other laws and regulations which establish and maintain the intolerable system of *apartheid*;

(e) Preparations for general elections to the Legislative Assembly, based on universal adult suffrage, to be held as soon as possible under the supervision and control of the United Nations;

(f) Advice and assistance to the Government resulting from the general elections, with a view to preparing the Territory for full independence;

(g) Co-ordination of the economic and social assistance with which the specialized agencies will provide the people in order to promote their moral and material welfare;

(h) The return to the Territory of indigenous inhabitants without risk of imprisonment, detention or punishment of any kind because of their political activities in or outside the Territory.

4. Under paragraphs 3, 7 and 8 of resolution 1702 (XVI), the General Assembly also requested the Special Committee to discharge the tasks which were assigned to the Committee on South West Africa by the Assembly in sub-paragraphs (a), (b), and (c) of paragraph 12 of its resolution 749 A (VIII) of 28

November 1953, to keep the Security Council, the Secretary-General and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples informed of its activities and of any difficulties which it might encounter, to study any measures likely to facilitate the execution of the other recommendations of the Committee on South West Africa, and to report to the Assembly at its seventeenth session.

5. The Special Committee is composed of the following members nominated by the President of the General Assembly (see letter dated 5 March 1962 from the President to the Secretary-General, A/5098): Brazil, Burma, Mexico, Norway, Philippines, Somalia and Togo. The Special Committee held its first meeting on 2 April 1962, when it elected Mr. Victorio D. Carpio (Philippines) as Chairman, Mr. Salvador Martínez de Alva (Mexico) as Vice-Chairman, and Mr. Hassan Nur Elmi (Somalia), who was succeeded by Mr. Omar Arteh (Somalia), as Rapporteur.

6. The following representatives served on the Special Committee during the period covered by the present report:

Brazil: Mr. Antonio Houaiss; Mr. Marcelo Raffaelli;

Burma: U On Sein; U Tin Maung; U Maung Maung Soe;

Mexico: Mr. Salvador Martínez de Alva;

Norway: Mr. Sivert A. Nielsen; Mr. Björn Jensen;

Philippines: Mr. Victorio D. Carpio; Mr. Jacinto Castel Borja; Mr. Privado G. Jiménez; Mr. Hortencio J. Brillantes; Mr. Ernesto Calingasan;

Somalia: Mr. Hassan Nur Elmi; Mr. Omar Arteh;

Togo: Dr. André Akakpo; Mr. Antoine Kponvi.

Chapter II. Brief description of the activities of the Special Committee

7. The Special Committee took the considered view that the aforesaid General Assembly resolution, and in particular the functions of the Special Committee thereunder, could, as a first practical step, be most effectively implemented by trying to establish, with the co-operation of the Mandatory Power, a United Nations presence in the Territory. Consequently, at the request of the Committee, the Chairman, at the beginning of April, approached the Government of the Republic of South Africa through its Permanent Representative to the United Nations in New York, Mr. B. G. Fourie, with a view to gaining the co-operation of that Government for the visit to the Territory of South West Africa provided for in paragraph 2 (a) of resolution 1702 (XVI).

¹ The full text of this resolution appears in annex I.

8. At the Committee's 2nd meeting on 5 April 1962, the Chairman reported that the Permanent Representative of South Africa had been impressed by the approach and had undertaken to contact his Government regarding a visit by the Special Committee to South West Africa. The Special Committee then authorized the Chairman to send the following letter to the Permanent Representative:

"Referring to our conversation of 3 April 1962, I have the honour to inform you that I have reported the sense of our conversation to the Committee.

"In their discussions, the members of the Committee placed great emphasis on the fact that the recommended visit to South West Africa should take place by 1 May 1962.

"The Committee wishes formally to confirm its request that your Government co-operate in facilitating this visit, which I am sure would be in the best interests of all concerned."

9. At the 3rd meeting of the Committee on 12 April 1962, the following message was received through the Permanent Representative from the Minister for Foreign Affairs of South Africa:

"1. The Government of the Republic of South Africa has carefully considered your letter of 5 April to Ambassador Fourie. In doing so it has taken into full account Ambassador Fourie's report on the informal discussion which you had with him on the third item and especially the spirit of co-operation which appears to have animated your Committee's approach in the matter.

"2. While South Africa has never recognized United Nations jurisdiction over its administration of South West Africa, the South African Government has equally consistently maintained its preparedness—and indeed its keen desire—to find a way out of the difference of opinion that has arisen between the United Nations and South Africa since the first session of the United Nations in 1946 in regard to the status and administration of South West Africa. The long history of past discussions as well as the many proposals put forward by South Africa again at two previous sessions of the United Nations will show that it was always the South African Government which offered to make and to consider realistic proposals in order to remove this constant source of friction which had for many years had a disturbing effect on conditions of harmony and stability in the territory so necessary for promotion of interests of all those who live in it.

"3. The record will also show that where the South African Government was not prepared to adopt measures required by the United Nations, its attitude was dictated by its juridical position. The Government of South Africa cannot now be a party to any proposal or action which could imply a departure therefrom.

"4. In this connexion your attention is invited to the terms of reference of the Committee as set out in sub-paragraphs (b) to (h) of paragraph 2 of resolution 1702 which in effect requires South Africa to acquiesce in a form of United Nations jurisdiction which my Government has consistently denied and still denies. Furthermore, this is a matter which is at present the subject of judicial action before the

International Court. The steps envisaged in sub-paragraphs (a) to (h) of paragraph 2 exceed even the jurisdiction previously vested in the League of Nations.

"5. If, however, the Government of South Africa is correct in its impression that it is the desire of your Committee to establish contact with the Government for the purpose of conducting discussions aimed at finding a way out of the present impasse without requiring the Republic to compromise its juridical position or to discuss sub-paragraphs (b) to (h) of paragraph 2 of resolution 1702 (XVI), my Government would gladly undertake to co-operate to the extent possible for it to do so.

"6. In the circumstances it has been decided to extend to you as Chairman and, if it is so desired, also to your Vice-Chairman, an invitation to visit the Republic as guests of the Government with the assurance that the Government would then be prepared without prejudice to its previously stated position, to enter informally into a review of the matter at issue between the United Nations and the South African Government. Unfortunately it would not be possible to invite your whole Committee as this could be open to an interpretation prejudicial to South Africa's position in the case at present pending before the International Court of Justice.

"7. If as a result of discussions at Pretoria it should appear advisable that you and your Vice-Chairman should also visit South West Africa for the purpose of acquainting yourselves with the territory and its peoples then such a visit can be arranged."

10. The Government's invitation was considered by the Special Committee which, on 13 April 1962, authorized the Chairman to send the following reply:

"...

"In the light of paragraph 2 (a) of General Assembly resolution 1702 (XVI), the Committee in a spirit of co-operation welcomes as a first practical step the opportunity of having the Vice-Chairman and myself enter informally into a review of the matter at issue between the United Nations and the South African Government and of acquainting ourselves directly with the Territory of South West Africa and its peoples.

"With the agreement of the Committee, the Vice-Chairman and I are therefore pleased to accept the invitation of your Government and will be ready to leave for South Africa at the earliest convenient date."

11. While the Special Committee felt that under resolution 1702 (XVI) a visit by the whole Committee would be the most effective way of implementing its provisions, nevertheless it considered the visit by the Chairman and Vice-Chairman as historic in that for the first time duly authorized representatives of the United Nations dealing with the question of South West Africa were able to enter the Territory and could thereby observe and hear evidence concerning conditions therein.

12. The Special Committee remained in recess during the visit, which took place from 5 to 28 May, and subsequently held three meetings between 22 June and 16 July to discuss the organization of its future work

in view of the absence of the Chairman and Vice-Chairman from Headquarters.²

13. The Chairman and Vice-Chairman returned to Headquarters on 23 July and submitted their official and final report³ on their visit to South Africa and South West Africa at the 10th meeting on 27 July. This report forms part II of the present report.

14. The Special Committee discussed this report at its 10th, 11th and 12th meetings. It took note of the report as apt and timely.⁴

15. The Special Committee then took up the question of the transmission of the report of the Chairman and Vice-Chairman to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. At its 14th meeting the Special Committee adopted a letter,⁵ by which the Chairman transmitted the report to the Chairman of the Committee of Seventeen.

² The text of a communiqué issued by the Committee following its 6th meeting (closed) appears as annex II.

³ A/AC.110/2.

⁴ The Committee also sent telegrams to the Governments of the Philippines and Mexico which appear as annex III.

⁵ For the text of the letter, see para. 19 below.

16. In addition to the material on conditions in the Territory contained in the report of the Chairman and Vice-Chairman, the Special Committee has received much information relating to the Territory from petitioners. At its 11th, 12th and 13th meetings, the Special Committee heard and put questions to Mr. Jariretundu Kozonguizi (South West Africa National Union), Mr. Moses Garoeb (South West Africa Peoples Organization) and the Rev. Markus Kooper, to whom it had granted hearings. In the course of the year, the Special Committee received written petitions. The information contained in these oral hearings and petitions, together with the views of the petitioners, is dealt with in part III of the present report.

17. The Special Committee at its 4th and 18th meetings was provided by the Secretariat with information on the implementation of General Assembly resolution 1705 (XVI) on special educational and training programmes for South West Africa. This information, the Special Committee understands, will be included in a report which the Secretary-General will present directly to the Assembly.

18. The remaining meetings of the Special Committee were devoted to the preparation of the present report, which was unanimously adopted at the 28th meeting on 31 August 1962.

PART II

REPORT OF THE CHAIRMAN AND VICE-CHAIRMAN ON THEIR VISIT TO SOUTH AFRICA AND SOUTH WEST AFRICA

Prefatory note by the Special Committee

19. In including the report of the Chairman and Vice-Chairman as an integral part of its report to the General Assembly, the Special Committee wishes to state that it represents an on-the-spot observation made for the first time by United Nations officials in the Territory. It confirms the findings and conclusions of the Assembly in its resolutions on South West Africa and it is in conformity with the tasks delegated to the Special Committee by General Assembly resolution 1702 (XVI). Also reproduced hereunder is the text of the letter of transmittal of the report of the Chairman and Vice-Chairman to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which summarizes the views of the Special Committee for South West Africa on the question of the drafting and/or issuance of the alleged joint communiqué. The summary records of the discussion in the Special Committee on the question appear in documents A/AC.110/SR.12 to A/AC.110/SR.14, which contain the statements of the Chairman and Vice-Chairman on this matter; other relevant materials on the same subject are to be found in annexes IV to X.

Letter of transmittal dated 3 August 1962 from the Chairman of the Special Committee for South West Africa to the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

"I have the honour to transmit to you herewith, in accordance with General Assembly resolution 1702 (XVI): Ques-

tion of South West Africa, and with the decision taken by the Special Committee for South West Africa at its 14th meeting, the report of the Chairman and Vice-Chairman on their visit to South Africa and South West Africa.

"This unanimous report is the official and final report submitted by the Chairman and Vice-Chairman. The Special Committee for South West Africa after some discussions took note of this report at its 12th meeting as apt and timely.

"You will note that this report makes no mention of the alleged joint communiqué issued by the South African Government on 26 May 1962. This, as explained by the Chairman of this Special Committee, is due to the fact that the alleged communiqué was not an official act of this Committee nor of the Chairman thereof, nor has anyone been authorized either by this Special Committee or the General Assembly to enter or join in such a communiqué. This Committee, therefore, does not consider or recognize said communiqué as anything official or of any binding effect whatever.

"It is, therefore, to be earnestly hoped that the Seventeen-Power Committee will recommend the immediate intervention of the General Assembly or even of the Security Council to the end that the situation in the Territory may not degenerate into a racial war in that part of the world."

*
* *
*

Report of the Chairman and Vice-Chairman

[Note: Paragraphs 1 to 6 of the report have been omitted here, since those paragraphs deal with action by the Special Committee in arranging the visit which has already been covered in similar terms in chapter II of part I above. The report as a whole has been circulated as document A/AC.110/2.]

(7) Immediately following the approval by the Committee of the acceptance of the invitation, the Chairman and Vice-

Chairman contacted the Permanent Representative of South Africa to the United Nations with a view to settling the details of the discussions in South Africa. It was found that the most convenient date for discussions to begin was 7 May 1962. They accordingly arrived in South Africa by air on 5 May 1962, being accompanied by two United Nations officials, Mr. Ian E. Berendsen (Secretary of the Committee) and Miss Jacqueline Yarrow (Assistant Secretary).

(8) In the initial discussions of 7 and 8 May, the South African delegation was led by Mr. H. Verwoerd (Prime Minister), assisted by Mr. Eric Louw (Minister of Foreign Affairs), Mr. J. G. H. van der Wath (Deputy Minister for South West Africa), Mr. G. P. Jooste (Secretary for Foreign Affairs), Mr. B. G. Fourie (Permanent Representative to the United Nations) and other officials.

(9) These initial discussions took the form of an explanation and defence by the South African representatives of their policies, not only in South West Africa but also in South Africa itself, and a restatement of their view of the juridical position of the Territory. From these explanations, it was clear that the South African Government contemplated no significant change in its *apartheid* policies in South West Africa, which indeed it sought to justify, nor did its account of the juridical position of South West Africa differ substantially from that expounded on numerous occasions before other United Nations bodies. In a long historical exposition starting with the initial assignment of the Mandate to South Africa in 1919, the South African representatives emphasized the close geographical, ethnic and economic ties between South Africa and South West Africa and emphasized also the strategic importance of the latter for their defence. They continued to assert that the Mandate had ceased to exist on the demise of the League of Nations. They claimed to have done much to improve the conditions of the indigenous population but to have been hampered by United Nations criticism in carrying out other improvements.

(10) In the course of the discussions, the Prime Minister offered to facilitate a visit by the United Nations party to the Territory, emphasizing that such a visit was without prejudice to the South African position and was not to be regarded as an admission of United Nations authority over the Territory. The Chairman and the Vice-Chairman accepted the invitation for the purpose of acquainting themselves with the situation in the Territory, of establishing a United Nations presence there and of exploring the best ways and means of implementing General Assembly resolution 1702 (XVI). The Prime Minister submitted a detailed itinerary for a nine-day visit to South West Africa, which was accepted by the Chairman and Vice-Chairman with the addition at the suggestion of the Chairman of a visit to Katima Mulilo in the Eastern Caprivi Zipfel.

(11) On 8 May, after the conclusion of the preliminary discussions with representatives of the South African Government, the Chairman and Vice-Chairman met privately in Pretoria with representatives of the Liberal Party and with a joint deputation of the South African Indian Congress, the Coloured Congress, and the Congress of Democrats, which included former members of the African National Congress.

(12) The following morning, the Chairman and Vice-Chairman left by Dakota aircraft for Windhoek, a distance of 740 statute miles.

II. VISIT TO SOUTH WEST AFRICA⁶

(13) The Chairman and Vice-Chairman arrived in Windhoek at noon on Wednesday, 9 May 1962, and went that afternoon by car to the town of Rehoboth, headquarters of the *Baster* Coloured Community.

(14) The following morning, they left Windhoek for a trip to the northern Native Reserves outside of the Police Zone, accompanied by the Permanent Representative of South Africa to the United Nations, the Chief Native Affairs Commissioner of South West Africa and several other officials. Newspaper reporters who sought to cover that portion of the visit to the Territory were unable to obtain the government permits necessary to go to the northern Reserves outside of the Police Zone,

with the exception of one reporter from the South African Press Association, who filed reports for his own and other agencies.

(15) Elsewhere in the Territory, the Chairman and Vice-Chairman were denied the opportunity of addressing in public the mass gatherings of Africans who greeted them on their arrival at various places. They did, however, have the opportunity of meeting privately with individuals and deputations who wished to meet them.

(16) During their northern journey, the Chairman and Vice-Chairman visited waterworks, mission schools and hospitals and met with Chiefs and Headmen as well as other local residents in five Native Reserves, including a deputation of officers and members of the South West Africa Peoples Organization (SWAPO) in Ovamboland.

(17) Returning to the Police Zone on 14 May, the Chairman and Vice-Chairman visited the headquarters of the South West African Native Labour Association in Grootfontein, the Tsumeb Corporation compound and the African location in Tsumeb, and heard deputations in both urban areas. They had to cancel a planned stop in the Waterberg East Native Reserve on their way back to Windhoek on 15 May owing to their crowded schedule, but arrangements were made to allow deputations from the Reserve to meet with the Chairman and Vice-Chairman in Windhoek.

(18) In Windhoek, in addition to an intensive series of hearings, the Chairman and Vice-Chairman visited the old African location as well as the new African township at Katutura, and a hospital for Non-Europeans. A visit was also made by the Vice-Chairman to the Augustineum Technical and Teacher-Training School at Okahandja, one of two secondary schools for Africans in the Police Zone, and to the administrative military headquarters in Windhoek. On 18 May, the Chairman and Vice-Chairman stopped in the southern town of Keetmanshoop, seeing the old and new African locations and the local hospital for Non-Europeans and holding a final series of hearings before returning to South Africa.

(19) The numerous private discussions with representative groups of the African, Coloured and European population of the Territory disclosed that Non-Europeans, and the European opposition party, were dissatisfied with the present Administration, and in particular with the system of *apartheid* which pervades every aspect of that Administration. It was obvious that the great majority of the people were for radical changes in the Administration and for the taking over by the United Nations of the Administration.

(20) The predominantly African organizations—the South West Africa Peoples Organization (SWAPO), the South West Africa National Union (SWANU), and the South West African United National Independence Organization (SWAUNIO)—expressed strong opposition to the *apartheid* policies carried out by the South African Government, which they accused of having neglected the welfare, education and development of Africans, and of depriving them of freedom of movement, association and other human rights in the country of their birth. They appealed to the United Nations immediately to take over the administration of the Territory with a view to preparing the people for early self-government and independence. The attitude of these organizations was shared by Herero Chief Hosea Kutako, Nama Chief H. S. Witbooi, Damara Chief David Goraseb, their Headmen and Councillors and the people they represent, including the Hereros of the Kaokoveld, as well as by the Ovambo people with the exception of the Ovambo Chiefs and Headmen whom the Chairman and Vice-Chairman met in Ovamboland and in different parts of the Police Zone. It was also shared by deputations of Tswana people from the Aminuis Native Reserve led by Chief Albert Motseng and by the Mbanderu Hereros from the Epukiro Native Reserve led by Chief Munjuku, both of whom had been alleged to be supporters of the Administration. Damaras, Namas and Hereros of the small Sessfontein Native Reserve had a number of complaints to make concerning their living conditions but did not pronounce themselves on the future of the Territory beyond indicating their desire to retain their Reserve. Hereros in the

⁶ An itinerary of the visit in South West Africa is appended.

Kaokoveld complained that during the entire period of South African administration they had never been able lawfully to sell their cattle and they were therefore forced to violate the law by "stealing" their own cattle and selling it across the border in order to pay their taxes and meet their basic needs. Chiefs and Headmen in Ovamboland and in the Okavango, on the other hand, expressed their general satisfaction with the Administration, but there was an admission in Ovamboland that their people did not share their satisfaction, while the Okavango deputation expressed dissatisfaction only at the low wages earned by their people who went to work in the Police Zone. Of the many African deputations whom the Chairman and the Vice-Chairman met during their visit in South West Africa, only one, consisting of members of the Advisory Board of the Katutura township, expressed complete satisfaction with the South African Administration. The Katutura Advisory Board consists of three members elected by the adult inhabitants of Katutura, to which over 5,000 people, or about one-third of the African population of Windhoek, have moved, and three members appointed by the all-European Municipal Council of Windhoek.

(21) The opinion of the Coloured population other than the Rehoboth Community was somewhat more difficult to assess. Within the Rehoboth Community, the elected Advisory Board unanimously supported the implementation of General Assembly resolution 1702 (XVI), and their desire for the assumption of the administration by the United Nations was reiterated by a deputation of citizens of Rehoboth. It was also shared by a deputation which stated that it represented the Coloured Community of Windhoek and Walvis Bay. On the other hand, three deputations which claimed to represent the Coloured population, but were not recognized as representative by those favouring a transfer of administration to the United Nations, supported the South African Government and the policy of *apartheid*, including the establishment of a separate Coloured settlement in South West Africa; these three deputations from the Coloured Council, whose members were admittedly self-appointed, the South West African Coloured Organization, and the South West Africa Coloured Teachers Association—also expressed opposition to any interference by the United Nations in the Territory.

(22) Of the various representatives of European opinion within the Territory, most expressed themselves in favour of the Government and the maintenance of the *status quo*, or were opposed to any change which would interfere with the economic life and development of the Territory or bring about chaos and bloodshed; they were also generally under the impression that the African population was not dissatisfied. However, one important deputation, consisting of the leaders of the United National South West Party, which represents some 40 per cent of the European voting population—or some 50 to 60 per cent of the South West African voters, if South African Government, railway and police personnel and other South Africans temporarily in the Territory are excluded—supported as part of its political platform the gradual extension of representation in the central legislature to the Non-European population. The leaders also favoured the continued exercise by the United Nations of its supervisory authority over the administration of the Territory.

Return to South Africa

(23) On leaving South West Africa on 18 May, the Chairman and Vice-Chairman, after a brief rest in the Kruger National Park, visited the Transkei, at the invitation of the South African Government which sought to show them a predominantly African area which, according to the Prime Minister's explanations, was to become self-governing and independent under his announced Transkei policy.

III. FINAL DISCUSSIONS WITH THE SOUTH AFRICAN AUTHORITIES

(24) On their return to Pretoria, the Chairman and Vice-Chairman resumed their discussions with the South African authorities beginning on 24 May 1962, on matters at issue between the United Nations and South Africa, the South African delegation being the same as in the previous talks.

(25) It had been made clear in the original invitation issued by the South African Government that formal discussion of paragraph 2 (b) to (h) of General Assembly resolution 1702 (XVI) was excluded. Nevertheless, it was the intention of the Chairman and the Vice-Chairman to find out as far as was possible during the discussions what was the attitude of the South African authorities towards the various objectives assigned to the Committee and to ascertain to what extent the General Assembly resolution could be implemented.

(26) The Vice-Chairman was requested by Ambassador Carpio to make the opening statement on the United Nations side. He expressed thanks for the arrangements made for the visit in the course of which they had met with numerous chiefs and headmen, political leaders and other representative persons among the African, Coloured and White population. He noted that there was a considerable degree of opposition amongst the population to the policies of the South African Government. He said that he was aware from previous statements of the Prime Minister that the South African Government remained firmly attached to its *apartheid* policies and expressed grave concern as to the situation which would occur when the immovable object of those policies was struck by the irresistible force of emergent African nationalism and international pressures in general. It was necessary, in the Vice-Chairman's opinion, for the South African Government to make concessions to meet these emerging forces and the resolutions in which the United Nations had given them its support. He stated that as a representative of the United Nations and of his own country nothing would make him happier than to be able to return to the United Nations with an indication that the South African Government was prepared to accept all resolutions and recommendations of the United Nations. Unfortunately, he had already heard some categorical statements by the Prime Minister which made it clear that the South African Government would not implement, or even discuss for the moment, certain recommendations. He felt, however, that they should endeavour to build upon the improved climate arising from the trip to South West Africa, by considering in turn and accepting as many of the recommendations of the General Assembly as possible. The Vice-Chairman then enumerated various recommendations and commended them to the attention of the South African authorities. He also asked for and obtained from the Prime Minister renewed assurances that no action would be taken against those who had spoken their minds to the United Nations representatives.

(27) The Prime Minister, in replying to the remarks and suggestions of the Vice-Chairman, acknowledged that changing conditions required more rapid advance in economic and social development of the Non-European population and stated that a detailed five-year plan was already being worked out and that he would give his personal attention to the acceleration of the research and planning which were taking place.

(28) The Chairman, in his statements, stressed the desirability of bringing about a rapprochement between South Africa and the United Nations. He expressed appreciation for the opportunity given to visit South West Africa, but the visit had been of short duration and was only preliminary in nature. In his opinion it should be followed up by a longer visit by the whole Committee and by further co-operation between South Africa and the United Nations in promoting the rapid progress of the indigenous inhabitants of South West Africa. He stressed in this connexion the importance of having the South African authorities request on a large scale the technical and financial assistance of the United Nations and the specialized agencies in the development of South West Africa, assistance which he was sure would be forthcoming on a generous scale. He then proceeded to discuss *seriatim* the recommendations of the General Assembly and to urge the South African authorities to consider their implementation. However, when he came to recommendation (d) relating to the abolition of laws and regulations establishing the *apartheid* system, the Prime Minister declined to discuss matters further, as being excluded by the terms of the invitation, and made it clear that his Government was not prepared to envisage the implementation of recommendations which would affect its basic position and policies in the Territory. The Chairman made a second attempt on the

following day to call for substantial concessions by the South African authorities, but again found no satisfaction.

(29) Nevertheless, in the discussions, statements by the Prime Minister and other South African representatives provided information on the attitude of the Government towards some of the recommendations of the General Assembly. The information is summarized together with comments, as appropriate, by the Chairman and Vice-Chairman, under the recommendation concerned:

(i) *Visit of the Committee to South West Africa*

(30) It may be noted that the South African Government declined to receive a visit by the whole Committee on the ground that to do so would prejudice its whole position in the case pending before the International Court of Justice.

(31) It agreed, however, to a visit by the Chairman and Vice-Chairman to South West Africa for the purpose of acquainting themselves directly with the Territory and its peoples, without prejudice to the previously stated position of the South African Government in regard to South West Africa. The Committee authorized the Chairman and Vice-Chairman to make such a visit.

(32) During the discussions, the Prime Minister declined to consider an invitation to the whole Committee at the present time, underlining that it would be best to await the results of the present visit before considering the matter further. He added that South Africa would not be prepared to receive a Committee with instructions to act contrary to the juridical position of the Republic of South Africa.

(ii) *The release of political prisoners*

(33) In its discussions with the Chairman and Vice-Chairman, the South African Government denied that there were any political prisoners in the Territory. Petitioners appearing before the Chairman and Vice-Chairman, while not specifying any cases of persons detained for political reasons at the time of the visit, stated that there had been cases of arbitrary searches often at dead of night, that persons had lost their jobs because of political activity and that a number of persons from Ovamboland and elsewhere had been repatriated to their tribal areas and had there been subject to imprisonment and other ill-treatment by their tribal chiefs. The Chairman and Vice-Chairman consider that there are grounds for believing that persons have been repatriated or deported because of their political activities. (The record of hearings gives details of a number of these cases, including those of Mr. I. G. Nathaniel, Vice-Chairman of SWAPO, who was at the time under a deportation order to leave Walvis Bay, Mr. Mbiriora Kausana, who claimed that he had been handed over to the Angolan authorities by a South African official and that he had been held in prison in Angola under wretched conditions before being allowed to return to South West Africa recently, Mr. Toivo Ja Toivo and other SWAPO supporters who claimed that they had been repatriated to Ovamboland and were unable to travel outside their Reserve because of political reasons, and four Ovambos, at least three of whom were natives of Angola, who, it was claimed, had been deported by a South African official because of political activities while living with relatives in South West Africa.) The South African authorities informed the Chairman and Vice-Chairman that one of these persons, whose origin was allegedly South West Africa, was in fact a native of Angola. They stated that the SWAPO supporters in Ovamboland were free to apply for work in the Police Zone and that Mr. Ja Toivo had been permitted to set up a trading store in Ovamboland. On the latter point, Mr. Ja Toivo had said that he had found it necessary to obtain a trading licence in the name of his brother. Mr. Verwoerd promised that other cases would be investigated and that the Chairman and Vice-Chairman would be provided with information about them. (This official information has not yet come to hand.)

(iii) *Laws and regulations establishing the apartheid system*

(34) The Chairman and Vice-Chairman found that the South African authorities were not prepared to consider any changes in the basic laws and regulations which establish and maintain the system of *apartheid*. The Chairman and Vice-

Chairman, nevertheless, expressed the view that in the particular circumstances of South West Africa, the South African authorities would find it easy to liberalize the pass laws. The only "liberalization" which the South African authorities were prepared to consider was the replacement of separate *ad hoc* passes by a permanent reference book, as is now the case in South Africa. Needless to say, this was not a change which it was possible for United Nations representatives to approve of or which would effect an improvement in the situation.

(iv) *Co-ordination of economic and social assistance by the specialized agencies*

(35) The Chairman and Vice-Chairman received from many persons whom they interviewed requests for material and financial assistance to the indigenous inhabitants from the United Nations and its specialized agencies. Since their tour of the Mandated Territory tended to confirm the view expressed by the United Nations organs in the past that the economic and social development of the indigenous people of South West Africa had been neglected, the Chairman and Vice-Chairman attached great importance to the question of persuading the South African authorities to accept technical and financial assistance from the international agencies on the largest scale possible.

(36) The Prime Minister refused to entertain any idea of having specialized agencies operate within South West Africa, claiming that South Africa itself had adequate means to develop the Territory without outside assistance. Indeed, South Africa had extended technical assistance to other States and would be glad to continue doing so.

(37) The question was also raised whether the South African Government might not wish to associate one or two experts from specialized agencies such as FAO and WHO with the preparation of the five-year development plan which the Government had in mind. The Prime Minister indicated that if this idea should be favourably received the South African Government would be prepared to explore the possibilities of inviting one or two experts working in particular fields with WHO and/or FAO who could be consulted on matters in regard to which they were particularly qualified.

(38) On the question of accepting funds from the United Nations and specialized agencies, the Prime Minister stated that the needs of other States were so great and could so strain United Nations resources that South Africa felt it to be its duty to provide the funds and technical services for South West Africa from its own and South West African resources. However, should loan funds from the International Development Agency (IDA) be available to the South African Government for special projects in South West Africa, these could be utilized.

(v) *The return to the Territory of indigenous inhabitants*

(39) The Chairman and Vice-Chairman raised the question of the return to South West Africa of indigenous inhabitants who had left the Territory with or without South African travel documents. The Prime Minister stated that inhabitants of the Territory who had left would be at liberty to return. If, however, any of them should have contravened the law, appropriate judicial authorities would have to consider, on their return, the relevant circumstances in each case. The Chairman and Vice-Chairman endeavoured to obtain from the South African authorities assurances that technical offences arising from departure without passports would not be prosecuted. The South African authorities said that such persons could seek to regularize their positions by asking for passports from the nearest South African consulate abroad. If passports were issued, no action would be taken on the return of the persons concerned. In this connexion they mentioned the case of Mr. Hans Beukes, who had left South Africa after his passport had been withdrawn and had then appeared as a petitioner in New York and had subsequently been pursuing his studies in Norway. It had later been decided to issue him a new passport if he should apply for one at the South African legation, Stockholm. However, the authorities declined to give a blanket undertaking that other cases of persons who had left South Africa or South West Africa without travel documents would be overlooked.

(vi) *Opportunities for higher education abroad*

(40) Under its resolution 1705 (XVI), the General Assembly provided for educational opportunities for South West Africans abroad whether by scholarships offered by individual States or by a scheme financed by the Organization itself and, *inter alia*, requested all Member States to facilitate the travel of the students concerned. Since in terms of local law, no indigenous student could legally take up a scholarship abroad without a passport, the Chairman and Vice-Chairman raised with the South African authorities the question of granting passports to students awarded scholarships. They found that the South African authorities were reluctant to envisage the study abroad of South West Africans, fearing that the students would be too young to benefit from such studies and might be exposed to communist influences. The South African representatives pointed out that the South West African Administration was ready to grant scholarships to the Bantu Universities of South Africa to all South West African Natives who qualified for entrance (in 1962 only two such scholarships were awarded), while Coloured students could go to the University College for Coloured Students at Cape Town.

(41) When the Chairman and Vice-Chairman urged the desirability of granting passports to students so that they could take up scholarships abroad, the Prime Minister would go no further than to state that bursaries offered for post-graduate study overseas for the purpose of educational advancement would be sympathetically considered and that each case would be dealt with on its merits.

Conclusions and recommendations

(42) From what they saw and heard during their visit to the Mandated Territory and from their discussions and exchange of views with the authorities of South West Africa, the Chairman and Vice-Chairman of the Special Committee for South West Africa have arrived at the following conclusions:

(a) That the administration of the Mandated Territory by the South African Government has been and continues to be pervaded by the rigorous application of *apartheid* in all aspects of life of the African population, resulting not only in their being racially segregated and discriminated against and in their being deprived of all basic human rights and fundamental freedoms, but also in the complete subordination of their paramount interests to those of a small minority of Europeans.

(b) That the policies and methods, as well as the objectives, followed by the South African Government in its administration of the Mandated Territory has consistently been, and continues to be, in utter contradiction with the principles and purposes of the Mandate, the Charter of the United Nations, the Universal Declaration of Human Rights and the enlightened conscience of mankind.

(c) That the South African Government has revealed no plans to institute reforms or relent from its present policies and methods in its administration of the Territory and is not developing the Territory and its people for self-government or independence.

(d) That because of the foregoing, it is the overwhelming desire of the African population that the United Nations assume direct administration of the Territory and thus take all preparatory steps for the granting of freedom to the indigenous population as soon as possible.

(e) That short of the use of force or other compulsive measures within the purview of the Charter, there seems to be no way of implementing General Assembly resolution 1702 (XVI), nor even any hope of finding a solution to this question which would be acceptable to the South African Government other than virtual or outright annexation of the Mandated Territory.

(43) In these circumstances, the Special Committee for South West Africa may wish to draw the attention of the General Assembly to the imperative need for continued firm action on this question by giving the South African Government a short period of time within which to comply with the Assembly resolutions, or, failing that, by considering the feasibility of revoking the Mandate and of simultaneously assuming the administration of the Territory to prepare its people for

independence, if need be by imposing sanctions or employing other means to enforce compliance with its decisions or resolutions.

(Signed) Victorio D. CARPIO
Salvador MARTINEZ DE ALVA

APPENDIX

DIARY OF JOURNEY OF THE CHAIRMAN AND VICE-CHAIRMAN
OF THE SPECIAL COMMITTEE IN SOUTH WEST AFRICA^a

May

- 9 Arrival at Windhoek, capital of South West Africa.
Journey by car to Rehoboth (approx. 40 miles).

At Rehoboth

Meeting with the Advisory Board of the Rehoboth Community.

Meeting with Mr. N. Witbooi.

Meeting with Mr. Jacobus Beukes.

Return to Windhoek (approx. 40 miles).

- 10 Journey by air to Okombahe (141 miles).

At Okombahe Native Reserve

Meeting with Paramount Chief David Goraseb, Headmen of the Damara tribe and other residents of the Reserve.

Journey by air to Sessfontein (190 miles).

At Sessfontein Native Reserve

Meeting with Headmen and others representing Damara, Nama and Herero residents of the Reserve, including Mr. Mbiriora Kausana.

Journey by air to Ohopoho (Kaokoveld) (78 miles).

At Ohopoho, Kaokoveld Native Reserve

Meeting with Headmen and other residents of the Reserve, including Ovahimba and Ovattimba Hereros.

Meeting with the local Minister of the Dutch Reformed Church.

Journey by air to Ondangwa (Ovamboland) (141 miles).

- 11 *At Ondangwa, Ovamboland Native Reserve*

Visit to Okatana water scheme (dams and canals).

Visit to Roman Catholic Mission (school and hospital).

Meeting with Professor J. P. Bruwer of Stellenbosch University.

Meeting with the Rev. Leonard Auala, Leader of the Ovambo-Okavango Lutheran Church.

Meeting with Ovambo Chief of the Ongandjera and Headmen of the Ondonga, Ombalantu and Ukuambi peoples.

Meeting with Headmen of the Ukuanyama people.

Meeting with a deputation of the Ovamboland branch of the South West Africa Peoples Organisation.

- 12 Visit to Finnish Lutheran Mission (school, hospital and printing establishment).

Journey by air to Runtu (Okavango) (252 miles).

- 13 Flight by the Vice-Chairman to Katima Mulilo (Eastern Caprivi Zipfel) (298 miles).

Return by air to Runtu (298 miles).

- 14 *At Runtu, Okavango Native Reserve*

Meeting with local Chiefs, a Chieftainess and Headmen.

Flight to Grootfontein (151 miles).

At Grootfontein

Meeting with the Board of the South West Africa Native Labour Association.

^a A map showing the itinerary of the Chairman and Vice-Chairman in South West Africa is reproduced in annex XIV.

May

14 (continued)

Meeting with a deputation of Hereros and a Damara from the Otjituo Native Reserve.

Flight to Tsumeb (36 miles).

At Tsumeb

Visit to the Native Location.

Visit to the Tsumeb Corporation.

15 *At Tsumeb*

Meeting with three local German residents.

Meeting with local Herero, Ovambo and Damara residents, including SWAPO representatives, and a member of Chief Kutako's Council.

Flight to Windhoek (235 miles).

At Windhoek

Visits to the old Native location at Windhoek, the new African township at Katutura, and the Native hospital.

16 Visit by the Vice-Chairman by car to Okahandja (approx. 35 miles).

At Okahandja

Visit to the Augustineum Technical and Teacher Training School for Non-Europeans.

Meeting with Damara and Herero residents of Okahandja and the Ovitoto Native Reserve.

Return to Windhoek (approx. 35 miles).

At Windhoek

Visit by the Vice-Chairman to the military administrative headquarters.

Meetings with the following deputations:

South West Africa National Union (SWANU);

Chief Hosea Kutako, his Councillors and a deputation of the South West Africa Peoples Organization (SWAPO);

Two deputations from the Waterberg East Native Reserve;

Chief Albert Motseng and a Tswana deputation from the Aminuis Native Reserve.

17 Meetings with the following:

Evangelical Lutheran Church Group, Rehoboth Community;

Deputation of Rehoboth citizens;

Deputation of the Coloured Community of Windhoek and Walvis Bay;

May

17 (continued)

Officers and members of the Coloured Council;

Deputation of South West African Coloured Organization;

Deputation of South West Africa Coloured Teachers Association;

Officers of the Windhoek Chamber of Commerce and Barclays Bank;

Member of the Windhoek Town Council and the former mayor of Windhoek;

Representatives of the Afrikaans-Deutsche Kulturgesellschaft (Sudwest Africa);

Deputation of the United National South West Party;

Various individual Europeans;

Vicar-General and Minister of the Roman Catholic Church in charge of the Doebera secondary school for Non-Europeans;

Deputations of the following African groups:

Paramount Chief David Goraseb and Headmen and other members of the Damara tribe;

A deputation of SWAPO, Chief Hosea Kutako and his Chiefs' Council;

Chief Munjuku Nguvauva and Mbanderu Hereros from the Epukiro Native Reserve;

Members of the Advisory Board of the Katutura Native Township.

Discussion with Administration officials.

18 Flight to Keetmanshoop (278 miles).

At Keetmanshoop

Visit to the Native hospital and the Native locations.

Meetings with the following deputations:

Chief Hendrik Samuel Witbooi, Hero and Nama Headmen of the Tses and Berseba Native Reserves, and a deputation of Namas and Hereros;

African residents of Keetmanshoop, including representatives of the South West Africa National Union (SWANU) and the South West African United National Independence Organization (SWAUNIO); SWAPO and SWAUNIO, Luderitz Branch.

Meeting with a European officer of the South West Africa Farmers' Union (SWAFU).

Departure by air from South West Africa.

PART III

ORAL HEARINGS AND PETITIONS

Chapter I. Oral hearings

(a) *At Headquarters*

20. During the period under review the Special Committee heard statements by Mr. Jariretundu Kozonguizi, President of the South West Africa National Union (SWANU), and Mr. Moses Garoeb of the South West Africa Peoples Organization (SWAPO) at its 11th meeting on 30 July 1962, and by the Reverend Markus Kooper at its 12th meeting on 1 August.

21. Mr. Kozonguizi recalled that, in December 1959, twelve Africans had been killed and more than fifty injured by police and army bullets at Windhoek as a

result of the South West African Administration's efforts to force the removal of Africans from their homes to new areas. He informed the Special Committee that he had recently received information from Windhoek that the situation there had again reached explosive proportions owing to renewed efforts on the part of the Administration forcibly to remove people from their homes. Twenty-five Africans, including the Acting Chairman of the National Executive of SWANU and four other executive members of that organization, had been arrested and charged with "holding an illegal procession", and released on bail pending their trial.

22. Mr. Kozonguizi informed the Special Committee that an administrative officer of the South African

Bantu Affairs Department was suing Chiefs Kutako and Witbooi, claiming £5,000 for alleged libel in connexion with a petition the Chiefs had sent to the United Nations in August 1961. In their petition,⁷ the Chiefs had expressed concern about a young African, Mr. Mbiriora Uerimonga Kausana, who had been taken away by the officer, then the Superintendent of the Kaokoveld Native Reserve. The African's subsequent whereabouts were not known and the petitioners had suggested that he might have been sold or murdered. When the Chairman and Vice-Chairman of the Special Committee visited South West Africa, the young African had been presented to them and permitted to tell his story.⁸ Afterwards, the libel action against Chief Kutako and Chief Witbooi had been started, one year after they had sent their petition to the United Nations.

23. Mr. Kozonguizi suggested that these new developments in South West Africa, coming as they did after the departure of the mission from the Territory, were related to the military budget of £60 million approved by the South African Parliament earlier in 1962, and the activities of the Chairman and Vice-Chairman of the United Nations mission. In the opinion of Mr. Kozonguizi, the confused impressions of the activities of the Chairman and Vice-Chairman as reported in the Press must have led the Government into thinking that a state of confusion existed at the United Nations and that it should seize the opportunity to consolidate its position in South West Africa through intensified repression.

24. Until a full report⁹ was issued on the activities and statements of the Chairman and Vice-Chairman of the Special Committee, Mr. Kozonguizi stated, those impressions would remain. If the communiqué of the mission to South West Africa were a fabrication of the South African Government, the Government ought to be exposed. In any event, the responsibility for the joint statement ought to be determined, he concluded.

25. Mr. Kozonguizi then quoted an editorial published on 26 July 1962 in *New Age*, a South African newspaper, to the effect that the authorities in South West Africa were trying to force the people of Windhoek to move into the new *apartheid* location at Katutura. The non-White people of South West Africa were denied any form of representation in the affairs of their State, were hedged about by the *apartheid* laws, hounded by the police, and their leaders were driven into exile or deported. The editorial pointed out that the Special Committee had been given the mandate, by the General Assembly at its previous session, of evacuating all the military forces of the South African Republic, releasing all political prisoners, repealing all *apartheid* laws, preparing for general elections with universal suffrage, preparing the Territory for full independence, securing the return of exiles, and other functions. Instead of this, the people continued to be subjected to brutal repression. The editorial concluded that in the light of the renewed outbreak of violence in Windhoek the week before, the United Nations could no longer afford to be satisfied with pious words and pusillanimous actions; the mission must be repudiated and steps taken imme-

diately to implement the "inalienable right of the people of South West Africa to self-determination".

26. Mr. Kozonguizi stressed that attempts since 1946 to obtain a negotiated settlement having failed, the United Nations must be prepared to apply the only alternative—the use of force to remove South Africa from South West Africa. He further suggested that the Special Committee should use whatever powers it had to force the South African Government to stop provoking the people of Windhoek unnecessarily. The South African Government should be instructed and ordered to remove all objects of intimidation from the old Windhoek location and to stop its vicious propaganda against the people there. In addition, Mr. Kozonguizi suggested that the situation in Windhoek should be brought to the attention of Member States for whatever action they might wish to take, individually or collectively, in exercising their right of intervention against South Africa in South West Africa as implied in the 1950 Advisory Opinion of the International Court of Justice.

27. In conclusion, Mr. Kozonguizi reiterated that SWANU was pledged to free South West Africa and would give anyone who was willing to help a blank cheque for action to remove the South African Administration from their country.

28. Mr. Moses Garoeb congratulated the Chairman and Vice-Chairman on their successful visit to his country. He felt sure that the visit had demonstrated that South Africa would ultimately have to yield before the United Nations, but the visit did not guarantee that the tyranny of South African imperialism in the Territory had ended or that the Government was prepared to submit to United Nations authority. The people of South West Africa had constantly rejected the presence of South Africa in the Territory and Mr. Garoeb hoped that the visit had confirmed evidence already before the United Nations that a bigoted administration had reduced the people to a status unworthy of human beings.

29. Since the return of the mission, Mr. Garoeb stated, the situation in South West Africa had become very serious and it was imperative that the Committee of Seventeen take up the matter urgently in the hope that a United Nations presence might be established in the Territory with or without the South African Government's co-operation.

30. The history of his people had been written in the blood of innocent men, women and children, according to Mr. Garoeb, and it was a matter simply of fighting and dying or surviving. They had been the victims of exploitation, subjugation and enslavement; political leaders were being deported and imprisoned daily and pass laws were being strengthened and enforced more brutally. There was no justice to be expected for Africans.

31. Mr. Garoeb reminded the United Nations that it was not fighting an ordinary enemy, for South Africa had demonstrated that it would not submit to United Nations authority over South West Africa. He suggested that only two possibilities were open to the United Nations, either to surrender to South Africa, which was unthinkable, or to help the people of South West Africa crush and destroy the South African Administration in the Territory and this, he stated, could only be done through the use of force.

⁷ A/AC.73/4, item 9.

⁸ See annex XI, paras. 32-38.

⁹ The report of the Chairman and Vice-Chairman had not then been released.

32. The Reverend Markus Kooper stated that after the Chairman and Vice-Chairman left South West Africa the people of Hoachanas had brought to the attention of the United Nations¹⁰ a radio announcement that the "black spots", or small reserves and old locations, were to be removed in July. A start had already been made by the arrest of twenty-five people in Windhoek. He urged that the United Nations take all possible measures to halt these removals.

33. The situation of the people of Hoachanas was exceptionally bad. Various factors were working together, including the Administration, the settlers, drought, and foot-and-mouth disease, to exterminate them. When animals died as a result of the drought and the people were given no assistance for survival, that was the first step of extermination. The few animals that had survived the drought were being shot by settlers under the guise of foot-and-mouth disease regulations in order to expedite the removal of the people from their reserves. He added that the people of Hoachanas denied the existence of foot-and-mouth disease in their area.

34. The Reverend Markus Kooper stated that the people of Hoachanas were virtual prisoners in their Reserve because no one there had any authority to issue passes and consequently they could not find work or be hired by settlers. The Administration of the Territory had issued an order in 1959 that the people of Hoachanas should not be given any work until they agreed to be removed. The people there were urgently in need of help in the form of food and money.

35. The Reverend Markus Kooper stated that he had received communications from Keetmanshoop urging him to bring the attention of the Special Committee to the fact that, after the United Nations visit, no less than eight people had been dismissed from their jobs because they had participated in demonstrations when the United Nations people had arrived, and that the policy of *apartheid* was being applied with vigour and hatred.

(b) In South West Africa

36. During the visit of the Chairman and Vice-Chairman to the Territory of South West Africa a considerable number of deputations from different organizations and also private individuals made statements before the two officers.¹¹ The most significant parts of these hearings were condensed in the report of the Chairman and Vice-Chairman. However, the following excerpts from statements made by different deputations support what has already been said about Bantu education.

37. A deputation of Hereros and a Damara with whom the Chairman and Vice-Chairman met at Grootfontein said that, because of *apartheid*, they received an inferior education. They had no schools in South West Africa that could compare with those of the Europeans. The highest school for Africans, the Augustineum at Okahandja, was a white elephant, they said, for this school offered a low or inferior type of education, called "Bantu education". Under this system, a man could never in his life have the chance of attaining a high position. A group of African residents of Tsumeb whom the Chairman and the Vice-Chairman met on 15 May said that the Government

of the Republic of South Africa claimed to be paving the way for Africans to rule themselves, but the Bantu education system was so inferior that they would be forever slaves. They asserted that the standard of education provided before had been deplorably low, but Bantu education reduced it to rock bottom. These people observed that the South African Government had no proof to support its contention that non-Europeans were unable to learn the same things as Europeans. Bantu education, they said, was designed to educate Africans for a subordinate position in society and was related to the political, economic and social colour bar maintained in the Territory. A deputation of Rehoboth citizens told the Chairman and Vice-Chairman at Windhoek on 17 May 1962 that the present system of education called Bantu education was a mere apology. In their opinion, education should be one and indivisible, with equality of opportunity and full possibilities of development for all.

38. That the system of Bantu education was not so bad was the opinion held by Father H. Henning, Vicar-General of the Roman Catholic Church, and Father W. Ballmeier at Windhoek when they met the Chairman and Vice-Chairman on 17 May 1962. They indicated that the system of Bantu education had not yet been introduced. They did not believe the curriculum to be very different from that for Europeans. However, they were not turning their schools over to the Government, but would continue to run them under a special agreement with the Administration.

39. But the Africans who met with the Chairman and the Vice-Chairman all complained of the *apartheid* system as being at the root of the evils they suffered at the hands of the Administration. They claimed that the Government of the Republic of South Africa did not provide an education in accordance with the Mandates System; the system of Bantu education was designed to perpetrate the myth that the white man was superior to the black man. They urged the United Nations to compel the Administration to abolish this nefarious system of Bantu education.

40. The Advisory Board of the Rehoboth Community and another group of petitioners from Rehoboth gave the Chairman and Vice-Chairman the names of twenty-one students from that area who would like to study abroad with United Nations scholarships. A petitioner at Windhoek, Mr. Brian Bassingthwaite, stated that he had been awarded a scholarship for study at Tübingen University in Germany, but that his application for a passport had not been favourably acted on by the South African authorities. He therefore wished for assistance from the United Nations to obtain higher education.

Chapter II. Written petitions

41. As of 31 August 1962, the Special Committee had received eighty-one petitions and communications from the following individuals and groups:

- (1) Chief Hosea Kutako, Windhoek, by letters dated 18 and 19 October 1961;
- (2) Mr. E. E. Mbumba, South West Africa Peoples Organization (SWAPO), Luderitz, by letter dated 20 October 1961;
- (3) Chief Hosea Kutako, Windhoek, by letter dated 9 November 1961;
- (4) Mr. R. A. Alcock and other citizens of Rehoboth, by letter dated 15 November 1961;

¹⁰ See annex XII, No. 34.

¹¹ The record of these hearings is reproduced in annex XI.

- (5) Rev. T. H. Hamutumbangela, Odibo, Ovamboland, by letter dated 26 November 1961;
 - (6) Chief Hosea Kutako, Chief Samuel Witbooi, and SWAPO, Windhoek, by telegram received on 28 November 1961;
 - (7) Mr. Erasmus ja Erastus Mbumba, SWAPO, Luderitz, by letter dated 28 November 1961;
 - (8) Chief H. S. Witbooi, Chief H. Kutako, Chief D. Isaak, Chief A. Thomas, Mr. J. D. Gertze, President-General of the South West Africa United National Independence Organization (SWAUNIO) and others, Keetmanshoop, by telegram received on 2 December 1961;
 - (9) Mr. S. W. Mifima and others, SWAPO, and Mr. John Chirimani, Zimbabwe African Peoples Union (Southern Rhodesia), Dar es Salaam, by letter dated 19 December 1961;
 - (10) Mr. Jariretundu Kozonguizi, President, South West Africa National Union (SWANU), New York, by letter dated 27 December 1961;
 - (11) Mr. Hermann Rainer, SWAPO, Bonn, West Germany, by letter dated 15 January 1962;
 - (12) Mr. B. Bode, Otavi, by letter dated 1 February 1962;
 - (13) Chief Hosea Kutako, Windhoek, by letter dated 6 February 1962;
 - (14) Messrs. Mburumba Kerina and Ismail Fortune, SWAPO, New York, by letter dated 10 February 1962;
 - (15) Chief Hosea Kutako, Chief Samuel Witbooi, and SWAPO, Windhoek, by letter dated 12 February 1962;
 - (16) Councillors of Chief Munjuku II, of the Mbanduru, by letter dated 9 March 1962;
 - (17) Mr. Royal N. Webster, Walvis Bay, by letter dated 10 March 1962;
 - (18) Mr. Sam Nujoma, President of SWAPO, and Mr. Salomon Mifima, Dar es Salaam, by letter dated 14 March 1962;
 - (19) Chief Hosea Kutako, Chief Samuel Witbooi, and SWAPO, Windhoek, by letter dated 4 April 1962;
 - (20) Mr. Nathaniel Mbaeva, SWANU, and the Reverend Michael Scott, Dar es Salaam, by telegram received on 31 March 1962;
 - (21) PAFMECA Affiliates—Mr. M. Sokoni, United National Independence Party, Mr. J. Chirimani, Zimbabwe African Peoples Union, Mr. P. Mueshihange, SWAPO, and Mr. O. G. Mungu, MANU—Dar es Salaam, by letter dated 19 April 1962;
 - (22) Chief Albert Mootzeng of the Bechuana, Gobabis, by letter dated 21 April 1962;
 - (23) Chief Albert Mootseng of the Bechuana, Gobabis, by telegram received on 22 April 1962;
 - (24) Reverend Markus Kooper, New York, by letter dated 23 April 1962;
 - (25) Mr. Royal N. Webster, Walvis Bay, by letter dated 24 April 1962;
 - (26) Chief Hosea Kutako, Chief Samuel Witbooi, and SWAPO, Windhoek, by letter dated 1 May 1962;
 - (27) *Basterraad* (Advisory Board) of the Rehoboth Community, by letter dated 24 May 1962;
 - (28) Mr. Royal N. Webster, Walvis Bay, by letter dated 26 May 1962;
 - (29) Chief Albert J. Lutuli, Stanger, South Africa, by telegram received on 29 May 1962;
 - (30) Chief Hosea Kutako, Chief Samuel Witbooi, and SWAPO, Windhoek, by letter dated 29 May 1962;
 - (31) Miss Rosalynde Ainslie, Secretary, The Anti-Apartheid Movement, London, by letter dated 30 May 1962;
 - (32) Mr. Mburumba Kerina, Djakarta, by telegram received on 3 June 1962;
 - (33) Mr. Erasmus ja Erastus Mbumba, SWAPO, Luderitz, by letter dated 5 June 1962;
 - (34) Mr. J. Dausab and others, Hoachanas, by letter dated 11 June 1962;
 - (35) Chief Hosea Kutako and Chief Samuel Witbooi, Windhoek, by letter dated 28 June 1962;
 - (36) Chief Hosea Kutako and Chief Samuel Witbooi, Windhoek, by letter dated 29 July 1962;
 - (37) Mr. Erasmus ja Erastus Mbumba and others, SWAPO, Luderitz, by letter, undated;
 - (38) Mr. Jacob Kuhangua, SWAPO, by telegram received on 20 July 1962;
 - (39) Mr. D. K. Munamava, Sehitwa, Bechuanaland, by letter dated 20 July 1962;
 - (40) Mr. Timothy Holmes, Assistant Editor, *Contact*, Cape Town, by letter dated 25 July 1962;
 - (41) Messrs. Kaukuetu, Ngavirue and Kauraisa, Stockholm, by telegram received on 27 July 1962;
 - (42) Afro-Scandinavian Youth Congress, by telegram received on 15 August 1962;
 - (43) Chief Hosea Kutako, Chief Samuel Witbooi and SWAPO, by letter dated 15 August 1962;
 - (44) Mr. I. G. Nathaniel Maxuirili, Vice-President of SWAPO, by communication dated 23 August 1962;
 - (45) Chief Hosea Kutako, by telegram received on 29 August 1962.
- The following petitions were also received from Mr. Jacobus Beukes, Rehoboth:
- (46) Telegram received on 26 October 1961;
 - (47) Letter dated 28 September 1961;
 - (48) Letter dated 15 October 1961;
 - (49) Letter dated 23 October 1961;
 - (50) Letter dated 7 November 1961;
 - (51) Letter dated 13 November 1961;
 - (52) Telegram received on 16 November 1961;
 - (53) Undated letter;
 - (54) Letter dated 1 December 1961;
 - (55) Telegram received on 2 December 1961;
 - (56) Letter dated 3 December 1961;
 - (57) Letter dated 5 December 1961, co-signed by Mrs. Wilhelmina Beukes;
 - (58) Undated letter;
 - (59) Letter dated 23 December 1961;
 - (60) Letter dated 25 December 1961;
 - (61) Letter dated 29 December 1961;
 - (62) Letter dated 6 January 1962;
 - (63) Letter dated 9 January 1962;
 - (64) Letter dated 16 January 1962;
 - (65) Letter dated 22 January 1962;
 - (66) Letter dated 1 February 1962;
 - (67) Letter dated 6 February 1962;
 - (68) Letter dated 13 February 1962;
 - (69) Letter dated 16 February 1962;
 - (70) Letter dated 11 March 1962;
 - (71) Letter dated 22 March 1962;
 - (72) Letter dated 31 March 1962;
 - (73) Letter dated 1 May 1962;
 - (74) Letter dated 16 May 1962;
 - (75) Letter dated 24 May 1962;
 - (76) Letter dated 1 June 1962;
 - (77) Letter dated 1 June 1962, co-signed by Mrs. Beukes;
 - (78) Letter dated 11 June 1962, co-signed by Mrs. Beukes;
 - (79) Letter dated 19 June 1962;
 - (80) Letter dated 5 July 1962;
 - (81) Letter dated 7 July 1962.
42. Having noted no change in the attitude of the South African Government in regard to the right of

petition to the United Nations, the Special Committee decided at its 24th meeting to regard all petitions received by it as validly received.

43. At its 24th meeting on 24 August 1962, the Special Committee decided that the texts of the petitions and communications listed in paragraph 41 should be reproduced.¹²

44. At its 27th meeting on 29 August 1962, the Special Committee approved a draft resolution which it recommends for adoption by the General Assembly with respect to those petitions and communications.¹³

45. The petitions dealt for the most part with conditions in the Territory, the future of the Territory, and the visit by the Chairman and Vice-Chairman or an alternative visit by the Special Committee as a whole to South West Africa.

46. A petition dated 11 June 1962 from the people of Hoachanas,¹⁴ referred to in the above-mentioned statement by the Reverend Markus Kooper, is representative of the situation in the Territory as described by other petitioners. In that petition, residents of Hoachanas stated that if the situation in the Territory was not as yet clear to some people, the petitioners considered it very difficult to find suitable words to illustrate the situation with adequate clarity. The South African Government which was charged with promoting their moral and material well-being and educating them, had only ill-treated them, deprived them of their land, their rights of citizenship, their right to claim legal ownership of their land, and all fundamental human rights.

47. Having failed to see any positive help coming from the United Nations in response to their many complaints, the petitioners stated, some desperate people had begun to lose faith in the Organization, for they saw no valid reason for having a high esteem of an Organization which was not capable of helping them.

48. Illustrating the application of pass laws, the residents of Hoachanas explained that they could not obtain a pass in Hoachanas, but had to go to Uhlenhorst or Lidfontein, 18 and 17 miles, respectively, from Hoachanas, to obtain a pass to go to a place outside of Hoachanas; if a person fourteen years old or over wants to go to a place only six miles from Hoachanas, he must therefore first travel, usually by foot, a total distance of 36 or 34 miles to obtain a pass.

49. Most of their animals had died as a result of the drought or had been killed because of foot-and-mouth disease, which the petitioners claimed had not been found either on their reserve or on the surrounding farms of Europeans. In this connexion, the petitioners recalled that they had to restock after every severe drought, and, while Africans found the prices they received for the sale of their animals very low, they also found that they had to pay exceptionally high prices to buy animals so that it took years to pay for one animal.

50. The drought was being used as an excuse to reduce the already low wages, according to the petitioners, and people looking for work were sarcastically told to seek work at the United Nations. Bushmen were being hired, supposedly as servants, but were treated like prisoners, being left barefoot and naked,

without shelter and exposed to the summer heat, the winter cold and rain, and they were receiving no pay. The wages of men who had worked for years on a given farm were only five shillings per month and they often did not receive their pay at the end of the month. Comparatively good wages were paid for fencing, but it had become difficult to obtain as much as £2/10/- per month and fencing workers had to pay for their own food. The system of perpetual enslavement had become intensified to such a degree that husbands were being separated from their wives and children.

51. The petitioners, who resented the exclusion of their region from the itinerary prepared by South Africa for the Chairman and Vice-Chairman, asked that another United Nations group be sent out to investigate conditions in the whole country, including small farms and Hoachanas.

52. Since their previous requests to the United Nations had not yet been satisfied, the petitioners again asked, *inter alia*, for the return of the balance of their land which had been excised from Hoachanas and payment of damages in compensation for the libellous accusation that they had stolen karakul (persian lamb) pelts.

53. Chiefs Hosea Kutako and Samuel Witbooi also referred to the drought and the resulting food shortage. They appealed for assistance from the United Nations and specialized agencies.¹⁵ Similarly, the Advisory Board of the Rehoboth Community referred to the effects of the drought and foot-and-mouth disease, stating that Rehoboth, with the rest of South West Africa, was facing a very difficult and precarious future. The Board members appealed for aid in any and every way possible, and explained that whatever financial help might be granted by the United Nations would be used for feeding their indigent children, for the aged and the maimed, for laying out home gardens, for water conservation and road-building and for other social welfare activities in Rehoboth.¹⁶

54. Several of the petitions received dealt with local chieftainship and headmanship disputes in the Aminuis, Waterberg East and Epukiro Reserves. Although some of the persons involved were alleged by the opposing group to be Government supporters, all, from their own statements, were against *apartheid* and in favour of the replacement of the South African Administration by the United Nations.¹⁷

55. One petition, from Mr. Jacob Kuhangwa, referred to the arrest of two South West Africans in Southern Rhodesia.¹⁸ In accordance with a decision taken by the Special Committee at its 9th meeting, the Chairman, by letter dated 26 July 1962 to the Permanent Representative of the United Kingdom to the United Nations, requested that an inquiry be made with a view to providing the Committee with further information concerning the arrests.

56. In a reply, by letter dated 15 August 1962, the Deputy Permanent Representative of the United Kingdom stated that Mr. Lucas Pohamba and Mr. Eliander had been detained by the Southern Rhodesia police on 28 May 1962, as they had no identification papers. They were formally charged on 30 May 1962 under

¹² See annex XII.

¹³ See annex XIII.

¹⁴ See annex XII, No. 34.

¹⁵ See annex XII, No. 36.

¹⁶ See annex XII, No. 27; see also Nos. 4, 46, 57, 61, 64, 66 and 69.

¹⁷ See annex XII, Nos. 13, 15, 16, 19, 22 and 23.

¹⁸ See annex XII, No. 38.

the Registration Identification Act and were remanded until 4 June 1962 for a routine check, when it was discovered that one of the men had given a false name. Both were convicted under the Act on 4 June and fined £1 sterling with the alternative of 10 days imprisonment. As they had no cash, they were imprisoned. The letter went on to state that since they had no identification or onward travel documents or any cash, they fell automatically into the category of prohibited immigrants under the Immigration Act, and after expiry of their prison sentence were detained under that Act while arrangements were made for their repatriation, on 1 August 1962, to South Africa.

57. According to information received from the Vice-President of SWAPO,¹⁹ Messrs. Pohamba and

¹⁹ See annex XII, No. 44; see also No. 3.

Eleander Egumbo Muatale, both Ovambos, appeared before the Magistrates Court in Windhoek after their deportation from Southern Rhodesia. They were found guilty of being in South West Africa without the necessary identification papers and passes and sentenced to a fine of R20 (£10) or 40 days in prison each. They were also ordered to be taken under police escort to Ovamboland. Mr. Pohamba was reported to have informed the Court that in June 1961 the Native Commissioner at Oshikango, Ovamboland, Mr. Strydom, had asked him to resign from SWAPO. When he refused he was tied to a pole for two days without food at Okwakena and, on instructions from the Native Commissioner, was given 24 cuts, four Chiefs having been brought for the purpose. After his release from the pole, he had fled to East Africa fearing for his life if he remained in Ovamboland.

PART IV

OBSERVATIONS, CONCLUSIONS AND RECOMMENDATIONS

Chapter I. General observations on conditions in South West Africa

58. South West Africa is the only remaining Mandated Territory of the League of Nations not yet placed under the United Nations Trusteeship System or granted complete independence. Recent events in the United Nations have shown that the question of South West Africa has become of serious and ever-increasing urgency.

59. The creation of the Special Committee for South West Africa by General Assembly resolution 1702 (XVI) represented a significant change in the Assembly's approach to the question now under consideration. It is a practical approach which has served as a guide to the Assembly in its action to help the indigenous people of South West Africa.

60. The previous Committee on South West Africa was mainly an investigating and fact-finding body, whereas the present Special Committee on the Territory in question has been charged primarily with the execution of specific tasks in South West Africa under resolution 1702 (XVI). This is undoubtedly the most important aspect of the Special Committee's terms of reference.

61. The Special Committee has, moreover, taken over from the former Committee on South West Africa the task of examining information on conditions in the Territory. Here it must be noted that the reports of that Committee have greatly assisted the Assembly in its efforts to expose the prevailing political, social, economic and educational conditions in the Territory. In fact, a great body of documentation on such conditions has been accumulated during the nine years of that Committee's existence. Such documents as last year's reports²⁰ provide background information to anyone seeking detailed knowledge about the situation in South West Africa.

62. In accordance with its terms of reference, the Special Committee decided to review in the following paragraphs the salient features of the situation in the

Territory, mentioning any significant changes that have occurred in the past year, for the Special Committee feels that a complete review of conditions in the Territory this year would only duplicate the description already contained in the last reports of the Committee on South West Africa.²¹ Furthermore, the visit of the Chairman and Vice-Chairman has provided confirmation of the principal facts relating to the Territory on the basis of a first-hand knowledge of the situation and of the real wishes of the great majority of its inhabitants, who desire a radical change of régime.

63. The situation in the mandated Territory has continued to be dominated by the policy of *apartheid* which has been intensified and made more systematic in recent years. Under this discriminatory policy, certain inadequate areas are reserved as the homelands of the indigenous groups. Outside those areas, the country is regarded as belonging to the White population and the presence of indigenous inhabitants is considered to be temporary and as not giving grounds for political or related rights. The entry of indigenous inhabitants into the area outside the reserves, in particular into urban areas, and their continued residence there, are regulated by a pass system. In town, they live in segregated townships and locations and, except for a few minor activities in those townships or locations, have no economic possibilities other than wage labour.

64. In the political field, only Europeans may vote in the elections for the territorial Legislative Assembly, which has a wide field of legislative autonomy, or for the six seats which are provided for the Territory in the South African House of Assembly. In the elections to the House of Assembly held towards the end of 1961 all seats were won by candidates of the Nationalist Party, which unconditionally supports *apartheid*, though the opposition United National South West Party which favours a gradual extension of political rights to the non-European population is supported by 40 per cent of the electorate.

65. Apart from Chiefs and Headmen in the reserves and partly elected advisory boards in reserves and

²⁰ *Official Records of the General Assembly, Sixteenth Session, Supplements Nos. 12 (A/4957) and 12A (A/4926).*

²¹ *Ibid.*

locations, the African population has no representative institutions and has sought its political loyalties first in a Chief's Council established by Chief Hosea Kutako, the ninety-year-old senior Headman of the Hereros and in three modern style political movements, the South West Africa Peoples Organization (SWAPO) which works in conjunction with Chief Kutako and his Council, the South West Africa National Union (SWANU) and the South West Africa United National Independence Organization (SWAUNIO). The aspirations of these movements for the removal of the existing Administration and for United Nations assistance while independent institutions are being set up have been described in greater detail in part III above.

66. African political movements have had to operate within a framework of laws restricting normal political activity which have been intensified during 1962, and under police surveillance and pressure which includes restrictions on meetings, searches at unusual hours and deportations of unemployed Africans from cities to the reserves.

67. The White inhabitants or foreign companies own the main economic resources, including diamond and base metal mines, fishing concerns, trading companies and farms covering the greater part of the fertile land area of the Territory.

68. The limited economic opportunities of the African population have not been widened during the period under review. On the contrary, Africans have been living under increasingly aggravated circumstances as the severe drought in the Territory has prevailed for the fourth straight year, and an epidemic of foot-and-mouth disease has further reduced their cattle. Government assistance has been confined to the provision of emergency food supplies, particularly in Ovamboland, for which Africans have been expected to pay the greater part of the cost. No provision has been made for relief and rehabilitation loans or grants to African stockfarmers though large sums have been loaned or granted to European farmers.

69. Even under normal conditions, the land reserved for African use, which is less than half that available to a few thousand White farmers, is becoming increasingly inadequate, particularly in the Police Zone.

70. While no public policy statements have been made, it appears to have been the intention of the South African authorities to move Africans in the Police Zone from the smaller Reserves or "black spots" into consolidated Native Reserves somewhat enlarged by the purchase of some adjacent White farms. One small Reserve near Windhoek was thus abolished several years ago and it was also intended to transfer the Nama inhabitants of Hoachanas. This last move, however, has been in abeyance, following United Nations criticism and practical difficulties. Nevertheless, the inhabitants continue to complain of harassment (see part III, paras. 33, 34 and 46 to 52).

71. The African population in the Reserves in the Police Zone is static, being less than a quarter of the total African population. The African population in urban areas is limited by "influx control". A very large proportion of the Africans therefore have to live on European farms and accept employment there.

72. In the field of labour, Africans are not allowed to form trade unions to protect their rights. Africans from the northern Native Reserves outside the Police Zone, mainly Ovamboland, are allowed to take up

employment elsewhere in the Territory only under a system of contracts, the normal term of which was reduced from eighteen to twelve months during the past year. The basic wage under these contracts is 18 cents a day,²² increasing slightly with length of service. For the breach of these contracts, employers are liable to penal sanctions. On the termination of their contracts, workers must be repatriated to their tribal areas. While under present drought conditions there is a surplus of workers applying for contracts, normally there is a shortage, which underlines the meagreness of the wages paid.

73. The whole policy of *apartheid* is buttressed by a system of regulations on the freedom of movement of Africans, which is usually referred to as the "pass laws". No African, unless personally exempted, may go beyond the confines of the location, reserve or farm or other place where he is employed without a pass. Passes are also required for residence in urban areas, and male Natives who cannot find work within a specified period are normally required to leave the area.

74. Medical services for Africans in rural areas are little developed, being carried out where they exist by missionary societies, whose means even when subsidized by the Administration do not usually permit a high standard of facilities. There are separate hospitals for Europeans and non-Europeans in the main urban centres.

75. Educational facilities are provided on a segregated basis for Europeans, Coloured persons and Natives, although the syllabus for Coloured education has recently been made the same as for European education. The most recent estimates available (those for 1961-1962) show expenditures of R.1,513,000 for European education, R.258,000 for Coloured education and R.477,000 for "Bantu" education although the African population is nearly six times as large as the European population. In 1961, the South African authorities began to introduce into the Territory the system of Bantu education which had already been applied for several years in South Africa itself. The main features of this system, as compared with the previous one, are the diminution or elimination of the role of the missionary societies with greater control by the State and the use of the various local languages as media of instruction in the lower classes instead of English or Afrikaans. This only intensifies the basic policy of the South African Government in the educational field which, as noted by the previous Committee on South West Africa, is to restrict Africans to a rudimentary system of schooling and training designed to confine them to menial occupations in order to keep them in a state of subservience to the White minority. It is also the policy of the South African Government to deny Africans access to higher education, thus keeping them from professional activities, from participation in the fruits of their resources, and from contact with enlightened ideas which would cause them to aspire to better ways of life than their present unbearable conditions.

76. This policy was revealed in the contention made by the South African authorities when approached by the Chairman and the Vice-Chairman on the question of opportunities for higher education abroad, that South West African "students would be too young to benefit from such studies and might be exposed to communist

²² This is equivalent to about 25 U.S. cents a day.

influences".²³ These considerations underline the need for the provision of opportunities for the higher education of South West African students by the United Nations itself and by individual Member States.

77. In this connexion the Special Committee for South West Africa records its appreciation of the generosity and co-operation demonstrated by the following States which have offered scholarships to students from South West Africa, in response to operative paragraphs 1(a), 5 and 6 of resolution 1705 (XVI): Burma, China, Ghana, India, Norway, Pakistan, Poland, Sweden, Tanganyika, Tunisia, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, and Yugoslavia.²⁴

Chapter II. Conclusions and recommendations

78. It is obvious from the report of the Chairman and Vice-Chairman that, although they were in the Territory for no more than nine days and visited only such limited places as were included in the itinerary arranged by the South African Government, the Chairman and the Vice-Chairman saw and heard enough of the conditions to be able to confirm the previous

²³ See paragraph 40 of the report of the Chairman and Vice-Chairman (part II above).

²⁴ Norway and Sweden offered scholarships to students from South West Africa prior to the appeal made by the United Nations.

findings and conclusions of the General Assembly on the conditions prevailing in that Mandated Territory.

79. It is equally obvious from the petitions submitted and statements made by South West African nationals and from the Special Committee's remarks on conditions in South West Africa that it will be difficult, if not impossible, to secure the complete implementation of the General Assembly's resolution unless and until a United Nations presence can be established in the Mandated Territory by the granting to the Special Committee or other organs or sub-organs and the specialized agencies of the United Nations of ample freedom to enter and leave the Mandated Territory.

80. Last but not least, it is quite clear that unless there is an early and satisfactory settlement of this question, the situation could result in a serious political disaster with far-reaching consequences.

81. It is therefore imperative that the United Nations should take firm and resolute action on this question so that the South African Government will permit the United Nations to perform its legitimate supervisory function over the Mandated Territory.

82. In the light of past experience the Special Committee considers that the time has come for firm and decisive action on the question of South West Africa and that the Special Committee can do nothing more or less than fully to endorse the conclusions and recommendations contained in the report of its Chairman and Vice-Chairman.

ANNEXES

ANNEX I

General Assembly resolution 1702 (XVI) of 19 December 1961 on the question of South West Africa

The General Assembly,

Recalling its resolution 1514 (XV) of 14 December 1960 entitled "Declaration on the granting of independence to colonial countries and peoples", and its resolution 1654 (XVI) of 27 November 1961 establishing a Special Committee of seventeen members on the application of the Declaration,

Recalling its resolutions 1568 (XV) of 18 December and 1596 (XV) of 7 April 1961,

Noting with approval the special report of the Committee on South West Africa,^a

Bearing in mind the findings, conclusions and recommendations of the special report of the Committee on South West Africa on the measures to be taken to ensure the institution of the rule of law and such democratic processes, reforms and programmes of assistance as will enable the Mandated Territory of South West Africa to assume the full responsibilities of sovereignty and independence within the shortest possible time.

Noting with deep regret that the Government of the Republic of South Africa has prevented the Committee on South West Africa, with threats, from entering the Territory,

Noting with increased disquiet the progressive deterioration of the situation in South West Africa as a result of the ruthless intensification of the policy of *apartheid*, the deep emotional resentment of all African peoples, accompanied by the rapid expansion of South Africa's military forces, and the fact that Europeans, both soldiers and civilians, are being armed and militarily reinforced for the purpose of oppressing the indigenous people, all of which create an increasingly explosive situation which, if allowed to continue, will endanger international peace and security,

Considering that the Government of South Africa has persistently failed in its international obligations in administering the Territory of South West Africa on behalf of the international community,

Reaffirming that it is the right and duty of the United Nations to discharge fully its obligations towards the international Territory of South West Africa,

Convinced that the implementation of resolution 1514 (XV) and the discharge of the responsibility of the United Nations under the Charter towards the international community and the people of South West Africa require the taking of immediate steps by the United Nations,

1. *Solemnly proclaims* the inalienable right of the people of South West Africa to independence and national sovereignty;

2. *Decides* to establish a United Nations Special Committee for South West Africa, consisting of representatives of seven Member States nominated by the President of the General Assembly, whose task will be to achieve, in consultation with the Mandatory Power, the following objectives:

(a) A visit to the Territory of South West Africa before 1 May 1962;

(b) The evacuation from the Territory of all military forces of the Republic of South Africa;

(c) The release of all political prisoners without distinction as to party or race;

(d) The repeal of all laws or regulations confining the indigenous inhabitants in reserves and denying them all freedom of movement, expression and association, and of all other laws and regulations which establish and maintain the intolerable system of *apartheid*;

(e) Preparations for general elections to the Legislative Assembly, based on universal adult suffrage, to be held as soon as possible under the supervision and control of the United Nations;

(f) Advice and assistance to the Government resulting from the general elections, with a view to preparing the Territory for full independence;

(g) Co-ordination of the economic and social assistance with which the specialized agencies will provide the people in order to promote their moral and material welfare;

(h) The return to the Territory of indigenous inhabitants without risk of imprisonment, detention or punishment of any kind because of their political activities in or outside the Territory;

3. *Requests* the Special Committee to discharge the tasks which were assigned to the Committee on South West Africa by the General Assembly in sub-paragraphs (a), (b) and (c) of paragraph 12 of its resolution 749 A (VIII) of 28 November 1953;

4. *Urges* the Government of South Africa to co-operate fully with the Special Committee and with the United Nations in the execution of the provisions of the present resolution;

5. *Decides* to call the attention of the Security Council to the present resolution, in the light of paragraph 7 of resolution 1596 (XV) in which the General Assembly drew the attention of the Council to the situation in respect of South West Africa, which, if allowed to continue, would in the Assembly's view endanger international peace and security;

6. *Requests* all Member States:

(a) To do everything in their power to help the Special Committee to accomplish its task;

(b) To refrain, should the occasion arise, from any act likely to delay or prevent the application of the present resolution;

7. *Requests* the Special Committee to keep the Security Council, the Secretary-General and the Special Committee on the application of the Declaration on the granting of independence to colonial countries and peoples informed of its activities and of any difficulties which it may encounter;

8. *Requests* the Special Committee to study any measures likely to facilitate the execution of the other recommendations of the Committee on South West Africa, and to report to the General Assembly at its seventeenth session;

9. *Decides* to maintain the question of South West Africa on its agenda as a question demanding urgent and constant attention;

10. *Invites* the Secretary-General to facilitate the application of the present resolution.

ANNEX II

Communiqué dated 2 July 1962 approved by the Special Committee at its 6th (closed) meeting

The Special Committee on South West Africa continued its discussion of the question of the submission of the report of its Chairman and Vice-Chairman on their visit to South Africa and South West Africa; but in view of their absence

^a Official Records of the General Assembly, Sixteenth Session, Supplement No. 12A (A/4926).

the Committee decided to request the Governments concerned to ask them to come to New York to submit their report to the Committee in person.

ANNEX III

Text of telegrams transmitted to the Governments of the Philippines and Mexico in accordance with the decision taken by the Special Committee at its 12th meeting

SPECIAL COMMITTEE FOR SOUTH WEST AFRICA HAS DECIDED TO EXPRESS ITS THANKS TO YOUR GOVERNMENT FOR ARRANGING AS REQUESTED THAT THE CHAIRMAN [VICE-CHAIRMAN] REPORT IN PERSON TO THE COMMITTEE, WHICH HE HAS DONE JOINTLY WITH THE VICE-CHAIRMAN [CHAIRMAN].

ANNEX IV

Letter dated 16 June 1962 from the Chairman of the Special Committee for South West Africa to the Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories

A few days after my arrival here from South Africa I received your cable reading as follows: FOLLOWING AT REQUEST OF RAPPORTEUR QUOTE MOST GRATEFUL IF YOU INFORM US APPROX DATE OF YOUR RETURN TO NEW YORK. MEMBERS OF COMMITTEE CONSIDER PRESENTATION OF REPORT MOST URGENT. UNQUOTE.

I deeply regret having had to delay this reply. But as you know, I was sick and hospitalized about ten days before I left South Africa, and I arrived here in Cairo half-sick, greatly weakened and writhing in pain. Even now I remain under treatment by two specialists, one who comes to treat me at my hotel three times a week; and the other, I have to go to his office for short-wave treatments also three times a week. You will thus understand, I trust, why I delayed so long writing to you.

Replying now to your cable on the approximate date of my return to New York, this must depend on several factors. First it will depend on when the report shall be ready for submission to the Special Committee. As you are fully aware, our mission was to have written its report in Nairobi before returning to New York. That was upon my suggestion, because as you also know, before I started on this mission, I was designated Philippine Ambassador to Cairo with Cairo's agreement. My assumption of this new post was, however, deferred until after my return from South West Africa. For this reason I must now have to stay in Cairo awhile before proceeding to New York again. Hence, my desire to have written our report in Nairobi before the mission should return to New York.

This was rendered impossible when, because of my unfortunate unexpected illness and hospitalization in South Africa, Ambassador Martínez de Alva and Mr. Berendsen decided to leave me at the military hospital in Pretoria and proceeded direct to New York. In these circumstances, the report may now be drafted only by long-distance consultations between New York and Cairo. I figure, therefore, that the report would not be ready for submission to the Special Committee until mid-July. If it should then be deemed desirable to have me come to New York to present the report, I shall be glad to ask my Government's permission for me to go to New York, provided the United Nations would bear the expenses of my trip back and forth to New York and Cairo.

As I sense the desire of my colleagues in the Special Committee and the Afro-Asian group for my early return to New York stems from their grave concern over my alleged change of position on *apartheid* and my having allegedly joined the communiqué issued by Prime Minister Verwoerd and Ambassador Martínez de Alva at the end of our mission, I wish to allay their fears and set the record straight by the following:

First, as to my reported change of position on *apartheid* and desire to see *apartheid* succeed, nothing can be further from the truth. During the past ten years in the Fourth Committee, I had been second to none in my denunciations of

apartheid and my condemnation of its evil effects on peace and security and on the lives of the indigenous inhabitants of South West Africa. More than this, in the old Committee on South West Africa these past three years, it was I, more than any other representative who, almost single-handed, caused to be embodied in the Committee's annual reports the most bitter criticism of *apartheid* and its adverse effects on the morale and lives of the peoples concerned. They were the result of well considered views and convictions well known to all which certainly do not change overnight, and I must say categorically that nothing I have heard or observed during our mission to South Africa and the Mandated Territory has changed those views in any degree.

Secondly, as to my having allegedly joined in the joint communiqué issued by the South African Prime Minister to the effect that we found no evidence that the situation in the Territory was a threat to international peace and security, nor that the Territory was being militarized, nor yet that there was a gradual extermination of the population, I must dissociate myself completely from any participation in, or responsibility for, said communiqué. When, on Thursday, 24 May, upon the resumption of our discussions with the South African Government following our visit to the Mandated Territory, the Prime Minister asked for our findings on these points, I remonstrated to him that the short ten-day visit to such few places as we could cover under our ten-day itinerary was hardly a sufficient basis for any contrary conclusions on facts and findings contained in General Assembly resolutions; that under the terms of the invitation for our visit to South and South West Africa, we were forbidden to discuss sub-paragraphs (b) to (h) of operative paragraph 2 of Assembly resolution 1702 (XVI), and, hence, much less should they be the subject of adverse findings by the Chairman and Vice-Chairman unless otherwise expressly authorized to do so by the Special Committee or the General Assembly, which was not the case.

But neither then nor at any other time did I ever participate in the drafting, approval or issuance of any joint statement or communiqué on these matters. It was when I got sick the following Friday and Saturday, absent and unable to attend the last two meetings with the Prime Minister, that the joint communiqué was drafted, discussed and approved. Under the rules, when a Chairman is absent or unable to perform his functions, the Vice-Chairman takes over in his own right and whatever decision he makes, he does so on his own irrespective of contrary views of the absent Chairman.

In this case, I was sick and absent at the time the joint statement was drafted, discussed and approved. I authorized no one to include my name thereto. While it is true that before going to the meeting on Saturday morning, Ambassador Martínez de Alva, accompanied by Mr. Berendsen and Miss Yarrow, came to my sickroom pleading for my consent to the communiqué, I never gave him my consent. He left in disgust when I refused, leaving Mr. Berendsen and Miss Yarrow to work on me further, but I told them straight that if my Mexican colleague really wished to join, he could do so on his own without any objection on my part. I must, therefore, disclaim any participation in, or responsibility for, the communiqué in question.

I should now wish to deal with what I believe should be the form and contents of our mission's report. First to consider is the nature and extent of the mission undertaken by the Chairman and Vice-Chairman in their visit to South and South West Africa. It is well here to remember that while sub-paragraph (a) of operative paragraph 2 of Assembly resolution 1702 (XVI), envisages a visit to the Mandated Territory, it is silent on what the purpose of that visit should be. The visit in this case was actually made not by the Committee but by the Chairman and Vice-Chairman, and then only under conditions in which it was not to discuss sub-paragraphs (b) to (h) of operative paragraph 2 of its terms of reference.

In these circumstances, I have considered the visit more as a diplomatic goodwill mission to establish contacts and broaden the rapprochement between the United Nations and

the South African Government and thus to establish United Nations presence in the Territory, without which implementation of the Assembly resolution would be well nigh impossible, and less as a fact-finding mission and even less for the purpose of setting aside or nullifying previous findings or conclusions of the General Assembly, but primarily to seek the best ways and means of implementing the terms of the Assembly resolution. In other words, I consider the functions of the Special Committee basically to implement, rather than to question or destroy the validity of, the Assembly resolution.

With these in mind, I suggest that the first part of the report should be an account of the diplomatic contacts, manoeuvres and exchange of views between the Chairman and Vice-Chairman, on the one hand, and the representatives of the South African Government, on the other, and this whether it be in New York, Pretoria and elsewhere, and starting from the initial contact with Ambassador Fourie in New York to the issuance of the joint communiqué in Pretoria on Saturday, 26 May 1962; this, to be followed by an appraisal of the mission's success or failure in establishing the required contact and rapprochement between the United Nations and the South African Government or in the establishment of United Nations presence in the Territory.

This first part of the report may well include the initial exposition of views on the part of officials of the South African Government in Pretoria on 7 and 8 May 1962; the emphasis they gave to their denials of the basic findings and conclusions set forth in Assembly resolutions; the importance they attached to previous historical background and geographical contiguity between South and South West Africa in the search for an acceptable solution to the South West African question. The last of this first part of the report must, of course, take into account the obvious desire of the Prime Minister at the resumption of the Pretoria discussions on 24 and 25 May for the Chairman and Vice-Chairman of the Committee to express their findings on basic conclusions contained in the Assembly resolutions; the positions taken thereon by the Chairman and Vice-Chairman; and the circumstances that finally led to the issuance of the alleged joint statement issued at the last meeting on Saturday, 26 May 1962.

The second part of the report may well be an account of the ten-day hurried visit of the mission to the Territory, pursuant to an itinerary prepared by the South African Government; of the hearings granted by the mission during the visit; the general trend of views expressed at such hearings, first, by the younger generation in their unanimous desire for a change of administration through the replacement of South African administration by that of the United Nations; their disdain and hatred of *apartheid*; and their desire for the grant of their freedom at an early date; and, secondly, the seeming complacency of the old, ignorant generation, and of European vested interests to tolerate the present *status quo*.

This second part of the report may fittingly make an objective appraisal of the administration's efforts of late to provide and better conserve rain water supply, build additional schools and hospital facilities, but it must be stressed that however well intentioned these efforts may be, they are far too inadequate to subserve the real needs of the Non-European population nor materially to redeem them from the dire poverty, misery, ignorance and disease which have been their lot for generations. This part should generally be brief and in general terms, and then only as a background for the need of early United Nations action in the letter and spirit of the Mandate and of General Assembly resolutions on the matter.

Lastly, and by way of conclusion, the report could well set forth its conclusions and recommendations to the effect that the South African Government's emphasis on the so-called historical background and contiguity of the Mandated Territory to South Africa seems to preclude any solution acceptable to the South African Government other than partition or annexation of the Mandated Territory; that while hounded by the dismal spectre of isolation from the rest of the world and by the combined wrath of public opinion against her *apartheid* policies and continued defiance of the United Nations, the

South African Government, unable to find any graceful exit from her untenable position, seems desperately trying to cling to the present *status quo*; and that it behooves the United Nations to be ever vigilant, never relaxing in its attempts to have the South African Government realize the absurdity and futility of her *apartheid* policy and the folly of her callous defiance of the United Nations on the South West African question.

These are my considered views on the form and substance of the report which I trust you will present to the Vice-Chairman for his comments, hoping that by mutual consultation, a common ground may be found for the final form and contents of the report.

For the information of all concerned, I would like to request that this letter be circulated to members of the Special Committee of South West Africa and to all others interested in my views on *apartheid* and on the mission's report of its visit to South and South West Africa.

(Signed) Victorio D. CARPIO
Philippine Ambassador and
Chairman of the Special Committee
for South West Africa

ANNEX V

Letter dated 16 July 1962 from the Permanent Representative of Mexico to the United Nations to the Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories^b

I have the honour to address you with reference to the communiqué issued on 26 May by the Prime Minister and Minister of External Affairs of the Republic of South Africa, on the one hand, and the Chairman and Vice-Chairman of the United Nations Special Committee for South West Africa, on the other hand. In this connexion I wish to make plain, on the express instructions of the Ministry of Foreign Affairs of Mexico, the position of my Government with respect to the aforementioned communiqué, this being necessary both on account of the part played in the drafting of the communiqué by Ambassador Salvador Martínez de Alva in his capacity as Vice-Chairman of the Committee and on account of the subsequent repercussions of the said document.

In the first place, the Government of Mexico had no prior knowledge that the communiqué was to be issued, or, much less, of its contents. Indeed, it was only through the international press services that my Government first learned of the communiqué in question. It should be pointed out in this connexion that the customary procedure in such cases would have been for the Chairman and Vice-Chairman of the Committee to have reported to the latter before taking upon themselves the responsibility of making a joint declaration with the South African Government.

On the other hand, I would point out that in my opinion due consideration should be given the explanation offered by Ambassador Martínez de Alva in this connexion, namely, that when a representative in a United Nations organ or committee, acting in an elective capacity, assumes the role of an official or representative of that organ or committee, he need not, generally speaking, receive instructions in that capacity from his Government, since he must be guided in his conduct exclusively by the mandate conferred on him for that purpose by the body which elected him or authorized him to act as its representative. This statement is the more applicable to the present case seeing that under the terms of the reply given by the Chairman of the Special Committee for South West Africa to the letter dated 11 April 1962 of the Permanent Representative of the Republic of South Africa, the Chairman and Vice-Chairman were to enter informally into a review of the matter at issue between the United Nations and the South African Government.

It is clear from the foregoing that Ambassador Martínez de Alva never thought that the communiqué should express the views of the Government of Mexico, as indeed it does not.

^b This letter was received on 23 July 1962.

Turning now to the actual content of the document under discussion, I wish to state that neither my Government's traditionally anti-colonialist position nor its position on the specific case of South West Africa, have varied by one iota. This being so, it is obvious that if it had been consulted on the contents of the communiqué the Mexican Government would have had to reserve its position with regard to certain judgments and opinions expressed in it, especially those that might be interpreted as ignoring or contradicting the various resolutions adopted on the subject by the General Assembly and supported by my country's vote. Especially as this point was not dealt with in the communiqué, I feel that I should take this opportunity to reaffirm the well-known position of the Government and people of Mexico, a position absolutely opposed to any form of racial discrimination.

In view of the particular importance of the question, I should like, as Permanent Representative of Mexico to the United Nations, to reaffirm my Government's deep faith in the ultimate objectives of General Assembly resolution 1514 (XV) and its sincere desire that the new States attaining independence in exercise of the right of peoples to self-determination should do so in conditions ensuring the political, economic and social advancement of their inhabitants. It may be pertinent to recall that in pursuit of this policy the Mexican delegation in the Fourth Committee went so far as to suggest, during the sixteenth regular session of the General Assembly, that the United Nations, in its capacity as successor to the League of Nations, might if necessary revoke the mandate conferred by the latter on the Union of South Africa on the ground that the Government of South Africa had not complied with the obligations it had freely assumed in accepting the mandate, and that the administration of South West Africa might in that event be assumed directly by the United Nations for the period required to prepare the Territory for independence, the objective contemplated in General Assembly resolution 1702 (XVI).

Having made that clear, I should now like to inform you that my Government in response to the request made to it by the Special Committee for South West Africa, has instructed Ambassador Martínez de Alva to come to New York in order to report to the Committee, in his capacity as its envoy, on what he saw and heard during the visit he made in accordance with the mission the Committee had entrusted to him. I believe it fitting to point out that my Government maintains its confidence in the integrity, good faith and seriousness of purpose which Ambassador Salvador Martínez de Alva has consistently demonstrated throughout the long years of his service.

With reference to the letter sent to you on 16 June by Ambassador Victorio Carpio,^c I am enclosing herewith a communication from Ambassador Martínez de Alva^d which he has asked to have circulated in the same way as Ambassador Carpio's letter. In this communication, Ambassador Martínez de Alva explains the circumstances in which the communiqué referred to in the first paragraph of this letter was drafted and issued.

I would request you to have this letter circulated to all Members of the United Nations.

(Signed) Luis PADILLA NERVO
Permanent Representative of Mexico to
the United Nations

ANNEX VI

Letter dated 16 July 1962 from the Vice-Chairman of the Special Committee for South West Africa to the Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories^e

I have just received a copy of the letter of 26 June^f sent by Mr. Victorio D. Carpio, Chairman of the Special Committee

^c Annex IV.

^d Annex VI.

^e This letter was received on 23 July 1962.

^f See annex IV.

for South West Africa, in reply to a cable from the Committee asking him to state when he intended to return to New York inasmuch as it was urgent that a report should be submitted.

The Chairman of the Special Committee said in his reply that he had been and continued to be sick and that his return to New York would depend on when the report was ready for submission. He stated that he had intended to write the report at Nairobi before presenting his credentials as Ambassador at Cairo but that it had not been possible for him to do so because Mr. Berendsen and I had decided to return to New York, leaving him in a hospital. Accordingly, Mr. Carpio said, the report would now have to be drafted by means of consultations carried on between New York and Cairo and, as a result, would not be ready for submission until mid-July. If his presence in New York was desired at that time, he would be glad to go there if his Government granted him permission to do so and if the United Nations paid his expenses there and back.

At the same time, Mr. Carpio said, it was his impression that the Special Committee was anxious to hear all the facts about his alleged change of position regarding *apartheid* and about the part he had "allegedly" played in connexion with the joint communiqué, which he said had been issued by the Prime Minister of South Africa and myself.

He said that he had not changed his position on *apartheid* in the slightest degree. Having been a bitter enemy of that reprehensible system for many years, he certainly could not have changed his views overnight. Above all, he had seen nothing during his visit which could have caused him to alter those views in any way.

With regard to the joint communiqué "issued by the Prime Minister", which stated that we had found no evidence that the situation in South West Africa was a threat to international peace and security, that the Territory was being militarized or that the population was being gradually exterminated, Mr. Carpio said that he felt obliged to dissociate himself completely from any participation in the issuance of that document and, of course, from any responsibility for its drafting and issuance.

I see no need to repeat here any of the other statements which Mr. Carpio makes in his letter, both because the letter has been circulated to the members of the Special Committee at his request and because my sole purpose in writing this letter is to comment on Mr. Carpio's unequivocal statement that he wishes to "dissociate myself completely from any participation in, or responsibility for, said communiqué" and his further assertion that he never gave me his consent for the issuance of the communiqué.

Since the acceptance of Mr. Carpio's statements in this regard might reflect on my veracity and impair my personal and professional reputation, I fear that it is my painful duty to give you an account, as briefly as possible, of what happened. I shall confine myself here to the circumstances relating directly to the preparation and drafting of the joint communiqué.

I must state, first of all, that at the morning meeting on 7 May both Mr. Carpio and I agreed to the South African Prime Minister's proposal that, in order to avoid any difficulties with the Press and disputes with newspapermen that might result from conflicting statements, we should not make any separate statements but rather issue a joint communiqué at the end of our talks which would indicate all the results achieved. Thus, the Chairman and Vice-Chairman of the Special Committee were in agreement with the Prime Minister from the outset with regard to the issuance of a joint communiqué.

I shall not give an account here of our visit to South West Africa, since the place for that will be in my report to the Special Committee (which I shall submit either jointly or separately, depending on the circumstances). I merely wish to point out that at our meeting with the Prime Minister on the morning of 25 May, following our return to Pretoria, Mr. Carpio and I once again gave our approval for the issuance of a joint communiqué. It was therefore agreed at that meet-

ing that two members of the Prime Minister's staff and the members of our own staff should be assigned to prepare a draft, which we were to examine at the meeting scheduled for 4 o'clock that afternoon.

The persons assigned to prepare the first draft of the communiqué held an immediate meeting, and, after they had reached agreement on a draft, Mr. Carpio, our secretaries and I spent the hour between 3 and 4 o'clock studying it. Mr. Carpio suggested several drafting changes, which I immediately accepted and which were promptly noted down in the draft. Mr. Carpio thereupon stated that, since he was feeling unwell, he would not take part in the meeting that afternoon. As he had already set forth his views to me and they were in accord with my own, I had no objection to attending the meeting alone.

At the meeting, we discussed the draft communiqué, which was acceptable to all of us in its broad outlines. However, since Mr. Carpio was absent, I stated that I could not give final approval to the draft on my own exclusive responsibility. I therefore requested that we should meet again the following day (26 May), after I had once again consulted the Chairman of the Committee, in order to adopt a final text. Before adjourning, we prepared a fair copy of the second draft, which I took to Mr. Carpio that evening for his perusal, offering to return the next day to consult him before going to the final meeting.

Accordingly, I went to Mr. Carpio's apartment on Saturday, 26 May, at 9 a.m., to speak to him, as we had agreed, and accompany him to Government House. Mr. Carpio stated that he felt extremely unwell and that I should therefore take charge of everything. I replied—in the presence of our secretaries, who had just arrived—that I would on no account do so. I added that if he was dead or dying—but only then—I would not hesitate to take the necessary steps on my personal responsibility to bring our mission to a successful conclusion; since that was fortunately not the case, however, I was prepared to act only with his full knowledge and consent and therefore requested him to accompany us to the meeting, where he could present any views he might have with regard to the communiqué.

Since I could not induce Mr. Carpio to attend the meeting at Government House with me, I prevailed upon him to examine the draft communiqué together with the two secretaries and myself. The result was that he approved the complete text with the exception—for the time being—of paragraphs 3 and 4, which he wished to present in a different manner.

With regard to the two paragraphs, the secretaries and I pointed out to Mr. Carpio that the matters dealt with in them had been discussed at the meetings and that the wording contained in the draft reflected that discussion. We said that the paragraphs must not be distorted in any way, since the communiqué which we were preparing had to be a completely truthful presentation and, as a text issued jointly by the participants in the talks, would actually be all there was to submit to the United Nations as the fruit of our efforts.

Since Mr. Carpio continued to press his objections and it was unthinkable that I should attempt to exert pressure on him in any way, I took leave of him, leaving him with the secretaries assigned to us by the United Nations. Before leaving Mr. Carpio's apartment, I earnestly requested him to send word to me through the secretaries of whatever he decided, since otherwise it would be impossible to avoid prolonging the discussions and to reach agreement on the communiqué.

Fortunately, Mr. Berendsen and his assistant, Miss Yarrow, emerged from Mr. Carpio's apartment less than ten minutes later and informed me that Mr. Carpio had finally yielded to persuasion. They said that he gave me full authority to accept the joint communiqué as it had been drafted, including paragraphs 3 and 4, but with the changes on which he had been so insistent (and on which careful notes had been made).

We therefore set out at once for "Libertas", the Prime Minister's official residence, where, because of the events just described, we arrived somewhat late.

At the Prime Minister's residence, we once again discussed in detail every idea and, indeed, every word in the communiqué. Although we attempted to perfect the wording as much as possible, we fully respected Mr. Carpio's wishes in every way, even as regarded the minor changes on which he had insisted. After our secretaries and the South African officials had compared the copies prepared for the Press with the draft which had resulted from our joint efforts, including those of Mr. Carpio, we had a few moments of conversation with the Prime Minister and then took our leave of all those present.

I do not know what I would have done if Mr. Carpio had not unequivocally given me full authority to approve the joint communiqué. I would probably have asked that further meetings should be held, and our entire mission would probably have ended in failure. However, since Mr. Carpio had authorized me in the presence of witnesses, in the manner indicated above, to approve the communiqué on his behalf, I was glad to give approval to the final draft on my own behalf as well. (With Mr. Carpio's prior knowledge, I had the final sentence added, covering certain points which we had discussed briefly, even though they had been excluded from our agenda, and vaguely suggesting the possibility of future meetings.)

It should be apparent from the above account, which is completely accurate that Mr. Carpio was entirely satisfied with the part he took in drafting the joint communiqué and that he gave his approval to every paragraph.

May I say, with reference to the next to the last paragraph in Mr. Carpio's letter, that I am sincerely desirous of consulting with him in an effort to find a basis for submitting a joint report to the Committee, provided, of course, that the Committee requests such a report.

I wish to state in conclusion that I have always rejected *apartheid* on both political and moral grounds, even in its most limited forms, since it represents a complete denial of human dignity and is wholly at variance with my convictions.

Since Mr. Carpio requested that his letter should be circulated to the members of the Special Committee, I should be most grateful if you would have this letter circulated in the same manner.

(Signed) Salvador MARTÍNEZ DE ALVA
Ambassador of Mexico
Vice-Chairman of the Special
Committee for South West Africa

ANNEX VII

Letter dated 17 July 1962 from the Vice-Chairman of the Special Committee for South West Africa to the Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories^a

I have the honour to refer once more to the letter of 16 June last, addressed to you by the Chairman of the United Nations Special Committee for South West Africa^b in order to give my views, as Mr. Carpio desires, on the form and content of the report which we have to submit regarding our visit to South Africa and South West Africa, and likewise regarding our work, observations, conclusions, etc.

In this connexion, I consider that the report should be drafted strictly chronologically, since the presentation of events in the order in which they occurred prepares the mind of the reader rationally, without influencing or predisposing him in one direction or another.

Accordingly, the report would begin with a summary of what was decided upon by the Special Committee, during the period from its first to its last meeting, with prime emphasis upon the Committee's adoption of a discreet, calm and courteous approach with a view to establishing and developing our relations, first with the representative of the Government of South Africa and then with the Pretoria Government.

^a This letter was received on 24 July 1962.

^b See annex IV.

Thereafter the report might deal with the conditional invitation received from South Africa and its acceptance, without objection, by our Committee.

The report might then go on to speak of the decision that I myself should be a member of the Sub-Committee which was to visit South Africa and South West Africa.

Subsequently, mention might be made of the very restricted aims laid down for us, and finally, in all detail, of the unlimited powers given us—first, to establish an atmosphere of cordiality which would operate in favour of the opening and development of subsequent negotiations; secondly, to secure entry into South West Africa; and thirdly, to make all the necessary efforts to obtain what was further possible, within the framework of resolutions 1702 (XVI) and 1705 (XVI) without forgetting, however, that we were not to broach sub-paragraphs (b) to (h) of operative paragraph 2 of resolution 1702 (XVI).

Thereafter the report might mention the various stages of the journey from New York to Pretoria.

Immediately afterwards, it might speak of the first four meetings with the Prime Minister; then, of the journey in all its details; and finally, of the five final meetings with the Prime Minister, in the course of 24, 25 and 26 May last, up to the time of the joint statement, including that of Mr. Carpio's illness.

The next chapter might contain our impressions and conclusions, which, whatever they may be, should, in accordance with the policy adopted by the Special Committee from the outset, be sincere, honest and judicious in their drafting, should recognize and enumerate the advantages secured by the Sub-Committee for the Committee and for the United Nations, and should express regret that so much nevertheless still remains to be done. The same should apply to what is said about the contention regarding the Mandate and against the system of *apartheid*, which is entirely at variance with human dignity, human rights and the spirit of the times.

At the end of the same part of the report confidence should also be expressed that the Government of South Africa will continue to grant, to the Special Committee, and the United Nations, the same facilities which it granted to the Sub-Committee, and reference should be made to the benefits of its co-operation with a view to the solution of all pending questions, not only for the greater good of the inhabitants of the Territory of South West Africa, but for the sake of world peace.

At the same time, confidence should be expressed that in view of the report's objectivity the Special Committee will transmit it to the General Assembly, together with such comments as it may see fit to make regarding the attitude adopted in this matter both by the Committee itself and by the Government of the Republic of South Africa.

I request, Sir, that you will be so good as to circulate this letter, in the same way as I requested circulation of my earlier communication of July 1962.

(Signed) Salvador MARTÍNEZ DE ALVA
Ambassador of Mexico
Vice-Chairman of the United Nations
Special Committee for South West Africa

ANNEX VIII

Letter dated 27 July 1962 from the Permanent Representative of the Philippines to the United Nations to the Acting Chairman of the Special Committee for South West Africa

I wish to inform you that I have received the following cable from the Secretary of Foreign Affairs of the Republic of the Philippines:

PLEASE READ FOLLOWING LETTER TO SOUTHWEST AFRICA COMMITTEE CHAIRMAN AND REQUEST ITS ISSUANCE AS DOCUMENT COLON QUOTE SIR IN ACCORDING TO YOUR REQUEST FOR THE APPEARANCE OF AMBASSADOR CARPIO BEFORE YOUR COMMITTEE CMA THE PHILIPPINE GOVERNMENT WAS MOVED BY THE DESIRE TO FACILITATE THE WORK OF THE COMMITTEE IN PROTECTING THE

RIGHTS AND INTERESTS OF THE INHABITANTS OF SOUTHWEST AFRICA PD THIS IS THE PRIMARY PURPOSE OF THE COMMITTEE AND THE SOLE OBJECT OF THE MISSION UNDERTAKEN ON ITS BEHALF BY ITS CHAIRMAN AND VICE-CHAIRMAN PARA IN THE LIGHT OF THIS PURPOSE AND OBJECTIVE CMA THE PHILIPPINE GOVERNMENT EXPRESSES THE HOPE THAT THE DELIBERATIONS OF THE COMMITTEE WILL BE SUCH AS TO ENCOURAGE AMBASSADOR CARPIO AND DR MARTINEZ DE ALVA TO SUBMIT A JOINT REPORT PARA REGARDLESS OF THE TEXT OF ANY COMMUNIQUE OR OF ANY STATEMENT THAT MAY HAVE BEEN ISSUED CMA THE POSITION OF THE PHILIPPINES RELATIVE TO THE BASIC QUESTION REMAINS UNCHANGED PD THIS POSITION IS ONE OF UNCOMPROMISING OPPOSITION TO APARTHEID AND ALL ITS EVIL PRACTICES AND INSTITUTIONS PD SIGNED EMMANUEL PELAEZ CMA SECRETARY OF FOREIGN AFFAIRS UNQUOTE

I would appreciate it if the aforementioned letter is issued as a Committee document.

(Signed) Jacinto C. BORJA
Permanent Representative of the Philippines
to the United Nations

ANNEX IX

Summaries of statements by the Chairman of the Special Committee for South West Africa at the 14th meeting of the Committee on 3 August 1962¹

The Chairman said that, in view of the statement made to the Committee by the representative of Mexico at the previous meeting, he felt it his duty to defend his integrity and to explain his position with respect to the alleged joint communiqué.

In the first place, he had never agreed, as the Mexican representative had asserted, to the proposal that from the beginning of the visit to South Africa and South West Africa the officials of the South African Government and the officers of the Special Committee would not issue separate statements. He would never have accepted any such "understanding" because, unlike the Vice-Chairman, who had insisted that the Special Committee had given its officers full latitude to take whatever action they deemed necessary, he considered that his powers as Chairman were very limited and that he was not authorized to join in issuing any communiqué. He might have associated himself with the communiqué if he had had no knowledge of the previous debate on South West Africa in the United Nations and had acted out of inadvertence or stupidity, or if he had been blind to the possible consequences of such action. However, since he had been in full possession of his faculties, he could never have lent his name to the document. He might have done so if, like some delegations in the United Nations, he were merely paying lip service to anti-colonialism and actually favoured the colonial Powers; fortunately for his Government, he was a sincere champion of anti-colonialism and would never have been stupid enough to subscribe to a communiqué which destroyed the very basis of the General Assembly resolutions on South West Africa. He might have been led to participate in the communiqué if he were a weakling without character who had succumbed to the pressure of South African officials. The fact was, however, that he had always fought for his convictions when he believed them to be consistent with the views of his Government or the principles of the United Nations. He had objected from the first to the proposal that a joint communiqué should be issued, because he had realized that it would negate the urgency of an immediate solution of the question of South West Africa. Moreover, he knew that his Government would not have tolerated his endorsement of the communiqué.

Citing further cogent reasons for not joining in the communiqué he pointed out that, as Chairman of the Special Committee, he did not consider himself authorized by either the Committee or the Assembly to nullify the findings which the Assembly had established after years of investigation of the situation in South West Africa or to invalidate the Committee's basic terms of reference, namely, to implement the

¹ A/AC.110/SR.14.

relevant General Assembly resolutions. Moreover, by joining in the communiqué, he would, in effect, have been making a report of the mission's findings to the South African Government before submitting it to the Special Committee and the Assembly. Such an action would have been improper and he would never have compromised the prestige of the United Nations in that way. Indeed, the invitation extended by the South African Government to visit South Africa and the Territory, had prohibited the Chairman and Vice-Chairman from considering or taking action with respect to subparagraphs (b) to (h) of operative paragraph 2 of resolution 1702 (XVI). No insistence on the part of the South African Government could have persuaded him to make any statement on those questions. Indeed, on matters so basic as those contained in the communiqué, he would never have made any pronouncement without consulting his Government, for he freely acknowledged that he had gone to South Africa as a representative of the Philippine Government and not merely of the Special Committee or in his personal capacity. In that connexion, the Committee would recall the statement of the Mexican Government that it had never been consulted by the Vice-Chairman with regard to the communiqué and that that document did not represent its position.

It should also be borne in mind that the Chairman and Vice-Chairman had been in South West Africa for only nine days. In that brief period, they had visited only a few localities designated by the South African Government in the itinerary planned for them. They could not possibly, following that short visit, feel justified in presenting conclusions regarding the existence of a threat to peace and security in the Territory, attempts to exterminate the indigenous population or the militarization of the Territory, the three key matters with which the communiqué dealt. Long before the date on which the document had presumably been issued, they had received a memorandum outlining those three questions. Thus, they had had time to consider their implications. Unless he had lost all reason, he would never have signed any expression of views concerning them. The intention of the communiqué had been to destroy the prestige of the United Nations and he would in no circumstances have aided or abetted such an attempt.

The fact was that the communiqué was not his. He had been ill at the time it was signed and issued and unable to attend the meetings. It had been drawn up, according to the Johannesburg *Sunday Times* of 27 May, by the South African Minister of External Affairs and the Secretary of the Visiting Mission and not, as the Mexican representative had contended, by two members of the South African Government and two members of the Secretariat. The Vice-Chairman, by his own admission, had not succeeded in persuading the Chairman to grant authority to sign the communiqué on his behalf. The Vice-Chairman, having instructed the Secretariat members to convince the Chairman, had left and had never even verified, before his meeting with the Prime Minister of South Africa to finalize the draft, whether in fact the Chairman had granted him the necessary authority. In the circumstances, Mr. Martínez de Alva had acted not as the proxy or agent of Mr. Carpio, but on his own responsibility. Showing an amazing lack of independent thinking, he had stated candidly that if the Chairman had not granted him authority to sign the communiqué, he did not know what he would have done. Yet, he had been aware that the Chairman had been incapacitated, helpless, ill. Someone had taken liberties with the Chairman's name and prestige in order to maintain falsely that the communiqué was a voluntary act in which he had participated with full knowledge of the facts.

The question of the alleged joint communiqué was a private affair between the Mexican and Philippine representatives. It would be an abject surrender of sovereignty if the Special Committee should allow the Committee of Seventeen to decide on the basis of the relevant documentation whether it constituted part of its work. It was the duty of the Committee to decide for itself whether it had authorized the Chairman and Vice-Chairman to join in the communiqué, and whether the document was an act of the Committee and was binding upon it.

He reserved the right to divulge additional information if compelled to do so by further statements from the representative of Mexico. Having realized that he had made a mistake, the latter had sought to implicate the Chairman. For his part, he was prepared to be confronted with witnesses in order to prove conclusively that he had never joined in the communiqué.

* * *

The Chairman stated that, regardless of the instructions given them, neither the Chairman nor the Vice-Chairman had been empowered to take any action which was inherently *ultra vires*: for his part, he did not consider that he had been authorized to join in the communiqué.

ANNEX X

Summaries of statements by the Vice-Chairman of the Special Committee for South West Africa at the 13th and 14th meetings of the Committee on 2 and 3 August 1962¹

Mr. Martínez de Alva (Mexico), analysing the third paragraph^a in detail, pointed out that the communiqué existed and had actually been issued jointly by the South African Government, the Chairman and the Vice-Chairman; consequently, it could not be described, as it was in the first sentence, as an "alleged" joint communiqué, nor could it be attributed solely to the South African Government. The second sentence should also be brought into line with the facts: while it was true that the communiqué was not an official act of the Committee, it was certainly a voluntary act of the three parties which had signed it. Since the Chairman continued to deny that he had had any part in the preparation, drafting or publication of the communiqué, and the Vice-Chairman challenged his position, the text should refer to the letters they had sent to the Under-Secretary explaining their respective positions. Moreover, while it was true, in absolute terms, that neither the Committee nor the Assembly had specifically instructed the Chairman and Vice-Chairman to issue the communiqué, the latter had been given full latitude to take such action as they deemed appropriate once they were in South Africa and South West Africa. The records of the Committee meetings held prior to their departure clearly indicated that they enjoyed full freedom of action. Accordingly, once in South Africa, they had agreed not to issue daily statements to the Press following each meeting, but to reserve their expression of views for a final statement. Neither had objected to the South African Prime Minister's suggestion that a joint communiqué should be issued.

* * *

Mr. Martínez de Alva (Mexico), resuming his analysis of the draft text, observed that the relevance of his remarks could hardly be challenged in view of the documentation available to members of the Committee, including the letter from the Mexican Government and the letters from the Chairman and himself on the point at issue.

It had been necessary and appropriate to issue the joint communiqué because there were no minutes or records of the conversations held between the Chairman and Vice-Chairman on the one hand, and the Prime Minister and Minister for External Affairs of South Africa on the other. That fact was unaffected by the Chairman's belated objections to certain passages. The Chairman had participated in those conversations; he had been fully aware of the position and it had been with his consent that the communiqué had been prepared. Indeed, the Chairman and the Vice-Chairman had proceeded in full agreement from the time the communiqué was drafted until it was issued. He personally was not prepared to alter a single word of the statement to which he had subscribed.

The final sentence of the third paragraph of the draft letter of transmittal should be amended, since the existence of the communiqué could not be denied, irrespective of the Committee's opinion of its contents, and since it had, in fact,

¹ J/AC.110/SR.13 and 14.

^a See letter of transmittal in para. 19 above.

been issued jointly by the spokesmen of the South African Government and by the Chairman and Vice-Chairman, acting in their official capacity as representatives of the Committee.

*
*

Mr. Martínez de Alva (Mexico) said that he would have been willing to give full credence to the Chairman's explanation if it had not been offered *ex post facto*. Whatever his reasons for not joining in the communiqué, the fact was that he nevertheless had done so and was responsible for that action to the same extent as the Mexican representative, the only difference between them being that the one maintained his position while the other now repudiated it. The Vice-Chairman's position had been fully explained in the document addressed to the Secretariat by the Mexican Government and he would not add a single word to it. However, he would not tolerate the conclusion drawn by the Philippine representative from his statement that, if the Chairman had not given him full authority, he would not have known how to proceed. That statement, far from indicating stupidity on his part as the Chairman charged, merely showed that he did not regard himself as infallible. Since the Chairman had granted him the necessary authority, there had been no difficulty. On the other hand, he strongly protested against Mr. Carpio's veiled threat to take drastic steps if he himself should insist on further clarifying the position: it was not worthy of the Chairman of the Committee.

With regard to the authority granted to the Chairman and Vice-Chairman by the Committee, it was his personal view that they had enjoyed unlimited freedom of action during their visit. That view was supported by the proposal made by Norway before their departure, to which the Committee had agreed,¹ that although their mission was exploratory in nature, the Committee should not give them instructions or impose limitations on them.

ANNEX XI

Record of the hearings held by the Chairman and Vice-Chairman in South West Africa

[This annex is reproduced in mimeographed form only, as document A/5212/Add.1.]

¹ See A/AC.110/SR.4.

ANNEX XII

Written petitions and communications received by the Special Committee

[This annex is reproduced in mimeographed form only, as document A/5212/Add.2.]

ANNEX XIII

Draft resolution concerning petitions and communications relating to the Territory of South West Africa

(Unanimously approved by the Special Committee for South West Africa and proposed for adoption by the General Assembly)

The General Assembly,

Having accepted the advisory opinion of 11 July 1950 of the International Court of Justice on the question of South West Africa,^m

Having authorized the Special Committee for South West Africa, by operative paragraph 3 of resolution 1702 (XVI) of 19 December 1961, to examine petitions as far as possible in accordance with the Mandates procedures of the League of Nations,

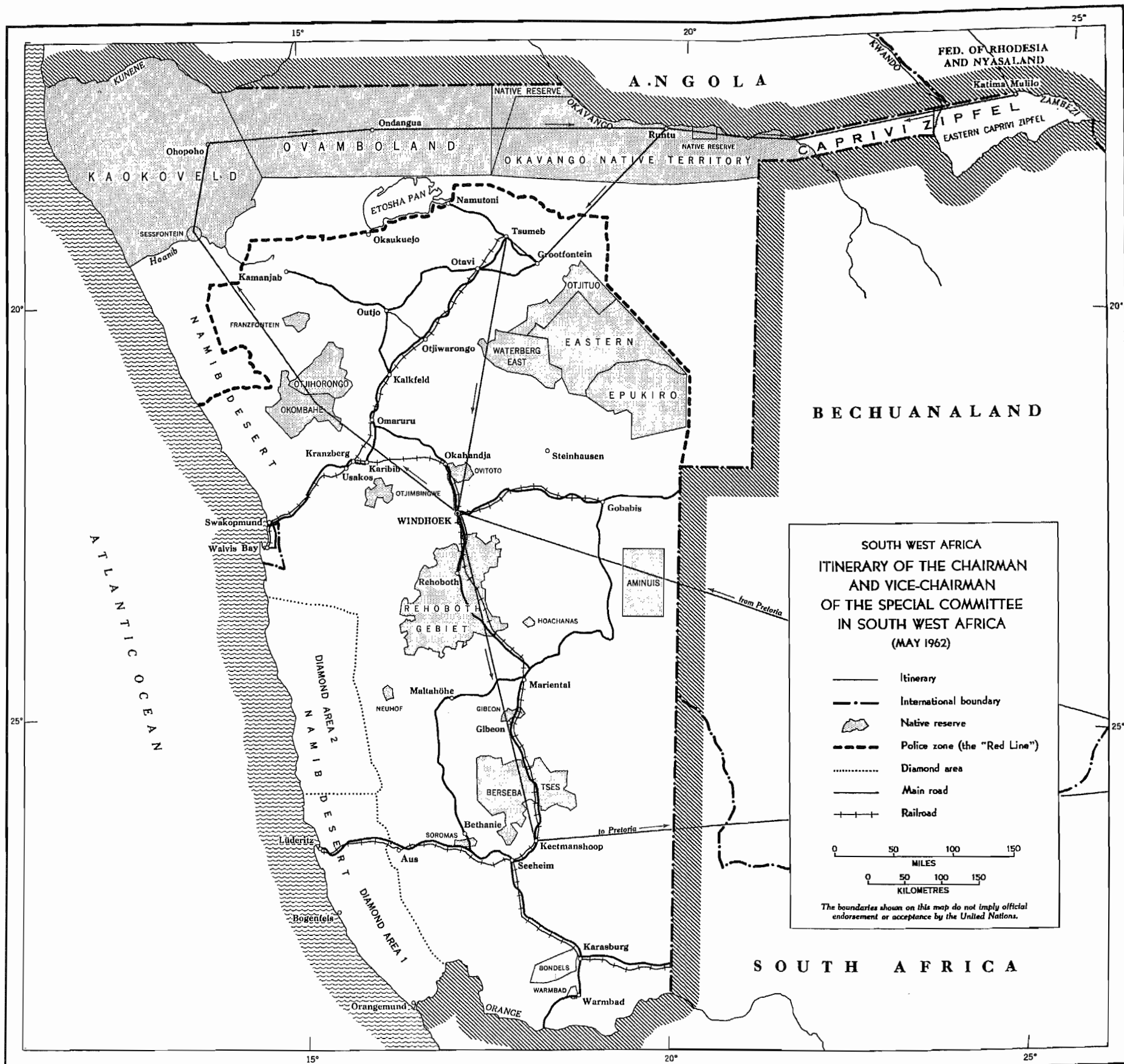
Draws the attention of the petitioners concerned to the report of the Special Committee for South West Africa to the General Assembly at its seventeenth session and to the report of the Chairman and Vice-Chairman of the Special Committee on their visit to South Africa and South West Africa, as well as to the resolutions on the question of South West Africa adopted by the General Assembly at its seventeenth session.

ANNEX XIV

Map showing the itinerary of the Chairman and Vice-Chairman of the Special Committee in South West Africa

(See tip-in at end of volume)

^m International status of South West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.



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