

**RECEIVED**

1 MAR 1962

INDEX SECTION, LIBRARY

**UNITED**



**NATIONS**

1577

INDEXED

**REPORT OF THE COMMITTEE ON SOUTH WEST AFRICA  
CONCERNING THE  
IMPLEMENTATION OF GENERAL ASSEMBLY  
RESOLUTIONS 1568 (XV) AND 1596 (XV)**

**GENERAL ASSEMBLY**

**OFFICIAL RECORDS : SIXTEENTH SESSION**

**SUPPLEMENT No. 12A (A/4926)**

**NEW YORK**

( 37 p. )



**UNITED NATIONS**

**REPORT  
OF THE COMMITTEE ON SOUTH WEST AFRICA  
CONCERNING THE  
IMPLEMENTATION OF GENERAL ASSEMBLY  
RESOLUTIONS 1568 (XV) AND 1596 (XV)**



**GENERAL ASSEMBLY**  
**OFFICIAL RECORDS : SIXTEENTH SESSION**  
**SUPPLEMENT No. 12A (A/4926)**

*New York, 1962*

#### 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.

## CONTENTS

|  | <i>Paragraphs</i> | <i>Page</i> |
|--|-------------------|-------------|
| I. INTRODUCTION .....  | 1- 14             | 1           |
| II. ACTION TAKEN TO IMPLEMENT GENERAL ASSEMBLY RESOLUTION 1596 (XV) AND RELATED DEVELOPMENTS.....                              | 15- 73            | 3           |
| A. The Committee's proposed visit to South West Africa.....  | 15- 38            | 3           |
| B. Consideration of alternative means of implementing resolutions 1568 (XV) and 1596 (XV).....                                 | 39- 73            | 5           |
| III. MEETINGS WITH REFUGEES FROM SOUTH WEST AFRICA AND OTHER PETITIONERS .....   | 74-151            | 8           |
| A. Summary of the situation in South West Africa as presented to the Committee by refugees, petitioners and other sources..... | 75-127            | 10          |
| B. Views of refugees and other petitioners concerning a solution to the problem .....  | 128-151           | 18          |
| IV. CONCLUSIONS OF THE COMMITTEE.....  | 152-161           | 20          |
| V. RECOMMENDATIONS OF THE COMMITTEE.....   | 162-164           | 22          |

## ANNEXES

|   |    |
|---|----|
| I. Correspondence between the South African Government and the United Nations .....   | 23 |
| 1. Letter dated 1 May 1961 from the Chairman of the Committee on South West Africa to the Minister of External Affairs of the Union of South Africa.....                              | 23 |
| 2. Letter dated 16 May 1961 from the Permanent Representative of the Union of South Africa to the United Nations addressed to the Chairman of the Committee on South West Africa..... | 23 |
| 3. Letter dated 14 April 1961 from the Secretary-General to the Minister of External Affairs of the Union of South Africa.....  | 23 |
| 4. Letter dated 10 May 1961 from the Minister of External Affairs of the Union of South Africa to the Secretary-General.....  | 23 |
| 5. Letter dated 17 May 1961 from the Chief of the Transportation Section of the United Nations to the Consulate General of the Union of South Africa, New York.....                   | 24 |
| 6. Letter dated 25 May 1961 from the Consul General of the Union of South Africa, New York, to the Chief of the Transportation Section of the United Nations.....                     | 25 |
| 7. Telegram dated 14 June 1961 from the Chairman of the Committee on South West Africa to the Minister for Foreign Affairs of South Africa .....                                      | 25 |
| 8. Telegram dated 23 June 1961 from the Chairman of the Committee on South West Africa to the Minister for Foreign Affairs of South Africa .....                                      | 25 |
| 9. Letter dated 23 June 1961 from the Acting Permanent Representative of South Africa to the United Nations addressed to the Secretary-General .....                                  | 25 |

|   |    |
|---|----|
| 10. Letter dated 7 July 1961 from the Acting Permanent Representative of South Africa to the United Nations addressed to the Secretary-General .....                            | 25 |
| 11. <i>Aide-mémoire</i> dated 10 July 1961 from the Acting Permanent Representative of South Africa to the United Nations addressed to the Secretary-General .....              | 25 |
| II. Description of the Committee's proposed itinerary in South West Africa .....  | 26 |
| III. Telegram dated 5 July 1961 from the Chairman of the Committee on South West Africa to the Secretary-General.....   | 26 |
| IV. 1. Telegram dated 25 July 1961 from the Chairman of the Committee on South West Africa to the President of the Security Council .....                                       | 27 |
| 2. Memorandum of the Committee on South West Africa concerning the situation in South West Africa.....  | 27 |
| V. Correspondence between the United Kingdom Government and the United Nations .....  | 28 |
| 1. Telegram dated 19 May 1961 from the Chairman of the Committee on South West Africa to the Secretary of State for Foreign Affairs in the United Kingdom.....                  | 28 |
| 2. Letter dated 29 May 1961 from the Permanent Representative of the United Kingdom to the United Nations to the Chairman of the Committee on South West Africa.....            | 28 |
| 3. Letter dated 5 June 1961 from the Chief of the Transportation Section of the United Nations to the United Kingdom Visa Office..  | 28 |
| 4. Letter dated 9 June 1961 from the Permanent Representative of the United Kingdom to the United Nations addressed to the Chairman of the Committee on South West Africa.....  | 28 |
| 5. Letter dated 15 June 1961 from the Chairman of the Committee on South West Africa to the Permanent Representative of the United Kingdom to the United Nations.....           | 28 |
| 6. Letter dated 19 June 1961 from the Permanent Representative of the United Kingdom to the United Nations addressed to the Chairman of the Committee on South West Africa..... | 29 |
| 7. Telegram dated 22 June 1961 from the Chairman of the Committee on South West Africa to the Permanent Representative of the United Kingdom to the United Nations.....         | 29 |
| 8. Telegram dated 26 June 1961 from the Chairman of the Committee on South West Africa to the Permanent Representative of the United Kingdom to the United Nations.....         | 29 |
| 9. Letter dated 29 June 1961 from the Deputy High Commissioner for the United Kingdom in Accra to the Chairman of the Committee on South West Africa.....                       | 29 |
| 10. Letter dated 4 July 1961 from the Office of the High Commissioner for the United Kingdom in Accra.....  | 29 |
| 11. Letter dated 7 July 1961 from the High Commissioner for the United Kingdom in Salisbury to the Chairman of the Committee on South West Africa.....                          | 30 |
| 12. Letter dated 8 July 1961 from the Chairman of the Committee on South West Africa to the High Commissioner for the United Kingdom in Salisbury.....                          | 30 |
| 13. Letter dated 9 July 1961 from the High Commissioner for the United Kingdom in Salisbury to the Chairman of the Committee on South West Africa.....                          | 30 |

|   |    |
|---|----|
| 14. Letter dated 11 July 1961 from the Chairman of the Committee on South West Africa to the High Commissioner for the United Kingdom in Salisbury.....   | 30 |
| 15. Letter dated 13 July 1961 from the High Commissioner for the United Kingdom in Salisbury to the Chairman of the Committee on South West Africa, transmitted by <i>note verbale</i> dated 16 July 1961 ..... | 30 |
| 16. <i>Note verbale</i> dated 16 July 1961 to the Chairman of the Committee on South West Africa.....   | 31 |





## I. INTRODUCTION

1. On 18 December 1960, during the first part of its fifteenth session, the General Assembly adopted resolution 1568 (XV), operative paragraph 4 of which reads as follows:

[The General Assembly]

"4. *Invites* the Committee on South West Africa, in addition to its normal tasks, to go to South West Africa immediately to investigate the situation prevailing in the Territory and to ascertain and make proposals to the General Assembly on:

"(a) The conditions for restoring a climate of peace and security;

"(b) The steps which would enable the indigenous inhabitants of South West Africa to achieve a wide measure of internal self-government designed to lead them to complete independence as soon as possible."

2. By the same resolution, the General Assembly also urged the Government of South Africa to facilitate the mission of the Committee and requested the Committee to make a preliminary report on the implementation of the resolution to the General Assembly at its resumed fifteenth session.

3. The Government of South Africa refused to co-operate with or to facilitate the mission of the Committee. Accordingly, after considering the preliminary report,<sup>1</sup> the General Assembly on 7 April 1961 adopted resolution 1596 (XV), reading as follows:

"*The General Assembly,*

"*Bearing in mind* the provisions of the General Assembly's Declaration on the granting of independence to colonial countries and peoples,<sup>2</sup> which declares that immediate steps shall be taken to transfer all powers to such peoples, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom,

"*Recalling* its resolution 1568 (XV) of 18 December 1960 inviting the Committee on South West Africa to go to South West Africa immediately, *inter alia*, to investigate the situation prevailing in the Territory,

"*Noting with deep regret*, from the preliminary report of the Committee on South West Africa called for under the said resolution, that the Government of the Union of South Africa refuses to co-operate with the United Nations by facilitating the mission of the Committee on South West Africa,

"*Convinced* that it is both the right and the duty of the United Nations to discharge fully and effectively its obligations with respect to the proper implementation, under its supervision, of the Mandate for South West Africa conferred upon His Britannic

Majesty, to be exercised on his behalf by the Government of the Union of South Africa,

"*Noting with grave concern* the continuing deterioration in the situation in South West Africa resulting from the continued application, in violation of the letter and spirit of the Mandate, of tyrannical policies and practices, such as *apartheid*, of the administration of the Union of South Africa in South West Africa,

"*Reiterating its concern* that this situation constitutes a serious threat to international peace and security,

"1. *Recognizes and supports* the passionate yearning of the people of South West Africa for freedom and the exercise of national independence and sovereignty;

"2. *Rejects* the position taken by the Government of the Union of South Africa in refusing to co-operate with the United Nations in the implementation of General Assembly resolution 1568 (XV) as well as other resolutions concerning South West Africa;

"3. *Deplores* the attempts at the assimilation of the Mandated Territory of South West Africa, culminating in the so-called referendum held on 5 October 1960, as totally unacceptable, having no moral or legal basis and being repugnant to the letter and spirit of the Mandate;

"4. *Considers* that the full and effective discharge of the tasks assigned to the Committee on South West Africa in operative paragraph 4 of General Assembly resolution 1568 (XV) is essential to the protection of the lives and property of the inhabitants of South West Africa, to the amelioration of the prevailing conditions in South West Africa, the continuance of which is likely to endanger international peace and security, and to the exercise of the right of self-determination by the people of South West Africa in complete freedom and of their right of accession to national sovereignty and independence with the least delay;

"5. *Requests* the Committee on South West Africa, therefore, immediately to proceed to discharge the special and urgent tasks entrusted to it in resolution 1568 (XV) as fully and expeditiously as possible with the co-operation of the Government of the Union of South Africa if such co-operation is available, and without it if necessary;

"6. *Requests* the States Members of the United Nations to extend to the Committee on South West Africa such assistance as it may require in the discharge of these tasks;

"7. *Decides* to call the attention of the Security Council<sup>3</sup> to the situation in respect of South West Africa, which, if allowed to continue, will, in the General Assembly's view, endanger international

<sup>1</sup> Official Records of the General Assembly, Fifteenth Session, Annexes, agenda item 43, document A/4705.

<sup>2</sup> See resolution 1514 (XV).

<sup>3</sup> See letter dated 12 April 1961 from the Secretary-General to the President of the Security Council concerning South West Africa (S/4787).

peace and security, and to the present resolution, the full implementation of which is necessary to bring that situation to a speedy end;

"8. *Takes note with grave concern* of reports of the terrorization of, and armed action against, the indigenous inhabitants, and calls upon the Government of the Union of South Africa to desist from such acts;

"9. *Requests* the Committee on South West Africa to submit to the General Assembly at its sixteenth session a report on the implementation of resolution 1568 (XV) as well as the present resolution."

4. From beginning to end, the basic problem before the Committee was how best to implement the Assembly resolution as fully and as expeditiously as possible with or without the co-operation of the Government of South Africa. It planned to make an on-the-spot investigation of the situation in the Mandated Territory and accordingly asked South Africa for visas to the Territory. This having been denied, it asked for visas to South Africa to explore with the South African Government ways and means of implementing the Assembly resolution. This, too, was refused.

5. At the same time, the Committee explored alternative possibilities of conducting its investigations in nearby countries and territories should it be prevented from doing it in the Mandated Territory itself. Accordingly, it requested African Governments concerned for information on whether they had refugees from South West Africa or not. The only positive information received by the Committee came from Ghana, which invited the Committee to stop in Accra on its way to South West Africa to interview political refugees from the Mandated Territory, from the Tanganyika authorities with respect to South West African refugees in Dar es Salaam, and from the United Arab Republic, which invited the Committee to interview political refugees in Cairo. These offers were accepted by the Committee.

6. Meanwhile, the Committee considered it imperative to visit territories adjacent to South West Africa. It accordingly requested entry into Bechuanaland where it intended to hear testimony from representatives of the 15,000 Hereros now residing in that territory and to obtain first-hand information from South West Africans who might cross the border on learning of the Committee's visit to Bechuanaland. It also requested visas to enter Angola, but it did not receive a positive reply.

7. It was with these definite offers in mind that the Committee, on 20 June 1961, embarked on its mission to Africa. The Committee that left New York was composed as follows:<sup>4</sup>

*Brazil*: Mr. Marcelo Raffaelli;<sup>5</sup>

*Denmark*: Mr. Poul Boeg (Rapporteur);

*Ethiopia*: Mr. Girma Abebe;

*Guatemala*: Mr. Carlos González Calvo;

*Indonesia*: Mr. Sasmojo Karseno;

*Philippines*: Mr. Victorio D. Carpio (Vice Chairman);

<sup>4</sup> The representative of Ireland informed the Committee that, in view of a shortage of staff and other practical difficulties, his delegation would be unable to send a representative to Africa to participate in the Committee's work there, but that it would continue to assist the Committee in any of the tasks undertaken in New York.

<sup>5</sup> Mr. Raffaelli joined the Committee on South West Africa on mission on the morning of 24 June 1961 in Accra.

*United Arab Republic*: Mr. Mostafa Rateb Abdel Wahab;

*Uruguay*: Mr. Enrique Rodríguez Fabregat (Chairman).

During its mission in Africa, the Committee was assisted by a Secretariat staff consisting of: Mr. George D. Howard, Principal Secretary; Miss Jacqueline Yarrow, Political Affairs Officer; Mr. Hector Ortiz, Administrative Officer; Miss Gabrielle Paquette, Assistant Administrative Officer; and Miss Patricia McGee and Miss Elaine Melbourne, Secretaries.

8. The Committee held twenty meetings in Accra and interviewed petitioners from South West Africa. It also met with the President, the Minister of Foreign Affairs and other officials of Ghana.

9. It left Accra on 5 July for Salisbury on its way to Bechuanaland, but it did not proceed to Bechuanaland, because of the withdrawal of the visas and other facilities previously granted to it by the Government of the United Kingdom of Great Britain and Northern Ireland (see paras. 64-68). It therefore proceeded to Dar es Salaam, arriving there on 12 July, where it interviewed petitioners from South West Africa during six meetings.

10. Between 20 and 25 July, the Committee held seven meetings in Cairo, where it interviewed petitioners from South West Africa and met with the Deputy Minister for Foreign Affairs of the United Arab Republic.

11. The Committee, being confronted by a situation of force because of the attitude of the South African Government against the United Nations, as was officially expressed, *inter alia*, in a message from the Minister of Foreign Affairs of that Government to the Secretary-General, transmitted by letter of 7 July 1961,<sup>6</sup> was unable to enter the Territory in the circumstances, and it brought this situation to the attention of the Security Council.<sup>7</sup>

12. From what follows hereafter, it will be obvious that in its set determination to implement fully and expeditiously its mandate under General Assembly resolutions 1568 (XV) and 1596 (XV), the Committee on South West Africa met with three regrettable obstacles: first, the continued defiance by the Government of South Africa of the authority of the United Nations and its threats of using force to prevent the Committee at all costs from entering the Mandated Territory; second, the refusal of that Government even to allow the Committee to go to South Africa if only to explore with Government representatives peaceful and practical arrangements for implementing the Assembly resolutions; and, third, the suspension by the British authorities of visas and facilities previously granted for the Committee's projected visit to Bechuanaland.

13. Despite these obstacles and frustrations, the Committee during its mission has been able to gather invaluable information which once again confirms the unbearable conditions under which the Territory is being administered by the South African Government and which also reveals a situation which can be prevented from degenerating into armed racial conflict only by firm action on the part of the United Nations.

14. Before setting forth its findings, conclusions and recommendations, the Committee wishes to put on record its full appreciation of the generous hospitality,

<sup>6</sup> See annex I, No. 10.

<sup>7</sup> See annex IV.

assistance and facilities accorded the Committee by the Governments of Ghana, Tanganyika and the United Arab Republic during its official investigations in Accra, Dar es Salaam and Cairo. Last, but not least, it

must here put on record and commend the invaluable assistance and devotion to duty evinced by the Secretariat staff that accompanied the Committee on its mission to Africa.

## II. ACTION TAKEN TO IMPLEMENT GENERAL ASSEMBLY RESOLUTION 1596 (XV) AND RELATED DEVELOPMENTS

### A. The Committee's proposed visit to South West Africa

15. As its first step towards the implementation of resolution 1596 (XV), the Committee sought the co-operation of the South African Government. By letter of 1 May 1961 from its Chairman to the Minister of External Affairs of South Africa,<sup>8</sup> approved by the Committee at its 165th meeting, the Committee referred to the General Assembly's request that the Committee immediately proceed to discharge the special and urgent tasks entrusted to it in resolution 1568 (XV) as fully and expeditiously as possible. Accordingly, the letter stated, "the Committee intends to visit the Territory of South West Africa and to offer the population an opportunity to present its views". The Committee also indicated that it would welcome discussions with representatives of the South African Government both before and after its visit to South West Africa and expressed the hope that the Government would extend its full co-operation to the Committee in the mission entrusted to it by the General Assembly.

16. The Committee also informed the Minister of External Affairs of the composition of the mission and transmitted its proposed itinerary, providing for a month's visit to South West Africa.<sup>9</sup>

#### CONTINUED REFUSAL OF CO-OPERATION BY THE SOUTH AFRICAN GOVERNMENT

17. By letter dated 16 May 1961, the Permanent Representative of the Union of South Africa to the United Nations informed the Committee that the views of his Government on resolution 1596 (XV) were given in a reply by the Minister of External Affairs to a letter of 14 April 1961 from the Secretary-General, by which he had transmitted the resolution to the South African Government and drawn its attention to operative paragraph 5.

18. In his letter to the Secretary-General, dated 10 May, the Minister of External Affairs made it clear that the South African Government would neither facilitate the Committee's mission nor co-operate in that connexion. In expressing his Government's views on resolution 1596 (XV), the Minister dealt at length with the *sub judice* principle and referred to the General Assembly's rejections of his Government's offer to conclude an arrangement with the three remaining Principal Allied and Associated Powers and of proposals acceptable in principle to the South African Government, relating to the partitioning of South West Africa.

19. With respect to the Committee's proposed visit to South West Africa, the Minister of External Affairs observed that the "special and urgent tasks" entrusted to the Committee envisaged an investigation *in loco* into

matters which featured prominently in the contentious proceedings pending in the International Court of Justice. He stated that his Government must necessarily view this instruction with particular concern and disquiet, since it was a direct infringement of the *sub judice* principle. He also noted in connexion with the proposed visit that one of the Committee members was "actually the representative of a plaintiff in those proceedings!"

20. The Minister of External Affairs pointed out, further, that the proposed visit to South West Africa would be in conflict with the procedure followed under the Mandates System and did "not even fall within the scope of the supervisory functions envisaged in the 1950 Advisory Opinion of the International Court of Justice". He expressed the view that such a visit would therefore go far beyond any authority which the United Nations could claim to have derived from either principle or precedent under the League of Nations.

21. Regarding the Committee's expressed intention to visit the Territory "in order to offer the population the opportunity of presenting its views", the Minister stated that his Government took strong exception to the suggestion that a Committee of the United Nations was entitled to have consultations with the inhabitants of the Territory, "a procedure which was not permitted under the Mandates System".

22. The Minister claimed that the charge contained in resolution 1596 (XV) that South West Africa constituted a threat or a potential threat to international peace and security was "both spurious and ridiculous, and is obviously being made in order to circumvent the contention of the South African Government that this matter is still *sub judice* before the International Court of Justice".

#### COMMITTEE'S OPINION WITH REGARD TO THE SOUTH AFRICAN GOVERNMENT'S LETTER DATED 10 MAY 1961

23. The Committee deeply regrets that, in his letter of 10 May 1961, the Minister of External Affairs, to justify his Government's continued defiance of the United Nations and its preventing the Committee from visiting the Mandated Territory, should have had to resort once again to old familiar arguments long ago and so often rightly rejected by the General Assembly. By preventing the Committee from visiting the Territory, on mandate of the General Assembly, the South African Government deprived the Native inhabitants of their legitimate rights to be heard regarding their future, as well as of the supervision of the United Nations, and all this notwithstanding the universal clamour of all sections of the indigenous population, of all political leaders and political refugees, and of all petitioners from South West Africa, who have urged and pressed the Committee to enter the Territory regardless of the attitude of the South African Government. Even the Windhoek Municipal Council (which represents the European electorate in the capital of the Territory) and the European local government author-

<sup>8</sup> For texts of correspondence with the South African Government, see annex I.

<sup>9</sup> For a more detailed account of the Committee's proposed itinerary, see annex II.

ity in Swakopmund (the "summer capital" of the Territory) have urged the South African Government to have the Committee enter and visit the Territory.

24. Finally, the Committee takes exception to the manner in which one of its members was singled out for special comment by the Minister of External Affairs.

#### REFUSAL OF VISAS BY THE SOUTH AFRICAN GOVERNMENT

25. On 9 May 1961, at its 167th meeting, the Committee decided that visa applications for its members should be submitted to the South African Government the following week. Visas were accordingly requested, under cover of a letter dated 17 May from the Chief of the United Nations Transportation Section to the Consulate General of the Union of South Africa in New York. The letter informed the Consulate General that the members were scheduled to leave New York between 25 and 30 May on an official United Nations mission undertaken in accordance with resolution 1596 (XV).

26. By letter of 25 May 1961, the Consul General informed the Chief of the United Nations Transportation Section that the visa applications could not be granted for the reasons indicated in the letter of 10 May from the Minister of External Affairs to the Secretary-General.

#### PROPOSED VISIT TO SOUTH AFRICA

27. After considering the situation, in the light of the South African Government's refusal of co-operation and its subsequent refusal of visas, the Committee decided to go to South Africa in order to discuss with the South African Government the practical arrangements for implementing the General Assembly resolution. Accordingly, on 14 June 1961 the Committee sent the following telegram to the South African Minister of External Affairs:

"The Committee on South West Africa has decided to go to the Republic of South Africa about the last week of June 1961 in order to discuss with representatives of your Government the practical arrangements for implementing General Assembly resolution 1568 (XV) as fully and as expeditiously as possible. For this reason the Committee requests your Government to grant visas to the members of the Committee for that purpose and would appreciate an early reply."

28. After its arrival in Ghana, the Committee sent a follow-up telegram advising the Minister of Foreign Affairs of its arrival in Accra, where it awaited a reply to its telegram of 14 June before leaving Accra on 28 June. Instead of replying directly to the Committee, the Acting Permanent Representative of South Africa to the United Nations, by a letter addressed to the Secretary-General, advised that his Government could not agree to the Committee's proposed visit and discussions.

#### DECISION TO GO TO SOUTH WEST AFRICA WITHOUT THE CO-OPERATION OF THE SOUTH AFRICAN GOVERNMENT

29. After considering this last refusal by the South African Government even to receive the Committee in South Africa to discuss practical arrangements for the implementation of the special and urgent tasks assigned to it by General Assembly resolution 1568 (XV), the Committee adopted the following decision in Accra on 29 June 1961:

"The Committee on South West Africa, having failed repeatedly to obtain the co-operation of the Government of South Africa in its attempt to implement fully General Assembly resolutions 1568 (XV) and 1596 (XV), affirms its determination to go to South West Africa even without the co-operation of the Government of South Africa. The Committee trusts that the pertinent organs of the United Nations and the States Members will extend such facilities and assistance as the Committee may require for this purpose. The implementation of its decision will be considered in the light of the available assistance and facilities that it will receive from Member States."

30. The Committee later incorporated the substance of its decision in a press release issued on 3 July 1961.

#### COMMUNICATION DATED 5 JULY 1961 FROM THE COMMITTEE TO THE SECRETARY-GENERAL

31. Meanwhile, from its meetings with political refugees from South West Africa and South Africa and its discussions with Government representatives in Accra, the Committee, after careful evaluation of the situation even at that early stage, became convinced that the attitude of the South African Government towards the Committee's mission to South West Africa and the violations of human rights and human dignity suffered by the people of South West Africa, in particular through the ruthless application of the *apartheid* policy, had provoked gravely explosive reactions among all African peoples, which, unless alleviated by timely action, were bound soon to reach the breaking point endangering peace and security in Africa. The Committee was also convinced that African feeling in that respect was such that decisive action should be taken before it was too late.

32. Beginning on 26 June, the Committee discussed the question of bringing this situation to the attention of the Secretary-General. The Committee felt that the attitude taken by the South African Government towards the Committee's proposed visit to South West Africa already justified such action. In the circumstances, the Committee decided on 30 June to bring the situation to the attention of the Secretary-General.

33. Accordingly, by telegram sent on 5 July 1961,<sup>10</sup> the Committee informed the Secretary-General of the situation in the following terms:

"The Committee on South West Africa finds it necessary, in view of the seriousness of the situation in respect of South West Africa, to bring to the attention of the Secretary-General, within his functions under Article 99 of the Charter, the explosive situation resulting from the attitude taken by the Government of the Republic of South Africa, by its defiance of General Assembly resolutions 1568 (XV) and 1596 (XV) and of other resolutions of the General Assembly and advisory opinions of the International Court of Justice dealing with South West Africa, its refusal to permit the Committee to enter the Mandated Territory for the purpose of investigating the prevailing situation and the carrying out of the Mandate Agreement, the violations of human rights and human dignity suffered by the people of South West Africa, in particular by the ruthless

<sup>10</sup> For the full text of the telegram, which was transmitted by the Secretary-General to the Security Council, together with related correspondence, in documents S/4854 and Add.1, see annex III to this report.

application of the *apartheid* policy, the violation of the sacred trust embodied in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa, has provoked, according to the information thus far gathered by the Committee from political refugees from the Mandated Territory and nearby regions, as well as from informed sources from other parts of Africa, gravely explosive reactions from all African peoples, which, unless alleviated by timely action, are bound soon to reach the breaking point endangering peace and security in this region of the world. All Africans feel, and feel deeply with the deepest emotions, that human patience and endurance have their limits, and that the time has come for decisive international action before it is too late."

34. The Committee further stated that it considered it of the utmost urgency that Member States and organs of the United Nations concerned be notified immediately of the imminent threat which the degenerating situation in South West Africa posed to international peace and security, in order that timely international action might be taken to bring this explosive situation to an end, thus enabling the Committee to implement its special and urgent mission to the Mandated Territory as fully and as expeditiously as possible even without the co-operation of the Government of the Republic of South Africa. Meanwhile, the Committee added, it would continue as well as it could to seek ways and means to give effect to the implementation of resolution 1596 (XV) as fully and as expeditiously as possible, *inter alia*, by interviewing refugees in Ghana, Bechuanaland, Tanganyika and the United Arab Republic, as well as in other countries and territories to which the Committee might be invited.

#### ACTION TAKEN BY THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

35. In a message transmitted to the Secretary-General by letter of 7 July 1961 from the Acting Permanent Representative of South Africa to the United Nations,<sup>11</sup> the Minister of Foreign Affairs of the Republic of South Africa stated that it appeared that the Committee would be on its way to the border of South West Africa on the following Saturday and advised the Secretary-General that "if members of the Committee and/or other members of its party should attempt illegally to cross the South West Africa border", his Government would, "however reluctantly, be obliged to prevent such attempt". The Minister stated that an attempt by a committee of the United Nations to enter the Territory after visas had been refused "would involve the United Nations in an act of aggression".

36. This letter was communicated by the Secretary-General to the Committee, which received it in Salisbury on 8 July. At the same time, the Committee learned of other statements by the Minister of Foreign Affairs of the Republic of South Africa, according to which its members were to be arrested and deported if they entered South West Africa. Other reports also indicated that South African police and helicopters were patrolling the South West Africa Bechuanaland border to prevent the Committee from entering. The Committee accordingly considered that it had been confronted with a situation of force directed against an organ of the United Nations by the South African Government

that necessitated the intervention of the competent organs of the United Nations in order to enable the Committee to discharge its task.

#### ACTION TAKEN BY THE COMMITTEE

37. After interviewing refugees from South West Africa and other petitioners in Dar es Salaam and Cairo, during the course of which the Committee obtained additional information concerning the military preparations carried out in the Mandated Territory by the South African Government and the reactions of Africans (see paras. 80-90), indicating to the Committee the increasing seriousness of the situation, the Committee brought to the attention of the President of the Security Council the further developments subsequent to its telegram of 5 July to the Secretary-General.

38. By telegraphic letter of 25 July 1961,<sup>12</sup> sent with reference, *inter alia*, to General Assembly resolutions 1568 (XV) and 1596 (XV), in particular operative paragraph 7 of the latter resolution, the Committee informed the President of the Security Council of the situation and that it considered it urgent that the Security Council be convened in order to take action to enable the Committee to implement fully the resolutions so as to bring the explosive situation in relation to South West Africa to a speedy end.

#### B. Consideration of alternative means of implementing resolutions 1568 (XV) and 1596 (XV)

39. On 8 May 1961, the Committee began its consideration of alternative means of obtaining additional information relating to the situation in South West Africa in the event it were prevented from conducting an investigation within South West Africa. It considered concurrently the possibility of obtaining additional information concerning the situation in South West Africa by visiting the neighbouring territories of Angola and Bechuanaland, and by interviewing refugees from South West Africa who might be in these territories and in other areas of Africa.

40. In order to enable it to assess the usefulness of visiting adjacent and other areas in Africa outside South West Africa if it should prove impossible for the Committee to carry out its investigation within the Mandated Territory, the Committee decided to consult the Governments of States and territories in Africa regarding the presence of refugees from South West Africa in their territories.

#### HEARING OF PETITIONERS IN NEW YORK

41. At its 168th meeting on 10 May, the Committee granted hearings requested by Mr. Mburumba Kerina, the Reverend Markus Kooper and Mr. Jacob Kuhangwa. The petitioners appeared before the Committee during its 168th and 169th meetings.

42. They urged the Committee to go directly to South West Africa whether or not it was refused entry. They felt confident that African Member States would assist the Committee. They felt also that the Committee should arrive in the Territory before 31 May, in view of the rapid deterioration of the situation in the Territory and the fact that demonstrations were expected

<sup>11</sup> For text, see annex I, No. 10.

<sup>12</sup> For text, see annex IV.

against the proclamation of the Republic of South Africa.

43. In the opinion of the petitioners, even if the Committee were physically prevented from entering the Territory by the South African Government, the fact that the Committee had attempted an entry would inspire hope among the people of the Territory and enhance the prestige of the United Nations in Africa generally.

44. With regard to refugees from the Territory who might be found in other areas of Africa, Mr. Kerina informed the Committee that the South Africa United Front, covering both South Africa and South West Africa, maintained offices in Dar es Salaam, Cairo and Accra, and that there were also members of the South West Africa Peoples Organization there. In the opinion of Messrs. Kerina and Kuhangua, these refugees from South West Africa, since they had left the Territory more recently, could provide the Committee with more information concerning the situation than petitioners in New York. They felt, however, that it would be undesirable if the Committee met only Africans, and pointed out that the Committee should go to South West Africa itself in order to interview representatives of all the different communities, including the Europeans.

45. With regard to Bechuanaland, Mr. Kerina informed the Committee that there was continual contact between the Hereros in the two territories and considerable movement across the border. However, the South African Government would probably intensify measures to prevent Africans from crossing into Bechuanaland if the Committee were there. Mr. Kuhangua questioned whether the Committee would be in a position to protect South West Africans who nevertheless succeeded in crossing the border to meet the Committee when they returned to the Mandated Territory.

#### COMMUNICATION TO MEMBER STATES CONCERNING THE PRESENCE OF REFUGEES FROM SOUTH WEST AFRICA IN AFRICA

46. After further discussion of the possible usefulness of visiting areas in Africa other than South West Africa to obtain information concerning the situation in the Territory in the event it were prevented from entering the Territory itself, the Committee, at its 172nd meeting on 17 May, approved the following text of a telegram to be sent by the Chairman of the Committee to selected Governments:

"Reference paragraph six General Assembly resolution 1596 (XV) requesting Member States to extend such assistance as Committee on South West Africa may require the Committee would appreciate information on (a) whether there are refugees from South West Africa present in your country who could likely help the Committee in implementing the General Assembly resolution and if so (b) what assistance or facilities your Government could likely provide the Committee should it decide to visit your country to interview refugees in implementation of the General Assembly resolution."

47. In accordance with a decision subsequently taken by the Committee at its 173rd meeting, the telegram was sent on 19 May to all Member States of the United Nations in Africa, with the exception of the Governments of Ghana and South Africa. It was also sent, subject to certain modifications, to Portugal in respect

of Angola and Mozambique, and to the United Kingdom of Great Britain and Northern Ireland in respect of Bechuanaland, Tanganyika and the Federation of Rhodesia and Nyasaland.

#### INVITATION RECEIVED BY THE COMMITTEE TO VISIT GHANA

48. On 17 May, the Committee received an invitation from the President of Ghana, on behalf of himself and the Ghana Government, to stop for a few days in Ghana on its way to South West Africa, "so that the Committee may receive vital information from the political leaders of that territory now residing in Ghana". This invitation, conveyed to the Committee by letter of 16 May from the Permanent Representative of Ghana to the United Nations, was, the letter stated, extended in the spirit of operative paragraph 6 of resolution 1596 (XV).

#### DECISION BY THE COMMITTEE TO GO TO AFRICA

49. After considering the matter at its 174th to 176th meetings, on 19, 22 and 23 May, the Committee decided at its 176th meeting that, in the light of the information contained in the letter which transmitted the invitation from the President and Government of Ghana, it could only implement resolution 1596 (XV) as fully as possible in Africa. The Committee accordingly accepted the invitation by letter of 23 May 1961 from its Chairman to the Permanent Representative of Ghana.

50. At its 176th meeting, the Committee also decided to apply for visas to enter Bechuanaland, Tanganyika, Northern and Southern Rhodesia and Angola, without prejudice to any future decision the Committee might take about going to any of these territories. The requests for visas were subsequently submitted to the Consul-General of Portugal and the British Visa Office in New York by letters dated 2 and 5 June, respectively, from the Chief of the United Nations Transportation Section.

#### REPLIES FROM MEMBER STATES CONCERNING REFUGEES FROM SOUTH WEST AFRICA IN AREAS UNDER THEIR ADMINISTRATION IN AFRICA

51. The reply received from the United Arab Republic to the Committee's telegram of 19 May revealed that there were also refugees from South West Africa in Cairo, and that the Government of the United Arab Republic would welcome a visit by the Committee. While replies received from other independent African States indicated that there were no refugees from the Mandated Territory in their countries, a number of them indicated their willingness to assist the Committee in its implementation of resolution 1596 (XV) should the Committee so desire.

52. The Permanent Representative of Portugal to the United Nations, by letter dated 29 May 1961, informed the Committee that, in its desire to co-operate with the United Nations, his Government had made an investigation of the matter and was in a position to state that there were no refugees from South West Africa in Angola and Mozambique.

53. The Permanent Representative of the United Kingdom to the United Nations, by letter dated 29 May, informed the Committee that arrangements had been made to seek answers to the Committee's inquiries and these would be communicated to it as soon as they were available.



54. By letter dated 9 June, the Permanent Representative of the United Kingdom informed the Committee that the Government of Tanganyika had reported that six refugees from South West Africa were known to be in Tanganyika, and that the visa applications which had been submitted for Tanganyika would be granted. The letter further stated that the Tanganyika Government would be glad to give any assistance or facilities required by the Committee should it decide to visit Dar es Salaam.

55. The Permanent Representative also informed the Committee, by the same letter, that the Governments of the Federation of Rhodesia and Nyasaland and the Bechuanaland Protectorate had reported that there were no refugees from South West Africa in their territories and that in the circumstances no action was being taken on the relevant visa applications.

#### PROPOSED VISITS TO ANGOLA AND BECHUANALAND

56. Although the information communicated to it by the Governments concerned indicated that there were no refugees from South West Africa in Angola and Bechuanaland, the Committee believed that it might nevertheless be able to obtain useful information concerning the situation in South West Africa within those two bordering territories.

57. In regard to Angola, the Committee was aware that the border between Angola and South West Africa divided the Ovambo people and that large numbers of Ovambo from Angola were annually recruited to work under contract in South West Africa and returned to Angola at the end of their contract period. In the case of Bechuanaland, there were some 15,000 Hereros originally from South West Africa who had found refuge in Bechuanaland during the German administration of South West Africa after the issuance of an order for the extermination<sup>13</sup> of all Hereros in South West Africa, and who had subsequently maintained close contact with their people in the Mandated Territory. There was also the possibility that South West Africans would contact the Committee in either of these Territories.

58. At its 186th meeting on 15 June 1961, after it had been refused visas to enter South West Africa, the Committee decided to renew its requests for entry into Angola and Bechuanaland. By letters dated 15 June to the Permanent Representatives of Portugal and the United Kingdom to the United Nations, the Committee expressed its appreciation for the readiness of their Governments to assist the Committee in the implementation of resolution 1596 (XV). The Committee stated that, in view of the importance of the territory in question as a territory bordering South West Africa, it considered it imperative to visit that territory in order to be able to implement the resolution and requested the Government concerned to grant the necessary visas.

59. The Deputy Permanent Representative of Portugal to the United Nations, replying by letter dated 16 June 1961, after recalling his previous communication to the Committee with respect to refugees in Angola, stated:

<sup>13</sup> The Herero population, estimated to total 80,000 or 90,000 in 1904, was reduced, following the extermination order issued by Lieutenant-General von Trotha in 1904, to a total of 15,130 in 1911, according to census figures. (See *Report on the Natives of South-West Africa and Their Treatment by Germany*, published by His Majesty's Stationery Office, London, 1918, Cmd. 9146.)

"The situation remains unchanged and the Portuguese Government is in the position to assure the Committee on South West Africa that no elements exist in the Portuguese Overseas Provinces of Angola and Mozambique that might be relevant to the work of the Committee on South West Africa.

"In these circumstances the previous reply to the Committee on South West Africa from the Portuguese Government on this matter is still valid and no reasons can be seen to alter now the original reply."

60. In view of the attitude of the Portuguese Government and of the situation in Angola, the Committee did not pursue its efforts to visit Angola.

#### SITUATION RELATING TO BECHUANALAND

61. By letter dated 19 June 1961<sup>14</sup> the Permanent Representative of the United Kingdom stated that since no refugees from South West Africa were known to be in Bechuanaland, his Government sought "further details of what it is the members of your Committee would propose to do to implement resolution 1596 (XV) during a visit to the territory and what facilities they would consequently require". In reply, by telegram sent on 22 June from Accra, the Committee informed the United Kingdom that it planned "to proceed to Maun and Ghanzi to gather information especially from Herero residents Bechuanaland originally from South West Africa in view of close ties maintained between Hereros of both territories and also from any South West Africans who may contact Committee in these areas"; the Committee also stated that if it were impossible to transport the full party to Maun, some would remain in eastern Bechuanaland awaiting permission to enter South West Africa or the return of an advance group from Maun and Ghanzi.

62. By a further telegram sent on 26 June, after the South African Government's refusal to receive the Committee to discuss practical arrangements for the implementation of resolution 1568 (XV), the Committee informed the United Kingdom that the continued refusal of South Africa to permit the Committee to enter South West Africa made it absolutely essential for the Committee to go to Bechuanaland to continue its investigation since Bechuanaland was contiguous to South West Africa and the Committee was aware that, among other considerations, there were some 15,000 Hereros maintaining continued contact and association with Hereros in South West Africa. The Committee accordingly renewed urgently its request for visas to enter Bechuanaland and to travel through Southern Rhodesia.

63. Since the Committee thus far had not been able to obtain the visas for Bechuanaland, despite its repeated requests sent to the United Kingdom Government to that effect, the Committee decided to delay its departure from Accra, which had originally been scheduled from 28 June.

64. Finally, by its letter dated 29 June, the United Kingdom advised the Committee that the visas and other facilities it requested for its visit to Bechuanaland would be provided. The letter added that the United Kingdom understood from the Committee's telegram of 22 June that "the Committee do not intend to enter South West Africa without the permission of the South African Government". The visas were issued on 3 July 1961 for the Committee's visit to Bechuanaland.

<sup>14</sup> For texts of correspondence with the Government of the United Kingdom, see annex V.

65. Shortly before its departure for Salisbury, the Committee was asked, orally and by letter dated 4 July, to confirm the United Kingdom's interpretation of the Committee's telegram of 22 June "that the Committee or any part of it do not intend to enter South West Africa without the permission of the South African Government". The letter further stated that "the United Kingdom Government cannot be a party to helping members of a Committee to enter South West Africa contrary to the declared wishes of the administering Power. They realize that the instructions to the Committee in resolution 1596 (XV) were to enter South West Africa without the co-operation of the South African Government if necessary, but the United Kingdom specifically abstained on that paragraph and consequently feel in no way bound by it". In the meantime, the Press reported a statement by the Minister for Foreign Affairs of the Republic of South Africa to the effect that the United Kingdom had assured his Government that the Committee would not be permitted to enter South West Africa from Bechuanaland.

66. On 6 July, the Under-Secretary of State for Commonwealth Relations of the United Kingdom informed the House of Commons that in meeting the Committee's request for facilities the United Kingdom Government "imposed no restrictions or conditions upon the Committee's activities within the Protectorate".<sup>15</sup>

67. On its arrival in Salisbury on 7 July, the Committee was informed by letter of the same date that the United Kingdom would be unable to provide the Committee with facilities to enter Bechuanaland unless it received the confirmation sought in the letter of 4 July. In reply, the letter of 8 July, the Committee informed the United Kingdom that it had clearly expressed the purpose of its visit to Bechuanaland in its telegram of 22 June 1961. It also informed the United Kingdom that it "cannot concur with any interpretation or understanding which does not correspond to its terms of reference under General Assembly resolution 1596 (XV)". The Committee expressed the hope that the United Kingdom Government would provide it with the facilities previously agreed upon.

68. By letter of 9 July, the United Kingdom stated "that entrance into South West Africa from Bechuanaland without the permission of the administering Power would, irrespective of the terms of resolution 1596 (XV), be an illegal act" and informed the Committee that the United Kingdom, "as the authority responsible for law and order in Bechuanaland, to the inhabitants of which territory they have a primary responsibility, remain unable to provide facilities for a visit to Bechuanaland in the absence of the assurance which they have requested", and that the visas previously issued had been suspended.

<sup>15</sup> United Kingdom, *Weekly Hansard*, Nos. 529, col. 1633.

69. In reply, by letter dated 11 July, the Committee stated that it deeply regretted that the United Kingdom had decided to suspend the visas issued and the facilities offered to the Committee for its scheduled visit to Bechuanaland. It recalled that after the Committee had been asked, by letter of 19 June, for further details of what it proposed to do to implement resolution 1596 (XV) during a visit to Bechuanaland, the Committee had clearly stated its plans and purposes in visiting Bechuanaland as follows: "Committee plans to proceed to Maun and Ghanzi to gather information especially from Herero residents Bechuanaland originally from South West Africa in view of close ties maintained between Hereros of both Territories and also from any South West Africans who may contact Committee in these areas."

70. Subsequent to that reply, the Committee stated in its letter, the United Kingdom Government granted the visas and offered the facilities requested by the Committee. The Committee indicated that it was regrettable that the United Kingdom "should now assume that the Committee, an organ of the General Assembly of the United Nations, might possibly commit an 'illegal act' in its implementation of a General Assembly resolution, and also that on that assumption the visas and facilities should now be regarded as being in suspense". Moreover, the Committee pointed out that the facilities it had requested from the United Kingdom were limited to those necessary to enable the Committee to discharge the above-mentioned plans and purposes.

71. The Committee informed the High Commissioner that unless the United Kingdom gave its co-operation and proffered assistance, the Committee would be unable to discharge its declared tasks in Bechuanaland and would have to continue its work in other parts of Africa. Finally, the Committee, in reiterating the contents of its letter of 8 July 1961, expressed its hope that the United Kingdom Government might find it possible to reconsider its position.<sup>16</sup>

72. Realizing that the United Kingdom Government was not prepared to facilitate the Committee's visit to Bechuanaland, the Committee considered that it would serve no useful purpose to remain in Salisbury any longer, and accordingly proceeded to Dar es Salaam on 12 July.

73. The Committee deeply regrets the attitude taken by the authorities of the United Kingdom in withdrawing the visas and facilities which had previously been granted to it in Accra for its scheduled visit to Bechuanaland.

<sup>16</sup> A reply from the High Commissioner in Salisbury, dated 14 July 1961, was received after the Committee's return to New York. The letter contained no change in the position taken by the United Kingdom.

### III. MEETINGS WITH REFUGEES FROM SOUTH WEST AFRICA AND OTHER PETITIONERS

74. During its visits to Accra, Dar es Salaam and Cairo between 21 June and 25 July 1961, the Committee interviewed the following individuals and representatives of political organizations. Brief biographical notes, which are in themselves a reflection on the administration of South West Africa, have been provided except in the case of the five petitioners who previously appeared before the General Assembly.

#### *Refugees from South West Africa in Accra*

(a) *Mr. Tunguru Hwaraka*, member of the South West Africa National Union (SWANU), who left South West Africa in 1960 after he had been granted a scholarship by the Government of Ghana but refused a passport by the South African Government. He was attending the Tamale Secondary School in Ghana.



(b) *Mr. Uatja Kaukueiu*, Vice-President of SWANU, who left South West Africa without a passport towards the end of 1960, and was studying under a scholarship in Sweden; a few years earlier, he had been refused a passport to take advantage of a scholarship offered to him in the United States.

(c) *Mr. Charles Kauraisa*, member of SWANU, former teacher in South West Africa, who left the Territory in 1960 without applying for a passport and was studying under a scholarship in Sweden.

(d) *Mr. Mburumba Kerina*, Executive Chairman of the South West Africa Peoples Organization (SWAPO).

(e) *Mr. Jariretundu Kozonguizi*, President of SWANU.

(f) *Mr. Sam Nujoma*, President of SWAPO.

#### *Other petitioners in Accra*

(g) *Mr. Tennyson Makiwane*, South African, member of the National Executive of the African National Congress of South Africa and of the Steering Committee of the All African People's Conference.

(h) *Mr. Enoch Mbulu Mbele*, South African, emissary from the Rural Areas Committee, East Pondoland Bantu authority district.

(i) *Mr. Peter H. 'Molotsi*, South African, member of the National Executive Committee of the Pan Africanist Congress of South Africa.

(j) *Mr. Peter Raboroko*, South African, member of the National Working Committee and National Executive Committee and Secretary for Education in the Pan Africanist Congress of South Africa, a teacher by profession (B.A. degree from the University of South Africa).

(k) *The Reverend Michael Scott*.

#### *Refugees from South West Africa in Dar es Salaam*

(a) *Mr. Emil Appolus*, member of SWAPO, former editor of the *South West News*, the first African newspaper in the Territory, left South West Africa in March 1960, to accompany his wife, Mrs. Putuse Appolus, who had been served with a deportation order (see below). In Northern Rhodesia, he was turned over to the South African authorities for having proceeded beyond Bechuanaland without a South African passport. In South Africa, he was released on bail and escaped to Dar es Salaam, arriving there on 24 December 1960. At the time of the Committee's visit to Dar es Salaam, he was working as a reporter.

(b) *Mrs. Putuse Appolus*, member of SWAPO, moved to South West Africa from South Africa. She lived four years in South West Africa, where she worked as a hospital nurse in several areas of the Police Zone until her deportation from the Territory in March 1960, on the ground that she was an undesirable person. She was given first twenty-four hours, extended to seventy-two hours, to leave the Territory, although she had a small child and was pregnant at the time. She went with her husband and daughter to Bechuanaland, where she has relatives. After the birth of her second child, she obtained a travel permit from the District Commissioner in Bechuanaland, and the family moved on to Northern Rhodesia. Her husband, a South West African, left Bechuanaland without the required South African passport and was turned over in Northern Rhodesia to the South African authorities. She went

with her children to Dar es Salaam, arriving on 9 October 1960, and was working as a hospital nurse when the Committee visited Tanganyika.

(c) *Mr. Elieser Gawarab*, member of SWAPO, who left South West Africa on 7 June 1960 without a passport to seek further education outside the Bantu educational system. A nineteen-year old student from Windhoek, he completed Standard VIII (ten years' schooling) and received his Junior Certificate. He arrived in Dar es Salaam on 9 October 1960. He was not in school owing to lack of funds and sought assistance to pursue his education.

(d) *Mr. Paul Helmut*, member of SWAPO, left the Territory without a passport on 31 March 1961, arriving in Dar es Salaam on 17 May. As a "Coloured" person he was able to work in occupations not open to Africans in South West Africa. He worked as a fisherman from Walvis Bay to Cape Town and, a year before he left the Territory, he became a machine operator in the South African Metal Box Company, where he earned £2 10s. 0d. per week; young Europeans who joined the metal box factory later than he and whom he taught to work the machines, earned up to £14 per week. He obtained schooling through Standard VI (eight years).

(e) *Mr. Leonard Lidker*, member of SWAPO, born in Ovamboland, South West Africa, left South West Africa in September 1959 and arrived in Dar es Salaam on 22 February 1961. He obtained schooling through Standard V (seven years). Before he left the Territory he was employed as a driver.

(f) *Mr. Nathaniel Mbaeva*, Propaganda Secretary and Organizing Secretary of SWANU, left the Territory on 24 May 1961 without a passport and arrived in Dar es Salaam on 24 June, accompanied by his wife. He organized SWANU in 1959 and had organized the African Location beer hall boycott which began a few days before the December 1959 shootings in the Windhoek African Location. On 30 October 1959, the day after a meeting called by Government officials at which Africans protested against their removal to the new Katutura location, he was arrested on the ground that he had been out of Windhoek and had failed to report to the authorities in due time on his return. On the third day of his imprisonment he was brought before the Magistrate's Court, where he was found guilty and fined £1 and ordered deported to the Epukiro Native Reserve, although his family and home were in Windhoek and he had no relatives in Epukiro. He appealed the decision and on 14 December 1959 appeared in Court before the same Magistrate who had originally sentenced him. The Magistrate upheld his own original decision and Mr. Mbaeva was deported to the Epukiro reserve, in the north-eastern part of the Police Zone. During his subsequent stay in the reserve, he had no work.

(g) *Mr. Solomon Mifima*, member of SWAPO, from Ovamboland, left the Territory on 27 September 1959 and arrived in Dar es Salaam on 27 February 1961. He had received schooling through Standard VI (eight years) and had been employed as a messenger.

(h) *Mr. Peter Mueshihange*, member of SWAPO, left South West Africa around April 1961. Born in Ovamboland, South West Africa, he originally entered the Police Zone as a contract labourer earning 1s. 3d. per day. He later went to South Africa without official permission, where he worked one year at £2 10s. 0d. per week as an industrial worker until he was arrested

as a foreign Native illegally in South Africa and ordered to return to South West Africa. On arrival in South West Africa he was again arrested because he had been active in politics, and was told to go back to South Africa. Instead, knowing that if he returned to South Africa he would once again be arrested, he walked from South West Africa to Bechuanaland and made his way to Dar es Salaam. His only formal education was in an Ovamboland mission school where he learned to read his own language and nothing more; he learned English with the help of friends in the Police Zone who had had more schooling.

(i) *Mr. William Nehulu*, member of SWAPO, from Ovamboland, left the Territory in 1959 and arrived in Dar es Salaam on 17 May 1961. He had been employed as a driver.

(j) *Mr. Zedekia Ngavirue*, member of SWANU, social worker in the Windhoek African Location until he left the Territory on 24 May 1961 without a passport; also founder editor of the *South West News*, the first African newspaper in the Territory, and formerly a teacher in South West Africa. He was born in the Waterberg East Native Reserve in South West Africa, where he received his early schooling, to Standard VI; he then went to South Africa for a three years' teachers' course, passing his Standard VIII (ten years' schooling) certificate examination in 1952, and taught for two years in South West Africa. He then attended the Institute for Social Work Studies in Johannesburg, now closed, where he was able to obtain a Post-Matriculation Certificate. He is anxious to continue his education, but has no money. He arrived in Dar es Salaam on 24 June 1961, accompanied by his wife.

(k) *Mr. Andreas Shipanga*, member of SWAPO, from Windhoek, left the Territory in September 1959 and arrived in Dar es Salaam on 24 December 1960. He had received schooling through Standard VI (eight years), and had been a hotel waiter in the Territory.

#### *Herero from Bechuanaland in Dar es Salaam*

(l) *Mr. Daniel K. Munamava*, from Sehitwa, Bechuanaland, whose parents fled to Bechuanaland after the German order for the extermination of Hereros in South West Africa, came to Dar es Salaam on 24 June 1961 under a British passport for the purpose of appearing before the Committee on South West Africa on behalf of Chief Keharanyo, to appeal for the return of the Bechuanaland Hereros to South West Africa as soon as South Africa ceases to have control over the Territory.

#### *Other petitioners in Dar es Salaam*

(m) *Mr. H. M. Basner*, a White South African, was a member of the South African Senate from 1942 to 1948 and an attorney in South Africa for nearly thirty years. He left South Africa early in 1961 of his own free will and is now settled in Tanganyika.

(n) *Mrs. Gertrude Mathutha*, a South African who had been to South West Africa, and who appeared before the Committee as a nurse with working experience in South Africa.

(o) *Mr. Gaur Radebe*, South African, member of the South Africa United Front, covering both South Africa and South West Africa.

(p) *Mr. James J. Hadebe*, member of the South Africa United Front.

In addition, Mr. A. C. Gwambe, of Moçambique, President of the União Democrática Nacional de Mo-

çambique, presented a written petition to the Committee. Messrs. Mburumba Kerina, Sam Nujoma, and the Reverend Michael Scott also appeared before the Committee in Dar es Salaam.

#### *Refugees from South West Africa in Cairo*

(a) *Mr. Van Ismail Fortune*, Secretary-General of SWAPO.

(b) *Mr. Hiatjikunga Kandji*, member of SWANU, who left South West Africa on 6 August 1960 to obtain an education; he had completed primary school in South West Africa and obtained his Junior Certificate in South Africa. He had not applied for a passport, which required a £100 deposit, in view of the refusals of passports to other students.

(c) *Mr. Moses Katjiuongua*, a student who had completed primary school, and needed a scholarship to continue his education, left South West Africa in April 1959.

(d) *Mr. Katjimuina Vei*, a student who had completed secondary school at the Augustineum training school in Okahandja, South West Africa, and who had taught himself English, left South West Africa on 2 March 1961, and desired a scholarship to continue his education.

(e) *Mr. Louis Nelengani*, Vice-President of SWAPO, who escaped from South West Africa on 4 August 1960 while he was being deported under escort to Angola, although he was born in South West Africa. He was being deported because he had petitioned the United Nations. He had never gone to school as there were no schools where he lived as a boy.

#### *Other petitioners in Cairo*

(f) *Mr. Geoffrey Sefako Mokoka*, South African, Branch Chairman, Pan Africanist Congress of South Africa, who had left South Africa because he feared imprisonment and torture.

(g) *Mr. Msiwandile M. L. Piliso*, South African, member of the South Africa United Front, who left South Africa in 1950 for the United Kingdom to study pharmacy and had since returned once to South Africa.

In addition, Mr. Sam Nsubuga, Uganda Representative of the Uganda National Congress in Cairo, and International Secretary of the Board of Secretaries of the Afro-Asian Peoples Solidarity Organization, presented a written petition to the Committee.

#### **A. Summary of the situation in South West Africa as presented to the Committee by refugees, petitioners and other sources**

75. In its investigations in Africa pursuant to its mandate under the General Assembly resolutions, the Committee had ample opportunity to listen to the informed views of refugees, political leaders and petitioners from the Mandated Territory and elsewhere, as well as to those of public officials of African countries or territories regarding the situation in South West Africa. All were in basic agreement in describing all aspects of conditions in the Territory as most unsatisfactory and dangerous and in pointing out the intolerable situation created by the *apartheid* system in general. To avoid repetition, the Committee has made a selection from the statements of those who appeared before it which seem most aptly to summarize the situation as seen by them, or which reveal some aspect not otherwise covered. The

Committee wishes to emphasize that all of those appearing before it urged the Committee, and urged it repeatedly at all stages of its mission, to go into South West Africa to see conditions for itself, such as forced labour, restriction of movement, lack of all basic human rights and fundamental freedoms, the poverty and lack of education of the people, and organs of suppression and subjugation maintained by force. Furthermore, they felt, the presence of the Committee in the Territory would help to re-establish the trust and faith of the people in the United Nations and thus revive the hope that the explosive situation might yet be peacefully and speedily settled without resort to the use of force.

76. By contrast, it is the South African Government, which is held responsible for such a situation, that has been so opposed to an investigation by the Committee within South West Africa that it has prevented the Committee by threat of the use of force from entering the Territory.

## 1. GENERAL SITUATION

77. The oral and written declarations of those who appeared before the Committee confirm that the administration of the Mandated Territory by the South African Government has been in utter disregard of the principles and purposes of the Mandates System. According to them, the interests of Native peoples has been completely subordinated to the interests of the Mandatory Power. The general picture in the Mandated Territory today may be illustrated by the following statement of Mr. Zedekia Ngavirue, which is typical of the views of practically all others. Mr. Ngavirue left South West Africa on 24 May 1961 on behalf of SWANU for the purpose of giving the Committee first-hand information on conditions in the Territory and of urging the Committee to do everything possible in pursuance of its mandate:

"In South West Africa today, you will find that the average African is hungry, has no shelter, is barely clothed or in tatters, basic as these needs are; his life expectancy is thirty-five years. He is subjected to a condition spiritually frustrating and degenerating though, through a dynamic religion within him, perhaps the African religion, is hopeful, self-respecting and has great political aspirations. You will find a people engaged in both the struggle for existence and the struggle to recover and maintain their disrupted cultural system and national traditions.

"In South West Africa today, you will find that the White man is, on the other hand, fat, well-groomed, lives in a well-furnished modern building or in some cases a castle; he owns a beautiful car and lives generally in a condition of opulence. His life expectancy, roughly sixty-five years.

"You will find a people (Whites) driven into a corner by a situation they themselves have created. On the one side they see Black people whom they hate, fear and distrust, and on the other they face a whipingly critical outside world; thus they revert to the law of the jungle—self-preservation. Men, women and children are today armed to the teeth against the African. Military bases have been planted in the Mandated Territory, one in Ohopoho in the Kaokoveld, and on the South West Africa/Angola border, one at Windhoek, one at Walvis Bay, and the country is generally under martial law, all methods which are in direct violation of the Covenant of the League of Nations, which says:

"'No military or naval bases shall be established or fortifications erected in the territory.'

"Here we are faced with two ways of life—the way of the Black man and the way of the White man. Ways of life which do not only reveal sharp contrast but are in direct conflict with each other. However, the essential point is not that there is a contrast and a conflict but (a) that the contrast is a product of past and present deprivations maintained by a strict government system fraught with injustice and (b) that the conflict has taken a violent form on the part of the White man who is backed with legal and military sanctions by both the South African Government and the White South West Africa Administration, which is but a tool of the former, while the African remains defenceless."

## 2. POLITICAL CONDITIONS

78. The evidence gathered on political conditions in the Mandated Territory confirms once again what has long been known. Lack of political rights on the part of Native peoples, lack of the right of suffrage, which is the exclusive privilege of the White, lack of the right to participate in the administration of their country and people, which, among others, are part and parcel of the policy of *apartheid*, a policy based on the false concept of racial superiority of the White over the Black and Coloured races. As a result, the Native peoples have been denied and continue to be denied the opportunity to administer their own affairs so necessary for their development towards gradual self-government or independence, as envisaged in resolution 1568 (XV) of the General Assembly.

### *Lack of the rule of law*

79. One basic question in the administration of the Mandated Territory of South West Africa is that of the denial of the rule of law to the indigenous population. From statements made to the Committee it would appear that constitutional and legislative measures are generally applicable only to the White population of the Territory, while the Native or Coloured population are mainly governed by rules and regulations adopted by the Council of Ministers of South Africa and by proclamations promulgated from time to time pursuant to the policy of *apartheid*. The application of one set of laws to the European and another set to the Native inhabitants subjects the overwhelming majority to arbitrary government under which they are deprived of all basic human rights and fundamental freedoms. To this effect was the testimony of one of the petitioners, Mr. H. M. Basner, who declared that South West Africa has not been under the rule of law since the South African Government assumed the administration over the Mandated Territory. Mr. Zedekia Ngavirue in his previously quoted statement, in describing the sharp contrast and direct conflict between the ways of life of the White man and the Black man, pointed out that the past and present deprivations of the Black man were the result of a strict government system fraught with injustice and maintained by force. Mr. Peter H. 'Molotsi described the situation as follows:

"The South West African peoples under this administration are denied the fundamental civic, political, social, economic and cultural rights. The ruling settlers have arrogated unto themselves exclusive and absolute juridical, military, economic, and political power which they exercise ruthlessly to maintain

their ascendancy and reduce the indigenous people to helotry and virtual slavery. The primitive caste system is legalized, just like in South Africa and human fragmentation is hailed and lauded as an integral part of the State policy."

#### *Threat to international peace and security*

80. The Committee has already had cause to bring to the attention of the appropriate organs of the United Nations the explosive situation in South West Africa and the imminent threat to international peace and security thus created. In doing so, it was basing itself in part on the statements made to it by representatives of African Governments describing the heightened temper of opinion in that continent in face of injustices in the Territory. It also was much impressed by a large number of statements by spokesmen for SWANU, SWAPO and other representative groups of which the following are typical.

81. According to Mr. Nathaniel Mbaeva, who had also left the Territory on 24 May 1961, and who addressed the Committee on behalf of SWANU, the people in South West Africa were prepared to be killed for their country. If they were armed, the explosion could have occurred two years ago. The situation was so bad, however, that they might revolt at any moment even though they had no arms. The situation was very tense. Africans were threatened not only by soldiers. Every European represented a threat. When a White man puts his hands in his pockets, an African might fear being shot and assault the White man. He, as well as others, believed that the Europeans themselves expected an explosion; that was why they were armed.

82. Speaking before the Committee in Accra, Mr. Nujoma, President of SWAPO, recalled that since the time of the Windhoek disturbances in 1959 the South African Administrator in South West Africa had given instructions to all the European settlers to equip themselves with firearms. It was reported that the police had already started to teach European housewives how to use automatic weapons. Police and soldiers were patrolling the African residential areas and terrorizing Africans who lived in fear because they had no arms to defend themselves. During the preceding two months, more than 4,000 South African armed police and troops had been sent to the border of Angola and South West Africa in order to keep out "trouble-makers" and "agitators"; according to the information recently received from South West Africa it was reported that the residences of the so-called Native Commissioners at Ondangua and Oshikango in Ovamboland were under heavy police guard, and the Administrator had supplied firearms to the Government-appointed Chiefs and Headmen to shoot members of SWAPO at any time. The stationing of troops in Ovamboland had also led to abuses which the people found unbearable. For example, Ovambo oxen were being killed to feed the troops and the owners were not being paid for their animals.

83. Mr. Mburumba Kerina, speaking before the Committee in Accra in June, stated that representatives of SWAPO in Accra had just been informed by their National Organizing Secretaries in South West Africa that the Angola revolution had spread as far as northern South West Africa along the Kunene river, the boundary between South West Africa and Angola, and that members of SWAPO had burned down buildings at Namakundo, a few miles from the border, a Roman Catholic mission at Ompana and the big administrative

centre of Ondjiva (known as Vila Pereira de Eca), the seat of the Chief District Commissioner for Southern Angola. All these towns, which were near the border of South West Africa, formed part of South West Africa, he stated, but had been included in Angola by agreement between Portugal and the South African Government during the early years of the Mandate. Troops of both the Portuguese and the South Africans were patrolling the border and the whole northern area was under martial law.

84. Mr. Nujoma, an Ovambo, explained that Ovambo families were divided by the boundary. Most of the Ovambo people lived on the Angola side, and the Ovambo in South West Africa, numbering some 200,000, would naturally feel compelled to come to the assistance of their people on the Angola side, who would similarly assist the Ovambo in South West Africa.

85. Such solidarity was also revealed by others appearing before the Committee. Mr. Munamava, from Bechuanaland, told the Committee that the Hereros there would support the Hereros in South West Africa in any struggle against South Africa.

86. Mr. Tennyson Makiwane, speaking as a member of the National Executive of the African National Congress of South Africa, stated that his people and those of South West Africa were brothers. Being close neighbours they had intermarried, and in recent years they had worked together side by side in the mines, farms and factories of South Africa. The fact that both were victims of the hideous policies of *apartheid* and "White supremacy" had further cemented the historic bonds of brotherhood and compelled them to fight side by side in the interests of African solidarity and in the cause of freedom in southern Africa. With each passing day that saw South Africa defying the authority of the United Nations in the Mandated Territory of South West Africa, an unhealthy situation was created throughout South Africa. The South African racists concluded that everything was still fine, that the United Nations was a "toothless bulldog", and accordingly they intensified *apartheid* in both South Africa and South West Africa.

87. With increasing pressure by South Africa on the Mandated Territory, as evidenced by the dispatch of troops to the area, the people of South West Africa were going to be compelled to appeal to their brothers in South Africa to start action to alleviate the pressure on them. Indeed, Mr. Makiwane stated, if hostilities were ever to break out in South West Africa between the people and their South African overlords, Africans in South Africa would be compelled to open a second front, and thus come to their assistance. He cautioned that delay in taking international action might prove disastrous.

88. He felt that too much time had already been wasted in the consideration of the South West Africa question. He pointed out that the events in Angola, which might have come as a surprise to some, had been inevitable. If one followed the normal consequences of events, South West Africa would follow the path of Angola, and if the people of the Territory lost their faith in the United Nations, they would undoubtedly use the same methods as in Angola.

89. In Cairo, the Committee was presented with additional information concerning a further increase by the South African Government of the military strength in the Territory. Mr. Nelengani and Mr. Fortune, rep-

representatives of SWAPO, informed the Committee on 24 July 1961 that they had received discouraging news from their National Executive Committee in Windhoek which they felt called for urgent action. The South African defence line on the border of South West Africa and Angola now consisted of over 4,000 soldiers, South African aircraft patrols in the areas of Ohopoho, in the Kackoveld, and in the Caprivi Strip bases, and a Mobile Force from Potchefstroom (Transvaal) patrolling in co-operation with the Portuguese soldiers.

90. The port of Walvis Bay had been completely transformed into a full-time military operational base and they had been informed that an additional garrison of 1,500 troops was expected in South West Africa in a few weeks. The following statement was also made by SWAPO:

"The South West African Peoples Organization wish to state before this Committee again that despite the ruthless suppression of our organization by the South African Government, we will do . . . our best to organize with a view to overthrow the South African Government in our country by all means. The sooner the United Nations act, the better the situation can be resolved without bloodshed. The South African Government has created an explosive situation in our country and the United Nations must act swiftly. The situation in our country is a threat not only to the peace of the world, but it has become a threat to the peace of Africa and will very soon involve the independent African States."

#### *Political organizations*

91. Despite a heavy toll on its leadership and membership as a result of arrests and deportations, the two predominantly African political organizations established in South West Africa, the South West African Peoples Organization (SWAPO) and the South West Africa National Union (SWANU) have continued to operate in the Territory.

92. Both organizations have joined with the Pan Africanist Congress of South Africa, the African National Congress of South Africa, and the South African Indian Congress to form the South Africa United Front.

93. The basic aims of SWAPO, as enumerated in the programme of the organization, are:

"To establish a free, democratic government in South West Africa founded upon the will and participation of all the people of our country and to co-operate to the fullest extent with all of our brothers and sisters to rid our continent of all forms of foreign domination and to rebuild it according to the desires of our peoples; unification of all people of South West Africa into a cohesive, representative, national political organization, irrespective of their race, ethnic origin, religion or creed; reconstruction of the economic, educational and social foundations which will support and maintain the real African independence which our people desire for themselves."

It also favours Pan-Africanism, the Union of African States, positive neutrality, and one common nationality for all Africans.

94. The aims and objects of SWANU are:

"To unite and rally the people of South West Africa into one national front, to organize the common people, workers and peasants, of South West Africa and lead them in the struggle for national independence and self-determination; to work with

allied movements in Africa for the propagation and promotion of the concept of Pan-Africanism and unity amongst the peoples of Africa."

95. The President of SWANU, Mr. Jariretundu Kozonguizi, informed the Committee that members of his organization were prepared to dissolve it and join SWAPO. In his view, it mattered little what name the national front organization had so long as it stood for national unity.

96. Mr. Nujoma, the President of SWAPO, informed the Committee in Accra that more than 200 leaders and members of SWAPO had been arrested and imprisoned, and many had been deported from main towns to remote areas where they were kept under detention. Still further arrests were reported to the Committee by spokesmen for SWAPO in Dar es Salaam. Two possible reasons for the mass arrests and deportation of SWAPO leaders were suggested: the organization of a "stay-at-home", in collaboration with Africans in South Africa, to coincide with the celebration of the establishment of the Republic of South Africa on 31 May; and to prevent them from seeing the Committee in South West Africa.

97. As Mr. Piliso, of the South Africa United Front, described the situation:

"All of the capable sons of South West Africa are either out of the country or are lingering in jails or detention camps or are wandering about in all four corners of the globe as refugees."

98. In the opinion of Mr. Nathaniel Mbaeva, with which there appeared to be no disagreement, the Government was not preparing the Africans for independence but was ensuring that they never would have independence. The Government was not giving in and neither were the people.

99. While both SWAPO and SWANU were dedicated to breaking down group barriers, the policy of the Government was to divide and to maintain tribalism. In the opinion of Mr. Kozonguizi, tribalism was one of the biggest problems in South West Africa and it was clear from the laws, the pronouncements of Ministers and government officials, and from actual practice that tribalism was encouraged by the Government. There was not only a division created between Europeans and Africans, but also between the Africans themselves. For example, the Government forced Hereros, Ovambos, Namas, and other groups to live in separate areas of the urban locations established for their respective ethnic groups, and it sought to promote rivalry and disunity between the various groups. The pass laws was one of the most effective ways in which the Government divided people. The Government would not, for example, permit Hereros to visit Ovamboland, while Ovambo would always think in terms of Ovamboland because they were not allowed to come out of that area except as contract labourers for fixed terms. The fencing of African residential areas was another method used to control Africans' movement since there would be one exit gate, under constant guard, and any African passing through it would have to produce a pass indicating where he was going or where he was coming from.

### 3. ECONOMIC AND SOCIAL CONDITIONS

#### *General*

100. Those appearing before the Committee during its mission to Africa were all in basic agreement on the



adverse effects of *apartheid* in the economic and social life of the Native population. Segregated not only from the White settlers but also from each other on the basis of tribal or ethnic origins, the indigenous peoples are confined to their Native reserves and places of work, from which they cannot freely move out except on individual passes, and then only for purposes of seeking employment elsewhere, either as menial domestics or as cheaply paid labourers on farms, in mines, commerce and industry owned and operated by the White minority. The result is that the Native population, for lack of any remunerative employment and because of the absence of industry or the poverty or adverse climatic conditions in their Native reserves, have no share whatever under the present system in the fruits of commerce and industry or in the exploitation of their agricultural, fishing and rich mineral resources.

101. The petitioners explained that, should an African in a reserve be fit enough to obtain employment elsewhere, he had to absent himself from his family during the entire duration of his labour contract (about one and a half years) and to labour under conditions less than human. If for any reason he should violate the terms of his labour contract, he is either punished physically or arrested and put in jail and subjected to forced labour or in the end deported either to his own or some other Native reserve. But should he be fortunate enough to survive the rigours of his labour contract, he may then freely return at his own cost to his Native reserve often without any savings whatever and as poor as he began.

102. From such testimony, it is obvious that, under the operations of *apartheid*, the Native African is a social outcast and a prisoner in his own country, denied all basic human rights and fundamental freedoms. As a human being, he is deemed and treated as an inferior, whose only purpose and role in life is to serve the White man. Thus he leads a bare, spare life with no incentive or sense of purpose.

103. The general economic and social situation in the Mandated Territory may perhaps be pictured by quoting Mr. Ngavirue as follows:

"Of the three business assets of the Protectorate, its mining, farming and Native labour, we have destroyed the second entirely and two-thirds of the last." Thus reported Major Leutwein to Germany after the Herero massacre.

"The object of depriving Germany of South West Africa was to prevent the continuance of this state of affairs and to provide, instead, a government which would redress the Hereros and promote the welfare and material well-being of the whole indigenous population. In fact, the South African Government has not only failed to fulfil this obligation but has gone on to rob the other indigenous tribes of the land that remained from the Germans when they dispossessed the Hereros.

"If you look at the map of South West Africa today you will realize that about 75 per cent (93 million acres) of the land has been cut up into White people's farms. These White people are South African nationals brought for the sole purpose of displacing the Africans. The Africans have been crowded into small pieces of land called "Native Reserves". These cover only 10 per cent (about 25 million acres) of the total land, half of which is desert area. In fact, the reserves were not meant to be of any economic value to the Africans but to be labour reservoirs from

which cheap labour could be drawn for distribution on the farms and mines of the so-called master race.

"And that is the position as regards land.

"Labour in the main activities of the country, i.e., farming, mining and fishing industries, is about 95 per cent African. Yet the Africans get about 0 per cent of the wealth derived from these activities. About 3,000 African labourers are drawn annually from Ovamboland for work in these spheres, while the other reserves put together, roughly supply triple the number. African workers on farms, in the mining and fishing industries earn from 1/3d to 2/- per day. It is disgusting enough to observe that the Government has organized the reserves in such a way that life there constitutes the very factors that compel the African to come to work for the White man, but it is even more disgusting to observe further that the same Government through its instruments, the Labour Association, not only regulates the wages keeping them at a low level, but also makes profit by recruiting African labourers. The Labour Association gets from £8 to £13.18/- per annum for every recruit from outside the Police Zone.

"Added to this are the general conditions under which African labourers exist, e.g., scanty rations, poor housing conditions which are characterized by overcrowding and poor sanitary services. Then also the Government applies statutory measures to check the African from doing anything that might improve his position."

#### *Contract labour*

104. Refugees from the Territory were practically unanimous in stating that in the circumstances under which the Territory is being administered today there is hardly any way in which the Native population can earn a cash income except by accepting the onerous conditions of contract labour. Their description of the harsh and unbearable conditions of contract labour is summarized in the following paragraphs.

105. Mr. Nelengani and Mr. Mueshihange, who had originally left Ovamboland as contract labourers, said that most people in the reserves were very poor, and were forced to work outside to eat and pay their taxes. They could not take a job except through the Native Commissioner's recruiting station, and they could not choose their employer or elect to return to a former employer. They had to go where they were assigned. Mr. Nelengani stated that a boy over eleven years old could begin working on a farm under the contract system. A contract labourer just worked, slept and ate. If he worked slowly, his employer had the right to call the police to arrest him on that ground. If he got sick, he could walk to a hospital if he lived in town. If he worked on a farm, it would depend on his employer; he would be taken to a hospital if he worked for a kind White man.

106. Mr. Mueshihange stated that when he worked in South Africa, he had been able to earn more and send more money home. In South Africa, a worker could also get paid extra if he worked double time, but in South West Africa workers did not receive extra money for extra hours of work. In South Africa he had earned £2.10s. a week and had been able to send about £40 or £50 back home during one year. In South West Africa, on the other hand, he had been recruited for work at 1s3d. per day, with no fixed hours of work. A contract labourer could work from five o'clock in the

morning to 11 or 12 p.m., depending on his employer. On the basis of his own experience as a South West African labourer, he said that if he asked for a rest hour, he would not get it until the work was finished, however long that took. If there was water nearby, he could ask for some and get it; otherwise, he would be told that he could have water when he finished his work.

107. Mr. Kozonguizi testified that since the early 1950's the Native Affairs Department, in conjunction with South African Police, had run a separate office which was responsible for the rounding up of what they called "gedroste Ovambos" (runaway Ovambomen) who had to be "repatriated" to Ovamboland under police escort for "being in the wrong place" in South West Africa. Among them were many who had run away not from Ovamboland, for they all were brought to the Police Zone by the South West Africa Native Labour Association (SWANLA) or New SWANLA, but from the cruel brutality of their employers and had thought of going to town to seek justice from the police and magistrates. The first concern of the police would be whether they had obtained documentary permission from the very man whose savagery they were running away from. Many of these unfortunate people still languished in jail or suffered the effects of isolation in remote corners of Ovamboland and other areas.

108. Mr. Nujoma outlined the system of prison labour in relation to the pass laws in South West Africa, where he said a "Native" could not cross the street without a pass. If he was found without a pass, he could be arrested and fined £4 to £10 or imprisoned for two months, or, for more than one offence, for six months. If he paid his fine, he would be sent to the Native Affairs Department to obtain a pass. If he could not pay, he would be sent to jail, where he could be made to work on a private farm or for the Administration.

109. Mr. Nujoma added that settlers could obtain prison labour by going to the police and paying the Administration a nominal fee; the prisoners obtained no money for such work. They would be fed mealies and salt three times daily. They were also beaten, both in the prisons and on the farms. He drew attention to a report in *The Windhoek Advertiser* that a South West African farmer who had beaten an African worker to death had been fined £50. He considered that conditions were better in the reserves because people did not get beaten, as there were few policemen in the reserves. In the Police Zone, he added, the police could beat any African in the streets.

#### *Brutalities of contract labour*

110. Many witnesses mentioned cases of brutalities inflicted on contract labourers which frequently resulted in death or serious injury. The situation may best be described in the testimony of Mrs. Putuse Appolus, as follows:

"The evidence which I am going to give to this Committee will be in the nature of incidents that I have personally witnessed during four years as a nursing sister in hospitals all over South West Africa.

"I wish the Committee not to consider these incidents as isolated cases, but as examples of brutalities perpetrated on the African people of South West Africa daily by a régime which is supposed to render them protection and happiness.

"One day while I was working in the Keetmanshoop Non-European Hospital, four contract labour-

ers were brought in, all from the same farm. They had gunshot wounds and were bleeding. We were shocked and asked the medical superintendent what the matter was. His explanation was, 'Oh you know, staff-nurse, these Ovambos are very stupid. They happened to have run into some jackal trap and that is how they got shot'.

"As I got acquainted with the patients later, I found out the reason why these men had sustained their injuries. Some sheep were missing from the farm where they worked as herd-boys. The farmer got them together and started beating them with a sjambok. They tried to run away and were chased by the farmer and his two sons in a motor van. They had guns and shot at the men when they wouldn't stop running. One of them died on the farm. They could not tell me what happened to him and he was never brought in hospital.

"I went to the superintendent's office and told him what I had heard. He told me not to worry as these Ovambos are all liars. I could do nothing but wept.

"A fifteen year-old contract labourer was brought in by his master as a mental case. I was off duty and one of the ward girls came to me and told me to come and intervene as the superintendent was busy beating the boy. I found them in the bathroom. The superintendent was sweating and holding a sjambok. Also in the bathroom was a hospital worker named Johannes. The superintendent asked me what I wanted at the hospital as I was supposed to be off duty. I pleaded with him to stop beating the poor boy.

"You must not work yourselves up about these people, he told me. They are dirty. This boy is mad and we usually cure them quickly by giving them a thorough beating.

"I started crying and asked the superintendent to give the boy to me to wash. I was convinced that he was not mad but was under a terrific spell of fear. He left saying that I was interfering in the affairs of the hospital.

"The following day he demanded that the boy be locked up in isolation. I told him that the only thing the boy was suffering from was avitaminosis and we had a row. A week afterwards this boy who was in perfect mental health was transferred to Windhoek Mental Hospital.

"Two contract labourers died on one day. One from minetitis and the other from a haemorrhagic disease in the form of epistaxis. All that was needed to save their lives was a simple blood transfusion. I was told that no blood could be wasted on these Ovambos as they are happy to be dead instead of working.

"When a boy of about eleven years was brought into hospital one day, it happened that he was from the same farm as the four wounded labourers. He was spitting blood and the doctor diagnosed him as suffering from C.C.F. and ordered complete bed-rest.

"He was in hospital for ten days when one day there was screaming and scuffling from the ward where he slept. I rushed there only to find two young Boers hitting and dragging him. Their father was outside in the van. When they saw me they said, 'Yes, Nanny, this kaffir thinks he is clever. He is lying here pretending to be sick, but we know that he is only lazy'.

"I lost my temper and started hitting them with my shoe. The father came in running all the time swearing in Afrikaans. He twisted the boy's arm, and with hospital pyjamas and all, threw him in the van. The boy jumped off pleading with me to help him; I held onto him prepared to be beaten up by the Boers. They drove off still swearing and immediately came back with the superintendent.

"I threatened to resign and tell the world what was going on daily inside that hospital, and he told the Boer to go home.

"The superintendent called me to his office and warned me that my life was in danger. 'I have told you several times that you must not fiddle with these people's affairs. I have been here for years, and as you know I have performed post-mortems on natives who have been killed on the farms', he told me. 'What do I do? In court I swear in the name of God that they died out of natural causes. And of course, afterwards I get a fat sheep from the farmers. The law here is in the hands of these farmers and no one can help you once they are after you'.

"How, Mr. Chairman, can I relate all these cases to you? They are so numerous and so everyday that they become a pattern of life in South West Africa.

"I could not stand it much longer, and the superintendent tried to get rid of me. I was transferred to Gobabis, and there the pressure started. Special Branch police interrogated me constantly.

"Who was I? Where was I born? Who were my friends? Was I sending information outside the territory? What did I see during my stay in South West Africa? What political party do I belong to? Was I writing letters to Mburumba Kerina or Michael Scott?

"Every time the questions were the same. It was nerve-racking. My house was constantly searched and personal letters, books and pamphlets were removed and never brought back.

"There was a breaking point and I decided to resign from my job. I was served with a notice to leave the Windhoek Municipal Area in three days.

"As I made it clear before, Mr. Chairman, these are not isolated cases, but happenings which are mounting, heading for a serious explosion within the territory in the very near future. These repressions will drive the Africans to a breaking point sooner than anybody can think. It is only the intervention of the Security Council which can avert this."

111. Mrs. Appolus made it clear that the hospital superintendent at the Keetmanshoop hospital was not a medical doctor. When she joined the staff of the Keetmanshoop hospital, the belongings of dead Ovambos were piled high, and their families had never been informed of their deaths. Mrs. Appolus stated that, according to the government doctor in Windhoek, he was fully aware of the situation but could do nothing about it. He said that he had not been aware of the beating of patients, however, and when he had seen a sjambok in the Keetmanshoop hospital and inquired about it, the superintendent of the hospital, who was not a physician, denied that it was used.

### *Health*

112. According to some of those who appeared before the Committee, one grave aspect of the situation was the inevitable gradual extinction of the Native

population as a result of the combined effects of poverty, hunger, disease and adverse climatic conditions. They stated that in the Native reserves there was hardly any possible source of employment for lack of commerce and industry. The reserves were all too frequently so limited, so poor and so often barren of grass and water that even animals could hardly survive. Child mortality was extremely high, hunger and disease were rampant, life expectancy was very low and the poorly maintained medical and health services were far too inadequate to save the indigenous population from gradual extinction in the foreseeable future.

113. Mr. Ngavirue stated that there was a great shortage of medical facilities in the Territory. In some regions there were virtually no hospitals. Hospitals were always understaffed, overcrowded and generally had poor sanitary conditions. In Windhoek, the capital and largest town, the one and only government hospital for Africans kept patients with various types of diseases in common wards. There was neither a neurologist nor a psychiatrist at the Windhoek Native hospital but African mental patients drawn from all parts were herded into a camp where they were left to decay. There were hardly any specialized medical services for either Africans or Europeans. However, if a European patient needed a specialist, provision was made for his transfer to a better hospital in South Africa, whereas an African was rarely sent elsewhere for medical treatment.

114. As an example, he referred to the case of Mr. Berthold Himumuine, who had been refused a passport to take up a scholarship at Oxford University. Mr. Himumuine later had a stroke that left some of his limbs paralysed, and his people and some friends raised funds to send him to a medical institution in Natal, South Africa, where he could get physiotherapy since there was no physiotherapist in South West Africa. The Government refused Mr. Himumuine a pass to go to Natal. As another instance where the South West Africa authorities put obstacles in the way of an African who needed medical attention, he drew attention to the case of Miss Hedwig Nganjake, who came to Windhoek in 1960 from Waterberg Reserve for medical reasons. Mr. Ngavirue quoted a medical certificate from her doctor, as follows: "The above patient suffers from a permanent oesophageal stricture and must return to the above-mentioned hospital every four-eight weeks for dilation. We therefore ask you to grant Hedwig permission to remain in Windhoek". Since that time, the Windhoek Municipality had not been willing to grant Miss Nganjake a temporary residential permit and she and her daughter, who looked after her, had only visitors' permits which did not authorize the daughter to seek work in Windhoek. At the time he left Windhoek in March 1961, Mr. Ngavirue stated, these people had already used up the bit of money they brought from the Reserve and the only alternative was for the woman to go back to the Reserve and die.

115. Further information concerning health conditions in the Territory was obtained from Mrs. Appolus. She informed the Committee that there was a high rate of avitaminosis in the Territory. She explained that people were starving because the men did not earn enough money to feed their families; they could not buy fresh foods as these came from South Africa and were very expensive. The Government claimed that Africans only needed mealie meal, but that was obviously not an adequate diet for anyone.

116. The poor level of nutrition also contributed to the high incidence of tuberculosis, which was the prin-



cial single cause of mortality in the Territory. A patient might stay for six months in the hospital, where he would receive adequate medicines and be given vitamins. There was not enough milk in the hospitals, but patients would be served a little milk with their coffee. On being released from the hospital, however, the patient would return to the same conditions he had left; he would not have the kind of food that was available in the hospital and his master would not understand that he could not work hard; he would be called lazy, when he was actually on the verge of dying. Many would keep on working, losing weight steadily and coughing, until they eventually came to the hospital with secondary lesions. Many who were supposed to report back to the hospital were unable to because their bosses would not let them, due to their ignorance or their prejudice. When a farm worker was on the point of death, however, the farmer would bring him back to the hospital to avoid having a dead body on his hands.

117. Hospital patients were sometimes discharged before they were cured, and although they might live 100 miles from the hospital, they would be told that they should report back daily as out-patients.

118. Despite the high incidence of venereal disease in the Territory, there was no venereal disease campaign, Mrs. Appolus stated, and the sanitary conditions were so abominable that the disease spread rapidly.

119. Mrs. Appolus said that the infant mortality rate was very high among Africans in the Territory, due mainly to gastro-enteritis and malnutrition. Mothers worked until the birth of their children, but a family never earned enough for proper food. Most women in urban locations gave birth in hospitals where they at least obtained free food, but they would always keep a portion of it for their husbands or relatives. She had never seen that happen in South Africa. As soon as they left the hospital, mothers had to return to work and the new baby would be left with another child who would feed it water, with a little condensed milk added for sweetness. Mothers usually bought condensed milk rather than dry milk because it was less expensive. The condensed milk was often not fresh, was mixed with unboiled water, and soon after an infant left the hospital, it would be brought back beyond recovery. As a nurse, she had tried to persuade mothers to feed their babies well.

#### *Social welfare*

120. Mr. Ngavirue stated that while it was obvious that there was a great need for welfare services, one could not expect philanthropy from the ruthless South African Government which was bent on the task of doing anything possible that would directly or indirectly exterminate the indigenous population. Hence, there was absolutely nothing done to promote the general welfare of the indigenous population: the State did nothing to alleviate the distress of the poor, the old, the blind, the deaf and the dumb, the crippled or the orphan. No provision was made for either family or child welfare. Even in South Africa proper, there was a "bluff of meagre benefits" paid out quarterly to the blind, the old and the unemployed. In the Mandated Territory there was nothing of the sort. He spoke not only with some professional authority, Mr. Ngavirue observed, but also from two years' experience of what might be called experimental social work in the Windhoek Location. Mr. Ngavirue said that the Government

did not show how it spent moneys which it claimed to have been expended on the welfare of the Africans. He explained that a White so-called Welfare Officer, his assistant and typist were usually appointed at a Location or a hostel. Such an officer maintained a beer sales account, subject to the provisions of the Natives (Urban Areas) Proclamation No. 56 of 1951. The profits from this account which, according to the Proclamation, were supposed to be expended on the welfare of the people, covered the salaries of the so-called welfare staff and that of scores of municipal police constables who "look after the welfare" of the people by making regular beer raids in the Locations to stop people from brewing for themselves instead of buying at the municipal bars. Sometimes a dozen soccer balls were also bought with this money.

#### 4. EDUCATIONAL CONDITIONS

121. According to the evidence of those who appeared before the Committee, the basic policy of the South African Government in the educational field is to restrict Natives 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. The policy is also to deny them access to higher education, thus keeping them from professional activities, from participation in the fruits of their native resources, and from contact with enlightened ideas which would cause them to aspire to better ways of life than their present unbearable conditions. Bad as the past system was, the system of Bantu education which entered into force in 1961 is worse.

122. Mr. Kozonguizi pointed out that, in the past, education for Africans had been of a very low standard, but the introduction of the Bantu system of education, decided upon by the Government early in 1961, would cripple education completely. The new system envisaged schooling without examinations for five years. Only those selected by the Government would be allowed to go beyond that, even if the parents were willing and able to finance the further education of their children. Those who were forced to discontinue their schooling became mine, farm or domestic labourers. The new system envisaged the extension of elementary education to more Africans, however, and the Government considered this an improvement.

123. Bantu education was described by Mr. Ngavirue as a system aimed at teaching the Africans from childhood that they were inferior to the Whites and that the good things in life were meant for Whites only. He noted the following statement by Dr. H. F. Verwoerd, then Minister of Native Affairs, in the South Africa Senate in 1954:

"There is no place for him (the African) in the European community above the level of certain forms of labour. For that reason it is of no avail for him to receive a training which has as its aim absorption in the European community. Until now he has been subject to a school system which drew him away from his own community and mislead him by showing him the green pastures of European society in which he was not allowed to graze."

Mr. Ngavirue said that teachers and parents had made several protests against the system, but to no avail.

124. Mr. Ngavirue informed the Committee that in the Waterberg Reserve, with its 3,050 inhabitants, there

was only one primary school. The situation was exactly the same in the other reserves, while in the Kaokoveld, with its 13,500 inhabitants, there was no school whatsoever. In towns, the facilities were so poor that poorly ventilated rickety buildings were being used as classrooms. Moreover, the Administration of South West Africa imposed handicaps on the educational progress of the Africans. It would not recognize or encourage private efforts in respect of the establishment of a school where the need existed. He illustrated by referring to the private A.M.E. Mission School at Gibeon, founded by Chief Witbooi and his brother Rev. Witbooi, which had a roll of about 100 children. The Government was not prepared to recognize the school simply because it did not have a White management. Mr. Ngavirue said that he had visited the school during April 1961 and had been quite impressed by that self-help effort. In addition, it was Government policy that no African teachers could be recruited into the Territory from any of the neighbouring countries, even from the Republic of South Africa.

125. The South West African refugees who had left the Territory in order to obtain an education informed the Committee that, while in the past it had been possible to obtain secondary and higher education in South Africa, the Government no longer allowed Africans from the Territory to leave for educational purposes, even to South Africa. In any case, they would now have been able to obtain only Bantu education. Africans seeking medical and other professional education were refused it by the Government.

126. Mr. Kozonguizi informed the Committee that, as far as he knew, South West Africa had no more than ten non-European university graduates, including himself and Mr. Kerina.

127. Mr. Gawaxab and Mr. Appolus pointed out that the South African Government had not hidden its intention not to give self-government to Africans and it therefore had never attempted to prepare them for self-government.

## **B. Views of refugees and other petitioners concerning a solution to the problem**

### **1. TERMINATION OF THE MANDATE**

128. Representatives of the South West Africa Peoples Organization (SWAPO), and the South West Africa National Union (SWANU), as well as the representatives of all other African organizations appearing before the Committee in Accra, Dar es Salaam and Cairo appealed for immediate intervention by the United Nations to remove the South African Government from South West Africa and to protect the lives of South West Africans, without awaiting the outcome of the case pending before the International Court of Justice.

129. They considered the South African Government the instrument of the suppression and oppression of the indigenous population of the Territory and the principal hindrance to its development. They could foresee no possibility of a change of policy on the part of the South African Government.

130. The removal of the South African Government was therefore an essential prerequisite to the restoration of a climate of peace and security and to the initiation of any measure of self-determination.

## **2. OTHER MEASURES**

131. With regard to other measures for the restoration of a climate of peace and security and the future of South West Africa, the positions of SWAPO and SWANU, as well as proposals by individuals are set out separately below.

### *Position of the South West Africa Peoples Organization*

132. In a statement presented to the Committee in Dar es Salaam, SWAPO requested that action be taken by an emergency special session of the General Assembly to:

(a) Terminate the Mandate for South West Africa immediately, and to entrust the temporary administration of the country to a United Nations Commission composed of African States with a view to arranging for free general elections in the country immediately in order to make possible the conditions necessary for South West Africa to accede:

(1) To self-government now, through the establishment of a democratic African Government based on the principle of one man, one vote, irrespective of tribe, race, religion, education, sex, property, or colour;

(2) To independence not later than 1963.

(b) Establish a United Nations Police Force:

(1) To facilitate the work of the Administrative Commission of African States;

(2) To protect the lives of all inhabitants of the country;

(3) To free all political detainees and imprisoned leaders and members of SWAPO and other groups;

(4) To disarm all South African military and paramilitary personnel and to arrange for their immediate repatriation to South Africa;

(5) To disarm all organized and individual civilian elements;

(6) To assist in the restoration of peace and security; and

(7) To maintain law and order.

133. The organization asked that action for the implementation of these objectives commence immediately, and if necessary with the use of force as a last resort.

### *Position of the South West Africa National Union*

134. SWANU took the position that there could never be peace in South West Africa until the "White settlers from the Republic of South Africa who are determined to die fighting against the United Nations or any other administration in South West Africa" had been removed from the Territory. If there was a way which could guarantee that their presence would not constitute a danger to the peace and security of South West Africa they would always be welcome. SWANU emphasized that the departure called for was insofar as the presence of those settlers in South West Africa constituted a danger to peace and security there. In further explanation of the position, the President of SWANU, Mr. Jariretundu Kozonguizi, informed the Committee that the term "settlers" did not include South West Africans, persons born in the Territory, who, in the opinion of his organization, had the same rights as all other South West Africans.

135. Regarding the future of South West Africa, Mr. Kozonguizi indicated that SWANU favoured inde-

pendence immediately. He considered it impossible to fix the date for independence, however, because that depended on the progress being made to secure independence.

136. Concerning the system of government, Mr. Kozonguizi stated that none of the systems he had observed during his travels in other countries could in his view be applied in South West Africa. He had as yet not come across a system that would solve the special problems of South West Africa. In his view, the Territory had to have its own approach and its own system of government based on the special needs of South West Africa. Mr. Kozonguizi felt that, to that end, South West Africans could profitably consult with the United Nations, which brought together all ideologies, with a view to working out a system of government appropriate to the special needs of the Territory.

137. SWANU held that a clear distinction could be made between political control and administration. The people of South West Africa themselves had to be the ones to decide on the political and other arrangements for their country. In view of the low level of education and the consequent lack of people to carry out the administration, however, assistance would have to be obtained from the United Nations.

138. SWANU submitted the following arrangement for the first stage of self-determination for the people of South West Africa:

(a) Acceptance of the principle that political decisions should be taken by the people of South West Africa themselves.

(b) For this purpose, representatives from various regions of South West Africa should be selected to participate in a constitutional convention, to be held under the auspices of the United Nations, which would provide advisers on problems of a technical nature.

139. The convention would decide on the following questions:

- (1) Political arrangements in the country:
  - (a) Form of government and its constitution;
  - (b) Legislative Assembly representation.
- (2) Administration:

The United Nations to man the administrative section of the Government, subject to the proviso that all South Africans who were supporters of the South African Government be excluded.

(3) Maintenance of peace and security in the territory:

That United Nations troops police the Territory with troops drawn from African-Asian and other uncommitted countries, the right being reserved to the people of South West Africa to determine which countries they consider uncommitted.

(4) Technical Assistance:

The principles of how the resources of the country could best be exploited; how the desired wealth could best reach all the people; and how the people themselves could best take part in the development of the country.

(5) United Nations and its specialized agencies:

The United Nations might appoint a Committee of African States to advise the Government and administration of the Territory.

## *Proposals by individuals*

(a) *Proposals by Mr. H. M. Basner, a White attorney and former member of the South African Senate*

140. Mr. Basner maintained that, short of the use of sanctions or other forcible means, it could not be contemplated that the South African Government would abandon the administration of South West Africa, and as long as the Territory was administered by the Republic of South Africa there could be no change either in (a) the racial policies pursued by the Government in the past and at present, or (b) the mood of despair and rebellion which was mounting in the indigenous population of South West Africa. Only the termination of the South African Government's administration could bring about a different climate; all the attempts to find alternative or intermediate solutions for South West Africa were destroying the prestige of the United Nations in the eyes of Africans, strengthening the mood of obstinacy and repression in the South African Government, increasing the mood of despair and intransigence towards all solutions short of complete independence by the indigenous population.

141. In Mr. Basner's view, other countries and overseas investors shared with the European population of South Africa the responsibility for the maintenance of *apartheid*, which, he believed, was motivated by the desire to ensure a large supply of cheap migrant labour for the mining industry.

142. In regard to South West Africa, Mr. Basner suggested that a wide measure of self-government designed to lead the indigenous inhabitants of South West Africa to complete independence could be achieved (a) by taking away the administration from the Republic of South Africa, and (b) by instituting a new administration in which the United Nations itself would play the role of the Administering Power until the Africans had had enough training in democratic procedure, until the civil service could be Africanized, until the Africans and the Europeans had learned not to hate and distrust each other, but to recognize their common humanity and interests. The Governor would be a representative of the United Nations; the civil servants would be the servants of the United Nations; the Legislative Assembly would be a mixture of elected representatives of the Africans, the Europeans and members nominated by the Governor. With a period of honest trusteeship, not by any foreign Power, but by the United Nations itself, Mr. Basner felt confident that South West Africa would be able in a short period to rule itself like any other territory in Africa.

(b) *Suggestions made by the Reverend Michael Scott*

143. The Rev. Michael Scott suggested various possibilities that might be considered regarding the future of South West Africa. In doing so, he made it clear that he had not had an opportunity of consulting with those who had originally authorized him to represent them and that his suggestions should therefore only be considered in the fullest consultation with the inhabitants of South West Africa.

144. Mr. Scott thought it difficult to conceive of South West Africa becoming an independent nation and suggested that that might not be what the inhabitants would eventually desire.

145. For the present, therefore, South West Africa might become an independent development area directly administered through the agency of an association of

African States set up for the purpose, with active co-operation at all levels of the indigenous inhabitants of South West Africa, who should be drawn into the administration and afforded training for all administrative posts.

146. One of the first tasks of the Administering Authority would be the convening of a consultative assembly at which the initial problems and tasks of the new Administration would be explained, its aims declared and the forms of representation discussed with the people.

147. The first principle to be established, in Mr. Scott's opinion, should be equality of human rights for all people irrespective of race, colour or creed. Sovereignty and land ownership should ultimately reside in the people and there should be established equality before the law. These elementary principles would involve far-reaching changes in the law.

148. He suggested the division of the Territory into regional development areas, some of which, such as Rehoboth, could be reasonably self-contained and immediately become self-governing communities. In most areas, the reallocation of cultivatable land would have to precede the delineation of the development areas.

149. Mr. Scott stated that his personal opinion was that an alternative Government should be set up either

in Bechuanaland or in another African territory, that the Mandate should be revoked and the judgement of the International Court of Justice sought not so much on whether or what violations of the Mandate had taken place, but on the extent of the indemnities that should be paid to the African people of South West Africa on account of the deprivation of their lands and rights during the period of the Mandate.

150. He suggested that an alternative Administration be set up either by the United Nations or by representative Africans and South West African organizations and communities in the Territory. Its task should be to start drawing up a list of priorities, draft alternative legislation, make adequate provision for the extension of educational, health and other social services, make plans for the improvement of agriculture and livestock, and experiment with various technical possibilities of utilizing water resources and irrigating at present infertile land, undertake certain economic and social surveys necessary for the planning of industry, reallocation of land, resettlement of urban populations and a building programme for both rural and urban areas, making adequate provision for schools, hostels, community centres, etc.

151. Plans should also be made for an improvement of the communications system linking South West Africa with Bechuanaland and Central Africa.

#### IV. CONCLUSIONS OF THE COMMITTEE

152. From an objective study of the situation in South West Africa, through a careful analysis of the evidence given by petitioners, political leaders and refugees from the Territory, along with additional information from other available sources, including views of informed leaders for African unity and liberation, the Committee on South West Africa reached the conclusions outlined below. The evidence heard by the Committee, much of it given by persons who had only recently left South West Africa, confirmed the conclusions previously drawn by the Committee on the basis of its annual examination since 1954 of official documents of the South African Government and the territorial Administration as well as other material. It will be recalled that the Committee, which has come to a progressively more serious view of the situation in South West Africa, expressed the following conclusion in its previous report to the General Assembly:

"The Mandatory Power has continued to administer the Territory on the basis of a policy of *apartheid* and 'White supremacy' which is contrary to the Mandate, the Charter of the United Nations, the Universal Declaration of Human Rights, the advisory opinions of the International Court of Justice and the resolutions of the General Assembly . . . Unless and until this basic policy is changed, there can be no hope for the maintenance of a peaceful and orderly administration of the Mandated Territory. The Committee is therefore gravely concerned at the continued failure of the Union Government to comply with previous recommendations of the Committee, approved by the General Assembly, for the revision of policies and methods of administration to make them conform with the sacred trust embodied in Article 22 of the Covenant of the League of Nations and the Charter of the United Nations."<sup>17</sup>

153. Unfortunately, the refusal of the South African Government to permit the entry of the Committee into South West Africa deprived Committee members of on-the-spot observation of the deplorable conditions already revealed by the information in official documents and other material. However, the evidence heard by the Committee in Africa brought home to members in a most vivid and affecting way the intolerable indignities inflicted upon the Non-European population of the Territory under the *apartheid* policy.

154. South Africa is the only State in the world today to practise racism as an official policy, not only within its boundaries but throughout the Mandated Territory of South West Africa. This form of racial segregation and discrimination, known as *apartheid*, has been repeatedly condemned by the United Nations, by world public opinion and by all those who appeared before the Committee during its visit to Africa.

155. This policy is the most pervasive feature of the administration of the Mandated Territory and extends to all aspects of life of the Native population, as illustrated in particular by the following:

(a) In the political field, the Native population is completely deprived of all political and civic rights—the rights to vote or be elected, to participate in the affairs of government, to have freedom of movement and expression, to organize themselves into political parties in pursuit of their legitimate interests and aspirations—all these being the exclusive monopoly of the small White minority.

(b) In the economic life of the country, the Native peoples have no share in the profits of trade, commerce and industry, or in the utilization or exploitation of their agricultural, fishing or rich mineral resources, their only role being as a cheap source of labour for the benefit of the Whites, with no right to own land, which has been alienated to the extent that only 26 per

<sup>17</sup> See *Official Records of the General Assembly, Fifteenth Session, Supplement No. 12 (A/4464)*, paras. 444 and 453.

cent of the total land area of the Territory has been reserved for the Non-European majority. Neither have the Natives the right to practise the professions or to engage in general trade, commerce and industry, nor even the right to organize themselves into trade unions to protect the legitimate rights of labour.

(c) In the social field, the Natives are likewise subject to discrimination, are treated as outcasts, are strangers in their own land, segregated not only from the Whites but also from their own fellow men of different tribal or ethnic origin, and are confined to Native reserves, locations and places of work from which they cannot freely travel or move except on individual passes which are usually given only for the purpose of seeking employment elsewhere for the benefit of some White master. Most of these Native reserves are far apart from one another; they are usually the poorest portions of the country, very frequently too constricted and sometimes deficient in water or grass to maintain life. And even these Native reserves, poor as they are, have to be often further constricted or perhaps closed or moved elsewhere if the expansion of White settlement so demands. There has also been a failure to provide adequate medical, hospital and hygienic assistance. The social situation is further aggravated by the creation of an atmosphere of inter-racial fear and hatred in the Territory.

(d) Under the present system of Bantu education, Natives are restricted 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. They are denied access to higher education within South West Africa or South Africa and are thus kept from professional activities, from participation in the fruits of their native resources, and from contact with enlightened ideas which would cause them to aspire to better ways of life than their present unbearable conditions. Furthermore, the Natives are prevented, as a matter of policy and practice, from taking advantage of higher educational opportunities outside of the Territory.

156. The South African Government has from the beginning made plain its determination to annex the Mandated Territory entrusted to its care for the benefit of the Native inhabitants, and has engaged unilaterally in a progressive integration and incorporation of the Mandated Territory into South Africa, without a proper consultation of the inhabitants of the Territory and without the consent of the United Nations. The Mandatory Power has progressively integrated the administration of the Mandated Territory with that of South Africa by, *inter alia*, giving the European population of the Territory representation in the South African Parliament, by integrating, on a separate basis, the administration of the entire Native population with that of South Africa, by incorporating South West African Native reserve land into the South African Native Trust, and by the integration of various sections of the administration, including, among others, the civil service, the judiciary and the police. It has encouraged and is encouraging the settlement of the Territory by European immigrants, mainly from South Africa, and has given these European settlers political rights, transferred to them land and other economic resources of the Territory, and allocated to them a major share of the public funds of the Territory and of the social, health and educational facilities, to the immediate detriment of the indigenous population.

157. Consequently, the Committee is more than ever convinced that no peaceful solution to this question of South West Africa is likely to be acceptable to the South African Government except on the basis of its outright or virtual annexation of the Mandated Territory in whole or in part. South Africa's reservations to the last resolution on Mandates adopted by the League of Nations before its dissolution in 1946 and to the applicability of the Charter provisions on international trusteeship over Mandates upon the adoption of the Charter in San Francisco in 1945; its proposal to annex the Mandated Territory at the second part of the first session of the General Assembly in 1946; its series of legislation for the gradual integration or incorporation of South West Africa into the Union, so repeatedly condemned by the General Assembly; its ready acceptance and reiteration of partition and annexation as a basis for peaceful settlement of the question of South West Africa during the past two or three sessions of the General Assembly—all these are eloquent proof of its resolve at all costs to annex and appropriate, for its own use and benefit, the object of its sacred trust.

158. The Committee concludes that the South African Government, through its application of the *apartheid* policy, and of related legislative and administrative measures which establish the rights and duties of various sections of the population on the basis of their colour, race and tribal origin, its failure to promote and protect the rights and interests of the indigenous population and of the Territory as a whole, its denial to the Native population of all basic human rights and fundamental freedoms, its failure to submit reports and recognize and carry out its obligations regarding the right of petition and its continued failure to recognize and to submit to the supervisory authority of the United Nations over the administration of the Mandated Territory, as recently pointedly demonstrated by its preventing the Committee from entering the Territory, and generally by its exercise of powers of administration and legislation in a manner inconsistent with the international status of the Territory, has violated its obligations under the Mandate and the Charter in relation to South West Africa. Indeed, all of this is conclusive proof of the unfitness of the South African Government to continue further with the Mandate.

159. Through its successive governments, the Mandatory Power has revealed and reaffirmed itself to be unresponsive to the appeals of the Native population, the African community, and the international community as a whole. By its rejection of three advisory opinions of the International Court of Justice with respect to South West Africa, its persistent and unbending disregard of resolutions of the General Assembly and its continued violation of its legal obligations under the Mandate, Article 22 of the Covenant of the League of Nations and the Charter of the United Nations, the South African Government has followed a course of international illegality, which, in the opinion of the Committee, requires that corrective measures be instituted with a view to protecting the lives and legitimate rights and aspirations of the peoples of South West Africa.

160. The Committee has found no indication that the South African Government intends to change its policies and practices in the Mandated Territory and it is convinced that the continued administration of South West Africa by the South African Government will prevent the political, economic, social and educational

development of the vast majority of the population for whom the Mandate was designed.

161. Moreover, as stated in the Committee's memorandum to the Security Council, the Committee is convinced, from the testimony of political refugees and other petitioners who appeared before it in Africa, that the continuing application of the *apartheid* policy in South West Africa and the continued defiance by the South African Government of the authority of the United Nations over the Mandated Territory have created such a deep-seated resentment among all Afri-

cans and such a tense situation that only intervention by the United Nations can prevent armed racial conflict in Africa. In this connexion, the Committee draws attention to the fact that the Mandatory Power has encouraged the arming of the European population of the Territory and has established military fortifications and large defence forces within the Mandated Territory, and has at the same time revised the integrated military programme of the Territory and South Africa to provide, among other things, for a Citizen Force of wartime strength and a speed-up in the production of arms and munitions.

## V. RECOMMENDATIONS OF THE COMMITTEE

162. The Committee, after a careful appraisal of the extremely delicate and explosive situation in the Territory of South West Africa, came to the conclusion that, in view of the unfitness of the South African Government further to administer the Territory, the best interest of all concerned and of international peace and security demand as a matter of great urgency that the General Assembly should undertake a study of the ways and means by which to terminate South African administration over the Mandated Territory of South West Africa and to have that administration assumed directly or indirectly by the United Nations so as to ensure the institution of the rule of law and such democratic processes, reforms and programmes of assistance as will enable the Mandated Territory to assume the full responsibilities of sovereignty and independence within the shortest possible time. Such a study should contain all consequences of the termination of the South African administration, including all measures necessary to put into effect in the Territory the transfer of Government power to the indigenous people of the Territory who constitute a great majority of the population.

163. The Committee is convinced that, short of compulsive measures within the purview of the Charter, the problem of South West Africa cannot be solved in present circumstances in a manner that will protect the lives of the indigenous inhabitants of the Territory and ensure the maintenance of international peace and security in Africa.

164. The Committee, in accordance with its findings and conclusions, makes the following recommendations:

(a) *With reference to paragraph 4 (a) of General Assembly resolution 1568 (XV)*—the conditions for restoring a climate of peace and security:

(1) Urgent consideration by the Security Council and all other organs, sub-organs or Member States of the United Nations of all such measures or courses of action as may be required to ensure the effective implementation of the recommendations made in this report or of any other decisions made by the United Nations on the question of South West Africa;

(2) The immediate institution of a United Nations presence in South West Africa;

(3) Removal of the present Administration from the Territory of South West Africa, with effective and simultaneous transfer of power to the United Nations or to the indigenous inhabitants of the Territory;

(4) United Nations assistance to the indigenous inhabitants, either through the Committee on South West Africa or through a United Nations Special Committee of Assistance to South West Africa;

(5) Training and organization of an indigenous police force by the United Nations, withdrawal of firearms from all Europeans and prohibition of the possession of arms by all civilians, withdrawal of South African military forces, abolition of all discriminatory laws and regulations, and cessation of all organized immigration of Europeans, especially South Africans, to the Mandated Territory.

(6) Attainment of independence by South West Africa through a Constitutional Convention, a popular referendum on the constitution adopted by the Convention, the election of representatives of the people on the basis of universal adult suffrage, the establishment of an independent Government—all with the assistance of the Committee on South West Africa or the suggested United Nations Special Committee of Assistance to South West Africa.

(b) *With reference to paragraph 4 (b) of General Assembly resolution 1568 (XV)*—the steps which would enable the indigenous inhabitants of South West Africa to achieve a wide measure of internal self-government designed to lead them to complete independence as soon as possible:

(1) Immediate organization of a special, intensive type of fellowship programme to train the largest possible number of indigenous inhabitants of South West Africa in the functions and techniques of administration, economics, law, hygiene (sanitation), etc., increasing thereby the available number of trained personnel of indigenous background;

(2) The planning by the Committee on South West Africa or by the United Nations Special Committee of Assistance to South West Africa, with the participation of accredited representatives from the political parties and popular organizations of South West Africa and with the assistance of individuals, of qualified personnel from the United Nations and other international organizations, of preliminary drafts, *inter alia*, for the following:

(a) A Constitutional Convention;

(b) A popular referendum (including such factors as the qualification of electors, the location of election polls, supervision, campaigns, etc.);

(c) Educational system;

(d) Economic organization;

(e) Agrarian organization and reform, particularly on the question of land ownership by the indigenous population;

(f) Technical and economic assistance by the United Nations and its specialized agencies.

(3) The implementation of the plans set forth above under the supervision of the United Nations.



## ANNEXES

### ANNEX I

#### Correspondence between the South African Government and the United Nations

**1. Letter dated 1 May 1961 from the Chairman of the Committee on South West Africa to the Minister of External Affairs of the Union of South Africa**

On behalf of the Committee on South West Africa, I have the honour to refer to General Assembly resolution 1596 (XV) of 7 April 1961, a copy of which is enclosed.

As you will note from operative paragraph 5 of that resolution, the General Assembly has requested the Committee on South West Africa immediately to proceed to discharge the special and urgent tasks already entrusted to it in resolution 1568 (XV) as fully and expeditiously as possible.

Accordingly, the Committee intends to visit the Territory of South West Africa and to offer the population an opportunity to present its views. The Committee would, in addition, welcome discussions with representatives of the Union Government both before and after its visit to South West Africa.

A copy of the Committee's proposed itinerary is enclosed herewith.

The party will be composed of representatives of members of the Committee on South West Africa, accompanied by six officials of the Secretariat of the United Nations.

It is the sincere hope of the Committee that your Government will extend to the Committee its full co-operation in the mission entrusted to the Committee by the General Assembly.

In view of its proposed departure on 30 May 1961 the Committee would appreciate receiving a favourable answer from the Government of the Union of South Africa at the earliest possible date.

(Signed) ENRIQUE RODRÍGUEZ FABREGAT  
Chairman of the Committee  
on South West Africa

#### ENCLOSURE

*Proposed itinerary of the Committee on South West Africa*

|                         |  |
|-------------------------|--|
| <i>May</i>              |  |
| Wednesday, 31           | Arrive Johannesburg  |
| <i>June</i>             |  |
| Saturday, 3             | Leave Johannesburg (air)<br>Arrive Windhoek  |
| Monday-Saturday, 5-10   | Visit Windhoek area (car)  |
| Monday, 12              | Windhoek-Luderitz (air)  |
| Tuesday, 13             | Luderitz-Oranjemund-Keetmanshoop (air)   |
| Thursday, 15            | Keetmanshoop-Mariental (car)   |
| Friday, 16              | Mariental, via Hoachanas to Windhoek (car)   |
| Monday, 19              | Windhoek-Tsumeb (air)  |
| Tuesday-Saturday, 20-24 | Side trips by road around Tsumeb; and by air to Ondangua (Ovamboland), Ohopoho (Kaokoveld), Runtu (Okavango) |
| Saturday-Sunday, 24-25  | Namutoni (Etosha Pan Game Reserve)   |
| Monday, 26              | Tsumeb-Swakopmund (train)  |
| Tuesday, 27             | Swakopmund-Windhoek (car)  |
| Wednesday, 28           | Windhoek-Johannesburg (air)  |
| Thursday, 29            | Leave Johannesburg for return trip (air)   |

**2. Letter dated 16 May 1961 from the Permanent Representative of the Union of South Africa to the United Nations addressed to the Chairman of the Committee on South West Africa**

You will recall that your letter TR 212 of 1 May 1961 was sent to me for transmission to His Excellency the Minister of External Affairs of the Union of South Africa. In passing I may mention that this letter only reached my office on 3 May, and although it was forwarded immediately it arrived in Cape Town only on 10 May.

At that time the Union Government already had in its possession a letter from the Secretary-General dated 14 April 1961 relating to General Assembly resolution 1596 (XV) as a whole.

I have today transmitted to the Secretary-General the reply from the Minister of External Affairs of the Union of South Africa, giving the Union Government's views on the resolution. Part of this reply deals with paragraph 5, and therefore also the suggestions contained in your letter of 1 May 1961.

(Signed) B. G. FOURIE  
Permanent Representative

**3. Letter dated 14 April 1961 from the Secretary-General to the Minister of External Affairs of the Union of South Africa**

I have the honour to transmit herewith a copy of resolution 1596 (XV), adopted by the General Assembly at its 979th plenary meeting on 7 April 1961, and to draw the attention of your Government to operative paragraph 5 of the resolution.

(Signed) Dag HAMMARSKJÖLD  
Secretary-General

**4. Letter dated 10 May 1961 from the Minister of External Affairs of the Union of South Africa to the Secretary-General**

1. I have the honour to acknowledge receipt of your letter TR 212 of 14 April 1961, with which you forwarded to me a copy of resolution 1596 (XV) adopted by the General Assembly at its 979th plenary meeting on 7 April 1961, and in which you drew the attention of the Union Government to operative paragraph 5 of the resolution.

2. In reply to your letter TR 212 of 20 December 1960, in which you draw the attention of the Union Government to resolution 1568 (XV), I explained why it would not be possible for the South African Government to accede to the request that it should facilitate the mission of the Committee on South West Africa to visit the Territory. The considerations set out in my reply continue to be relevant.

3. Meanwhile the General Assembly has again requested the Committee to carry out its mission and to do so immediately, even, if necessary, without the co-operation of the Union Government. What precisely is meant by this directive is not clear, unless of course it was the intention of those responsible for the drafting of paragraph 5 of resolution 1596 (XV) to convey an implied threat by which the Union Government is to be coerced into abandoning a position which it has consistently taken up, and which is well-founded in fact and in law.

4. I have since been informed by the Chairman of the United Nations Committee on South West Africa, that the Committee intends visiting the Territory "in order to offer the population the opportunity of presenting its views".

The South African Government takes strong exception to the suggestion contained in this paragraph, *viz.*, that a Committee of the United Nations is entitled to have consultations with the inhabitants of the Territory, a procedure which was not permitted under the Mandates System of the defunct League of Nations.

5. The Assembly resolution of 7 April contains several serious allegations as to alleged conditions in the Territory, such as "tyrannical policies"; "terrorizing the indigenous inhabitants"; "repression"; the necessity of "protecting the lives and properties of the inhabitants", etc. My Government cannot but resent, and regret, the manner in which facts given in the past by successive South African delegations have been summarily rejected in favour of the irresponsible and mischievous allegations. In this connexion I would remind you of my assurance to the Fourth Committee that adequate replies could be given to those spurious charges, but that in view of the Union's adherence to the *sub judice* rule it would refrain from doing so until the International Court of Justice has disposed of the matter. If and when the merits are tried by that Court, it is hoped that these charges can be repeated and the Union Government be given the opportunity of dealing with them in accordance with the rules of judicial procedure.

6. Coming now to the proposed visit of the United Nations Committee to South West Africa, it is noted that resolution 1568 (XV) entrusts "special and urgent tasks to the Committee". The South African Government must necessarily view this instruction with particular concern and disquiet, since it is a direct infringement of the *sub judice* principle. These "tasks" envisage an investigation *in loco*, into matters which, as the General Assembly was aware, feature prominently in the contentious proceedings on the subject of South West Africa, at present pending in the International Court of Justice. One of the members of the Committee which proposes to visit South Africa is actually the representative of a plaintiff in those proceedings!

My statement on the *sub judice* principle, made in the course of the debate in the fifteenth session of the General Assembly, is on record. The fact that this principle was disregarded by both the Fourth Committee and the Assembly does not detract from the validity of our attitude in the matter and cannot debar us from continuing to claim protection against action so obviously prejudicial to the Union's case. It is recognized practice in the legal systems of most civilized countries, that the *sub judice* principle is observed in regard to an action pending in a Court of Justice, *viz.*, that no action should be taken which might be likely to hinder, embarrass or prejudice the Court in the exercise of its judicial functions. The *sub judice* principle has been applied also by the most important organ of the United Nations itself, *viz.*, the Security Council, when it was sought to discuss the Anglo-Iranian dispute. In the course of the discussion in the Security Council, Sir Benegal Ran—later a Judge of the International Court—said: "It may not therefore be wise or proper for us to pronounce on this question, while substantially the same question is *sub judice* before the International Court of Justice." The Security Council decided to adjourn the discussion of the matter.

7. Not only did the General Assembly, during the fifteenth session, ignore the consideration outlined above; it has refused even to consider the sincere efforts which the South African Government has made in the past to find a mutually satisfactory solution of the South West Africa issue, such as the proposal made in 1951, and repeated on a number of occasions since then, to conclude an arrangement with the three remaining Principal Allied and Associated Powers, and which was rejected. In 1958 the Union Government invited the Good Offices Committee to come to South Africa for discussions. This Committee advanced certain proposals, one of which envisaged partition of the Territory and was accepted in principle by the South African Government. The Fourth Committee declined even to consider this proposal.

8. It is necessary to point out that the proposed visit would be in conflict with the procedure followed under the Mandate System of the defunct League of Nations—in fact, it does not even fall within the scope of the supervisory functions envisaged in the 1950 Advisory Opinion of the International Court of Justice. The proposed visit is not based on any precedent in the practices followed by the League of Nations in the exercise of its supervisory functions. Such a visit would therefore go far beyond any authority which the United Nations could claim to have derived from either principle or precedent, under the defunct League of Nations.

9. In resolution 1596 (XV), the General Assembly has not confined itself to questions appertaining to the internal administration of the Territory. It has gone further, and in the resolution adopted directed the attention of the Security Council to the situation in respect of South West Africa, which it alleged, if allowed to continue, would constitute a threat to international peace and security. This allegation which appears three times in the General Assembly resolution, this year also in its operative paragraphs, would be a grave one if it had any foundation. The charge is, in fact, both spurious and ridiculous, and is obviously being made in order to circumvent the contention of the South African Government that this matter is still *sub judice* before the International Court of Justice.

10. The South African Government is convinced that international peace and security is not threatened in the Territory of South West Africa and is prepared to confirm its conviction by requesting an independent person of international standing, to be mutually agreed upon by the President of the General Assembly of the United Nations and the South African Government, to conduct an impartial and objective inquiry into the validity or otherwise of this particular charge.

11. For the reasons aforementioned, the South African Government cannot depart from what it regards as an important principle, and is therefore unable to accede to the request of the United Nations Committee to co-operate in connexion with their proposal to visit South West Africa.

(Signed) Eric H. Louw  
Minister of External Affairs

**5. Letter dated 17 May 1961 from the Chief of the Transportation Section of the United Nations to the Consulate General of the Union of South Africa, New York**

It is requested that visas for the Territory of South West Africa and the Union of South Africa be granted to the following members of the Committee on South West Africa:

Mr. Enrique Rodríguez Fabregat (Uruguay), Chairman of the Committee;

Mr. Victorio D. Carpio (Philippines), Vice-Chairman of the Committee;

Mr. Poul Boeg (Denmark), Rapporteur of the Committee;

Mr. Marcello Raffaelli (Brazil);

Mr. Girma Abebe (Ethiopia);

Mr. Carlos González Calvo (Guatemala);

Mr. Sasmojo Karseno (Indonesia); and

Mr. Mostafa Rateb Abdel Wahab (United Arab Republic).

These persons are scheduled to leave this country between 25 and 30 May 1961 on an official United Nations mission, undertaken in accordance with General Assembly resolution 1596 (XV) of 7 April 1961. A copy of the proposed itinerary is enclosed herewith.

It will be greatly appreciated if the visas are granted at your earliest convenience to permit travel as planned.

Thank you for your kind attention in this matter.

(Signed) A. DE ANGELIS  
Chief, Transportation Section



**6. Letter dated 25 May 1961 from the Consul General of the Union of South Africa, New York, to the Chief of the Transportation Section of the United Nations**

With reference to your letter No. TR 212/1 of 17 May 1961, the South African authorities regret that, for the reasons indicated in the Hon. the Minister of External Affairs' letter of 10 May 1961 to the Secretary-General, the applications for visas for the members of the Committee on South West Africa mentioned in your letter cannot be granted.

(Signed) Henry P. MARTIN  
*Consul General*

**7. Telegram dated 14 June 1961 from the Chairman of the Committee on South West Africa to the Minister for Foreign Affairs of South Africa**

The Committee on South West Africa has decided to go to the Republic of South Africa about the last week of June 1961 in order to discuss with representatives of your Government the practical arrangements for implementing General Assembly resolution 1568 (XV) as fully and as expeditiously as possible. For this reason the Committee requests your Government to grant visas to the members of the Committee for that purpose and would appreciate an early reply.

(Signed) Enrique RODRÍGUEZ FABREGAT  
*Chairman of the Committee  
on South West Africa*

**8. Telegram dated 23 June 1961 from the Chairman of the Committee on South West Africa to the Minister of Foreign Affairs of South Africa**

Honour inform you Committee on South West Africa has arrived in Accra and awaits reply to my cable sent 14 June 1961 before Committee leaves Accra on 28 June en route to other African territories.

(Signed) Enrique RODRÍGUEZ FABREGAT  
*Chairman of the Committee  
on South West Africa*

**9. Letter dated 23 June 1961 from the Acting Permanent Representative of South Africa to the United Nations addressed to the Secretary-General**

I have the honour to inform you that the South African Government have carefully considered the telegram which Professor Fabregat addressed to the Minister for Foreign Affairs on 14 June 1961 but that for reasons fully set out in Mr. Louw's letter to you of 10 May, my Government are not able to depart from what they regard as an important principle. In the circumstances the South African Government cannot agree to the proposed visit and discussions on the basis envisaged in Professor Fabregat's telegram.

(Signed) K. E. PAKENDORF  
*Acting Permanent Representative*

**10. Letter dated 7 July 1961 from the Acting Permanent Representative of South Africa to the United Nations addressed to the Secretary-General**

I have the honour to convey to you the following message from the Honourable Eric H. Louw, Minister for Foreign Affairs of the Republic of South Africa:

1. In spite of the refusal of visas and the clearly stated attitude of the Government which is known to Professor

Fabregat he yesterday publicly reiterated his determination to enter South West Africa without the permission of the Government. It appears that he and fellow members of his Committee will on Saturday be on their way to the border of the Territory.

2. It is my duty on behalf of the Government of the Republic to advise you that if members of the Committee and/or other members of its party should attempt illegally to cross the South West African border with or without help of the dissident elements, which in fact constitute a small minority of the Bantu population, the Government will, however, reluctantly, be obliged to prevent such an attempt. Any consequences which may follow must be blamed solely on the Committee and through the Committee the responsibility will devolve on the United Nations itself. For this reason your intervention is suggested to forestall violation of the border and the probable consequences.

3. In this connexion I have to remind you that whatever differences may exist as to the juridical position which is at present the subject of proceedings in the International Court it is perfectly clear that South Africa was, in terms of the original mandate, given the right to administer the Territory as an integral part of South Africa. This existing right has always included the right to control admission to the Territory.

4. If therefore a Committee of the United Nations were to attempt to force an entry into the Territory after visas have been refused for the reasons fully set out in my letter to you on 10 May, I must respectfully point out that such action would involve the United Nations in an act of aggression.

5. In view of the fact that Professor Fabregat in a message from Accra has warned you that the situation in South West Africa has become a threat to international peace I wish to state that there is peace and order and planned progress for all races in the Territory. I particularly repeat the Government's offer contained in the letter of 10 May that an independent observer of international standing be asked to investigate the Government's claim that the situation in South West Africa is not in any way a threat to world peace. Up to the present there has been no reaction to that offer.

6. Finally I would also point out that action proposed to be taken by the Fabregat Committee would gravely prejudice the contentious proceedings at present pending in the International Court.

(Signed) E. E. PAKENDORF  
*Acting Permanent Representative*

**11. Aide-mémoire dated 10 July 1961 from the Acting Permanent Representative of South Africa to the United Nations addressed to the Secretary-General**

On Friday, 7 July 1961, the South African Acting Permanent Representative handed to the Secretary-General a message from the Hon. E. H. Louw, Minister for Foreign Affairs, in which attention was drawn to the possible consequences should the members of the Committee on South West Africa, despite the refusal of visas, carry out the declared intention of their Chairman of entering that territory. Mr. Hammarskjöld responded by saying he would telegraph Mr. Louw's message to Professor Fabregat and, if the latter persisted in his intention, Mr. Louw's message as well as Professor Fabregat's reply would possibly be published in a Security Council document.

Mr. Louw has taken note of the Secretary-General's proposal to circulate his message as a Security Council document. He, however, wishes it to be clearly understood that circulation of his message as a Security Council document is not at his request and must therefore not be interpreted as an acknowledgement by the South African Government that the subject matter of the Minister's message to the Secretary-General is a matter for the Security Council.

Should the message already have been circulated, the South African reservation should likewise be made known.

## ANNEX II

### Description of the Committee's proposed itinerary in South West Africa

1. The Committee had planned to arrive in Johannesburg on 31 May and in Windhoek, the capital of the Mandated Territory, on 3 June. It proposed to spend a week in the Windhoek area, where it hoped to meet with political leaders and representatives of all sections of the population. The Committee's stay in Windhoek also envisaged visits to the two Native locations, hospitals, schools and other institutions, including the military base, the Rehoboth Community, the Ovitoto and Otjimbingwe Native reserves, and the site of the former Aukeigas Native reserve bordering on the new Native location of Katutura, which was transformed into two European farms and a game reserve after the Government removed the African residents.

2. From Windhoek, the Committee planned to go to the port of Luderitz, the base for the South West African rock lobster fishing industry; to Oranjemund, to see conditions on the diamond mines, the largest single employer of contract

labour in the Territory; and to Keetmanshoop, the centre of the karakul industry. From Keetmanshoop, the Committee would have proceeded to Itzawisis, the barren area selected by the Government for the proposed resettlement of the people of Hoachanas, to the Berseba, Tses and Gibeon Native reserves, the last-named being the home of Chief Witbooi, to Hoachanas, and back to Windhoek preparatory to the Committee's departure to the northern areas of the Territory.

3. In the north, the Committee planned to base itself at Tsumeb, the site of the Tsumeb Corporation's copper mining operations, from which it had intended to make charter flights to the northern Native reserves of Ovamboland, the Kaokoveld and the Okavango, as well as motor trips to other areas accessible from Tsumeb. Finally, the Committee would have visited Swakopmund, which is adjacent to Walvis Bay, and returned via Windhoek and Johannesburg, to Headquarters.

## ANNEX III

### Telegram dated 5 July 1961 from the Chairman of the Committee on South West Africa to the Secretary-General

1. On behalf of the Committee on South West Africa, I have the honour to draw your attention to the attitude taken by the Government of the Republic of South Africa concerning the implementation of General Assembly resolutions 1563 (XV) and 1596 (XV), the full implementation of which the General Assembly considered necessary to bring to a speedy end a situation which, if allowed to continue, would, in the view of the General Assembly, endanger international peace and security.

2. The Government of the Republic of South Africa, by letter dated 10 May 1961 from the Minister of External Affairs of the Union of South Africa to the Secretary-General, has indicated its refusal to co-operate with the Committee on South West Africa in the implementation of General Assembly resolution 1596 (XV). By letter dated 25 May 1961 from the Consul General of South Africa in New York, the Government of the Republic of South Africa has refused to grant visas to the Committee on South West Africa to enter the Mandated Territory for the purpose of carrying out the special and urgent tasks entrusted to the Committee by operative paragraph 4 of General Assembly resolution 1568 (XV). Furthermore, the Government of the Republic of South Africa has refused to receive the Committee in South Africa for the purpose of discussing with representatives of that Government practical arrangements for the implementation of resolution 1568 (XV).

3. The Committee on South West Africa finds it necessary, in view of the seriousness of the situation in respect of South West Africa, to bring to the attention of the Secretary-General, within his functions under Article 99 of the Charter, the explosive situation resulting from the attitude taken by the Government of the Republic of South Africa, by its defiance of General Assembly resolutions 1568 (XV) and 1596 (XV) and of other resolutions of the General Assembly and advisory opinions of the International Court of Justice dealing with South West Africa, its refusal to permit the Committee to enter the Mandated Territory for the purpose of investigating the prevailing situation and the carrying out of the Mandate Agreement, the violations of human rights and human dignity suffered by the people of South West Africa, in particular by the ruthless application of the *apartheid* policy, the violation of the sacred trust embodied in Article

22 of the Covenant of the League of Nations and in the Mandate for South West Africa, has provoked, according to the information thus far gathered by the Committee from political refugees from the Mandated Territory and nearby regions, as well as from informed sources from other parts of Africa, gravely explosive reactions from all African peoples, which, unless alleviated by timely action, are bound soon to reach the breaking point endangering peace and security in this region of the world. All Africans feel, and feel deeply with the deepest emotions, that human patience and endurance have their limits, and that the time has come for decisive international action before it is too late.

4. Consequently, the Committee on South West Africa considers it of the utmost urgency that Member States and organs of the United Nations concerned be notified immediately of the imminent threat which the degenerating situation in South West Africa poses to international peace and security, in order that timely international action may be taken to put this explosive situation to an end, thus enabling the Committee to implement its special and urgent mission to the Mandated Territory as fully and as expeditiously as possible even without the co-operation of the Government of the Republic of South Africa.

5. Meanwhile, the Committee shall continue as well as it can to seek ways and means to give effect to the implementation of resolution 1596 (XV) as fully and as expeditiously as possible, *inter alia*, by interviewing refugees in Ghana, Bechuanaland, Tanganyika and the United Arab Republic, as well as in other countries and territories to which the Committee may be invited.

6. The texts of the correspondence between the Government of the Republic of South Africa and the United Nations with respect to the implementation of General Assembly resolution 1596 (XV) are being airmailed for attachment hereto.

7. The Committee requests that this telegram be circulated as an official document to all Members of the United Nations.

(Signed) Enrique RODRÍGUEZ FABREGAT  
Chairman of the Committee  
on South West Africa

**1. Telegram dated 25 July 1961 from the Chairman of the Committee on South West Africa to the President of the Security Council**

With reference to General Assembly resolutions 1568 (XV) and 1596 (XV), in particular operative paragraph 7 of the latter resolution, as well as the telegram sent to the Secretary-General on 5 July 1961 by the Chairman of the Committee on South West Africa (S/4854), the Committee wishes to call the attention of the Security Council to further developments, described in the memorandum transmitted separately for attachment hereto, which have prevented the Committee from fully implementing said resolutions.

In view of the fact that the Committee has been prevented by force by the South African Government from entering the Mandated Territory, the Committee is convinced that it will be able to implement fully the resolutions only with the support of Security Council action. The Committee has also found that the explosive situation which exists in relation to South West Africa continued to be a grave threat to international peace and security requiring immediate action by the Security Council.

The Committee accordingly considers it urgent that the Security Council be convened in order to take action to enable the Committee to implement fully the resolutions of the General Assembly so as to bring the above-mentioned situation to a speedy end.

(Signed) Enrique RODRÍGUEZ FABREGAT  
Chairman of the Committee  
on South West Africa

**2. Memorandum of the Committee on South West Africa concerning the situation in South West Africa\***

With reference to the telegram sent on 4 July 1961 from the Chairman of the Committee on South West Africa to the Secretary-General, the Committee, having been impeded by forces beyond its control from fully implementing General Assembly resolutions 1568 (XV) and 1596 (XV), calls the attention of the Security Council to the fact that the situation in South West Africa remains a grave threat to international peace and security which must be dealt with as a matter of urgency if the situation is to be brought to an end without regrettable consequences.

On 8 July 1961, the day after its arrival in Salisbury in transit to Bechuanaland, the Committee received a telegram from the Secretary-General communicating a letter dated 7 July 1961 from the Acting Permanent Representative of South Africa to the United Nations, in which the South African Government stated that "if members of the Committee and/or other members of its party should attempt illegally to cross the South West African border... the Government will, however reluctantly, be obliged to prevent such attempt". At the same time, according to statements by the Minister for Foreign Affairs of the Republic of South Africa, members of the Committee were to be arrested and deported if they entered South West Africa; according to press reports and statements by petitioners, South African police and helicopters were patrolling the South West Africa-Bechuanaland border to prevent the Committee from entering.

During the course of its interviews with refugees from South West Africa, the Committee has been informed that the South West African Government, in co-operation with the military

\* Transmitted by letter dated 25 July 1961 from the Chairman of the Committee on South West Africa to the President of the Security Council.

forces of Portugal and Angola, has posted South African military personnel, numbering approximately 4,000 in strength, along the South West Africa-Angola border and is maintaining air patrols along that border. South African military forces have also been posted at the port of Walvis Bay, and according to information received by the Committee on 24 July 1961, an additional garrison of 1,500 troops was expected to arrive in South West Africa within a few weeks. Existing military establishments in Windhoek and the Eastern Caprivi Zipfel have been maintained and the European civilian population of South West Africa has remained armed. Press reports further indicated that automatic weapons were being issued to European civilians in outlying areas. Meanwhile, the repression of Africans in the Territory has continued and the Committee has been informed that approximately 200 members of the South West Africa Peoples Organization have been arrested and/or deported during 1961.

Apart from the preparations made by the South African Government to prevent the entry of the Committee into South West Africa, the Committee was presented, on its arrival in Salisbury on 7 July, with a letter from the High Commissioner for the United Kingdom informing the Committee that the United Kingdom would be unable to provide the Committee with facilities to enter Bechuanaland unless the Committee confirmed that Government's understanding, communicated to the Committee in Accra, that the Committee did not intend to enter South West Africa without the permission of the South African Government.

The visas which had been issued to the Committee in Accra on 3 July 1961 to permit it to visit Bechuanaland were subsequently suspended on 9 July after the Committee informed the High Commissioner for the United Kingdom in Salisbury, by letter dated 8 July, that the Committee "cannot concur with any interpretation or understanding which does not correspond to its terms of reference under General Assembly resolution 1596 (XV)". Consequently, the Committee was prevented from discharging its task in Bechuanaland, where it had intended to hear testimony from representatives of the 15,000 Hereros now residing in that territory and to obtain first-hand information from South West Africans who had crossed the border after learning of the Committee's visit to Bechuanaland. The text of the correspondence between the United Kingdom and the United Nations relevant to the issuance and withdrawal of visas for the Committee's intended visit to Bechuanaland are annexed hereto.<sup>b</sup>

From the testimony of political refugees from the Mandated Territory and of other petitioners who have appeared before the Committee during its investigations in Accra, Dar es Salaam and Cairo, the Committee is convinced that the continuing application of the *apartheid* policy in South West Africa and the continued defiance by the South African Government of the authority of the United Nations over the Mandated Territory have created such a tense situation that only intervention by the United Nations can prevent armed racial conflict in Africa.

As a result of the position of the South African Government, and the action taken by it as communicated in the above-mentioned letter dated 7 July 1961, the Committee considers that the United Nations has been confronted by a Member State with a situation of force calling for action by the Security Council. Pending such action, the Committee is prevented from entering South West Africa to carry out the investigation requested by General Assembly resolutions 1568 (XV) and 1596 (XV), the full implementation of which was considered by the General Assembly to bring to a speedy end a situation which if allowed to continue would in its view endanger international peace and security.

<sup>b</sup> Reproduced in annex V to this report.

## Correspondence between the United Kingdom Government and the United Nations

**1. Telegram dated 19 May 1961 from the Chairman of the Committee on South West Africa to the Secretary of State for Foreign Affairs in the United Kingdom**

Reference paragraph 6 General Assembly resolution 1596 (XV) requesting Member States to extend such assistance as Committee on South West Africa may require the Committee would appreciate information on (a) whether there are refugees from South West Africa present in Bechuanaland, Tanganyika and Rhodesias who could likely help the Committee in implementing the General Assembly resolution and if so (b) what assistance or facilities your Government could likely provide the Committee should it decide to visit Bechuanaland, Tanganyika and Rhodesias to interview refugees in implementation of the General Assembly resolution. Committee would be obliged if you would also transmit present telegram to Prime Ministers of Federation of Rhodesia and Nyasaland and Tanganyika.

(Signed) Enrique RODRÍGUEZ FABREGAT  
Chairman of the Committee  
on South West Africa

**2. Letter dated 29 May 1961 from the Permanent Representative of the United Kingdom to the United Nations to the Chairman of the Committee on South West Africa**

On instruction from Her Majesty's Principal Secretary of State for Foreign Affairs I have the honour to acknowledge receipt of your telegram requesting information about refugees from South West Africa at present in Bechuanaland, Tanganyika and the Federation of Rhodesia and Nyasaland. Arrangements are being made to seek answers to your inquiries, which will be communicated to you as soon as they are available.

(Signed) Patrick DEAN  
Permanent Representative

**3. Letter dated 5 June 1961 from the Chief of the Transportation Section of the United Nations to the United Kingdom Visa Office**

It is requested that visas for Tanganyika, Bechuanaland and the Federation of Rhodesia and Nyasaland be granted to the following members of the Committee on South West Africa:

Mr. Enrique Rodríguez Fabregat (Uruguay), Chairman of the Committee;

Mr. Victorio D. Carpio (Philippines), Vice-Chairman of the Committee;

Mr. Poul Boeg (Denmark), Rapporteur of the Committee;

Mr. Antonio Houaiss (Brazil);

Mr. Girma Abebe (Ethiopia);

Mr. Carlos González Calvo (Guatemala);

Mr. Sasmojo Karseno (Indonesia);

Mr. Mostafa Rateb Abdel Wahab (United Arab Republic).

These persons are scheduled to leave this country shortly on an official United Nations mission, undertaken in accordance with General Assembly resolution 1596 (XV) of 7 April 1961 concerning South West Africa. The Committee is considering visiting Tanganyika, Bechuanaland and the Federation of Rhodesia and Nyasaland for a short period towards the end of June or early July for the purpose of interviewing refugees from South West Africa who may be in these Territories.

It will be greatly appreciated if the visas are granted at your earliest convenience to permit travel as planned.

(Signed) Virgil A. DE ANGELIS  
Chief, Transportation Section

**4. Letter dated 9 June 1961 from the Permanent Representative of the United Kingdom to the United Nations addressed to the Chairman of the Committee on South West Africa**

With reference to my letter of 29 May 1961, I am instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to reply as follows to your telegram dated 19 May, in which you requested information about refugees from South West Africa at present in Bechuanaland, Tanganyika and the Federation of Rhodesia and Nyasaland.

The Government of Tanganyika has reported that the following refugees from South West Africa are known to be in Tanganyika.

| Name                 | Age | Occupation       | Date of leaving South West Africa |
|----------------------|-----|------------------|-----------------------------------|
| Paulos Shipanga ...  | 23  | Waiter           | September 1959                    |
| Emil Appolus .....   | 25  | Journalist       | March 1960                        |
| Leonard Lidker ....  | 27  | Driver           | September 1959                    |
| Solomon Mifuia ....  | 27  | Messenger        | September 1959                    |
| Paul Helmut .....    | 31  | Machine operator | March 1961                        |
| William Nelulu ..... | 28  | Driver           | 1959                              |

The Governments of the Federation of Rhodesia and Nyasaland and the Bechuanaland Protectorate have reported that there are no refugees from South West Africa in their territories.

It is assumed that the Committee on South West Africa will wish to visit Tanganyika, and visas for that territory are being granted to the persons for whom applications have been received by the United Kingdom Visa Office. The Tanganyika Government would be glad to give any assistance or facilities required, should the Committee decide to visit Dar es Salaam to interview the refugees. I should be grateful if you would therefore inform me what facilities the Committee would wish to be provided for it by the authorities in Tanganyika.

In the circumstances described above, no action is being taken on the application for visas for the Bechuanaland Protectorate and the Federation of Rhodesia and Nyasaland.

(Signed) Patrick DEAN  
Permanent Representative

**5. Letter dated 15 June 1961 from the Chairman of the Committee on South West Africa to the Permanent Representative of the United Kingdom to the United Nations**

On behalf of the Committee on South West Africa, I have the honour to acknowledge receipt of Your Excellency's letter of 9 June 1961 regarding the implementation of General Assembly resolution 1596 (XV).

The Committee on South West Africa appreciates the readiness of the United Kingdom Government to co-operate with and to extend assistance to this Committee in the implementation of General Assembly resolution 1596 (XV).

In view of the importance of Bechuanaland as a territory bordering South West Africa, the Committee on South West Africa considers it imperative to visit that territory in order to be able to implement the above-mentioned resolution.

The Committee therefore requests the Government of the United Kingdom to grant the necessary visas to the members of the Committee on South West Africa and its staff. The Committee will leave for Accra on 20 June 1961 and would greatly appreciate an early reply.

(Signed) Enrique RODRÍGUEZ FABREGAT  
Chairman of the Committee  
on South West Africa

**6. Letter dated 19 June 1961 from the Permanent Representative of the United Kingdom to the United Nations addressed to the Chairman of the Committee on South West Africa**

I have the honour to acknowledge receipt of Your Excellency's letter of 15 June informing me that members of your Committee wish to renew their applications for visas to visit Bechuanaland. I have referred these applications for the urgent consideration of the competent authorities and can assure Your Excellency that they will be considered in the spirit of co-operation to which you were good enough to refer in your letter.

2. Your Excellency will be aware, however, that, in view of the difficulty of the terrain and the paucity of communications and accommodations in Bechuanaland, visas (which could, of course, be issued by the competent British authorities at any point on your itinerary, if this should prove necessary) can only be a small part of the facilities which you and your colleagues would require for any visit to the territory. Since no refugees from South West Africa are known to be in Bechuanaland for interview, my Government would therefore be grateful for further details of what it is the members of your Committee would propose to do to implement resolution 1596 (XV) during a visit to the territory and what facilities they would consequently require.

3. I should be glad if you could supply me as soon as possible with the details I have mentioned for transmission to my Government.

*(Signed) Patrick DEAN  
Permanent Representative*

**7. Telegram dated 22 June 1961 from the Chairman of the Committee on South West Africa to the Permanent Representative of the United Kingdom to the United Nations**

In reply to your letter of 19 June 1961 Committee on South West Africa plans to arrive Salisbury 30 June at 1225 hours via Flight UAT 1301 from Brazzaville. Committee plans to proceed to Maun and Ghanzi to gather information especially from Herero residents Bechuanaland originally from South West Africa in view of close ties maintained between Hereros of both territories and also from any South West Africans who may contact Committee in these areas. Committee would appreciate your Government arranging air or air shuttle transportation from Salisbury to Maun for group of fourteen if possible and hotel accommodations and surface transportation Maun area. Committee would then proceed to Ghanzi. If for practical reasons this proves to be impossible Committee plans to have smaller group of three Committee members and two secretariat officials proceed immediately to Ghanzi by air. Committee would accordingly appreciate arrangements air transport and local surface transportation and portable sleeping accommodations and essential supplies for Ghanzi group. If impossible transport full party of fourteen to Maun; party of nine could remain in eastern centre of Bechuanaland and would require hotel accommodations there and air transport from Salisbury. Party of nine would await permission to enter South West Africa or return of smaller group from Maun and Ghanzi areas. Committee highly appreciative if your Government could arrange for above facilities and welcomes interest of your Government in the implementation of General Assembly resolution 1596 (XV).

*(Signed) Enrique RODRÍGUEZ FABREGAT  
Chairman of the Committee  
on South West Africa*

**8. Telegram dated 26 June 1961 from the Chairman of the Committee on South West Africa to the Permanent Representative of the United Kingdom to the United Nations**

Reference our communication of 15 June and telegram of 22 June honour advise you that the continued refusal of South

Africa to permit Committee to enter Mandated Territory of South West Africa makes it absolutely essential for the Committee to go to Bechuanaland to continue its investigation since Bechuanaland is contiguous to South West Africa and Committee is aware that among other considerations there are some 15,000 Hereros maintaining continued contact and association with Hereros living in South West Africa. Committee accordingly renews urgently request for visas to enter Bechuanaland and to travel through Southern Rhodesia.

*(Signed) Enrique RODRÍGUEZ FABREGAT  
Chairman of the Committee  
on South West Africa*

**9. Letter dated 29 June 1961 from the Deputy High Commissioner for the United Kingdom in Accra to the Chairman of the Committee on South West Africa**

1. I am writing to confirm the arrangements we discussed at our meeting yesterday.

2. The United Kingdom Government is ready, in accordance with the request of your Committee, to make arrangements to accommodate all fourteen members of your party at Maun, and for a reduced party of five (not four, as I told you orally) at Ghanzi. Tentage, camping equipment, food supplies and road transport will be made available at Maun for a party of fourteen, if required, for visits to Herero villages in Ngamiland. (Perhaps you would confirm that you would wish to undertake these visits?) The District Officer would be detailed to take charge of all camping arrangements.

3. Some days will be required to complete arrangements; and I am inquiring whether these would be ready by 8 or 9 July.

4. The Bechuanaland authorities suggest that an aircraft for use by the party at Maun and Ghanzi would be useful for travel between these places. Our High Commission Office at Salisbury has been asked to make inquiries regarding charter of aircraft suitable for this purpose and it is suggested that the Committee should appoint an administrative officer to keep in touch with our High Commissioner's Office at Salisbury and through him with the Administration of Bechuanaland upon all details of the visit to the Territory. You confirmed that all costs arising out of the visit should be recovered from the United Nations Secretariat.

5. Visas, as requested by you for a period of ten days for the purpose of the visit to Bechuanaland Protectorate, will be provided by this High Commission when firm dates are known.

6. I should add that the United Kingdom Government have noted the purpose for which your Committee now wish to visit Bechuanaland and have understood from the reply you sent to Sir P. Dean last week that the Committee do not intend to enter South West Africa without permission of the South African Government.

7. I will keep in touch with Mr. Howard about developments.

*(Signed) T. W. KEEBLE  
Deputy High Commissioner*

**10. Letter dated 4 July 1961 from the Office of the High Commissioner for the United Kingdom in Accra**

1. I am writing to confirm the request that I conveyed to you orally earlier today on behalf of Her Majesty's Government in the United Kingdom.

2. This was that you should confirm by letter that you concur in the United Kingdom Government's interpretation (expressed in paragraph 6 of Mr. Keeble's letter to you of 29 June), of your correspondence with Sir Patrick Dean as meaning that the Committee or any part of it do not intend to enter South West Africa without the permission of the South African Government.

3. As I explained to you, the United Kingdom Government cannot be a party to helping members of a Committee to enter South West Africa contrary to the declared wishes of the Administering Power. They realize that the instructions to the Committee in resolution 1596 (XV) were to enter South West Africa without the co-operation of the South African Government if necessary, but the United Kingdom specifically abstained on that paragraph and consequently feel in no way bound by it.

(Signed) B. A. FLACK

**11. Letter dated 7 July 1961 from the High Commissioner for the United Kingdom in Salisbury to the Chairman of the Committee on South West Africa**

I am instructed to refer to the communication addressed to Your Excellency by the United Kingdom High Commissioner in Accra on 4 July in which Your Excellency was asked to confirm Her Majesty's Government's understanding in providing facilities for the South West Africa Committee in the Bechuanaland Protectorate that it was not the intention of the Committee to enter South West Africa from Bechuanaland without the permission of the South African Government. As the Committee is aware, Her Majesty's Government and the Bechuanaland authorities would be glad to give Your Excellency and your colleagues the facilities for which you have asked during a visit to Bechuanaland, but they regret that they will be unable to do so unless the confirmation sought in the letter of 4 July can be communicated to them.

(Signed) ALPORT  
High Commissioner

**12. Letter dated 8 July 1961 from the Chairman of the Committee on South West Africa to the High Commissioner for the United Kingdom in Salisbury**

Referring to your letter of 7 July 1961, in conjunction with the letters from the Office of the High Commissioner of the United Kingdom in Accra dated 29 June 1961 and 4 July 1961, permit me to recall that my cable of 22 June 1961 to the Permanent Representative of the United Kingdom to the United Nations expresses clearly the purpose of the Committee in going to Bechuanaland.

Consequently, the Committee cannot concur with any interpretation or understanding which does not correspond to its terms of reference under General Assembly resolution 1596 (XV).

The Committee trusts, therefore, that your Government will provide it while in Bechuanaland with the facilities previously agreed upon, thus enabling it to discharge its tasks.

(Signed) Enrique RODRÍGUEZ FABREGAT  
Chairman of the Committee  
on South West Africa

**13. Letter dated 9 July 1961 from the High Commissioner for the United Kingdom in Salisbury to the Chairman of the Committee on South West Africa**

I have the honour to acknowledge Your Excellency's letter of 8 July and am instructed to express the regret of Her Majesty's Government that your Committee has not been able to authorize you to confirm Her Majesty's Government's understanding that it is not the intention of members of your Committee to enter South West Africa from the Bechuanaland Protectorate without the permission of the South African Government.

I am instructed to inform you that if that understanding is confirmed, Her Majesty's Government remain fully prepared to provide the members of your Committee with the facilities offered in the letter of 29 June from the United Kingdom High Commissioner in Accra for the purposes of gathering information in Bechuanaland set out in the request contained in your telegram of 22 June to the United Kingdom Permanent Representative to the United Nations at New York.

However, having regard to the fact that entrance into South West Africa from Bechuanaland without the permission of the Administering Power would, irrespective of the terms of resolution 1596 (XV), be an illegal act, I am to make clear that Her Majesty's Government, as the authority responsible for law and order in Bechuanaland, to the inhabitants of which Territory they have a primary responsibility, remain unable to provide facilities for a visit to Bechuanaland in the absence of the assurance which they have requested.

I must therefore regretfully inform Your Excellency that pending the receipt of the assurance mentioned, the visas to enter Bechuanaland issued to you in Accra and the offer to you of facilities for visiting the Territory must be regarded as being in suspense.

(Signed) ALPORT  
High Commissioner

**14. Letter dated 11 July 1961 from the Chairman of the Committee on South West Africa to the High Commissioner for the United Kingdom in Salisbury**

I wish to refer to your letter of 9 July 1961 and the official press release issued by your office that same morning.

The Committee on South West Africa deeply regrets that the United Kingdom Government has decided to suspend the visas issued and the facilities offered to the Committee for its scheduled visit to Bechuanaland.

In his letter of 19 June 1961, Sir Patrick Dean, Permanent Representative of the United Kingdom to the United Nations, asked "for further details of what it is the members of your Committee would propose to do to implement resolution 1596 (XV) during a visit to the territory and what facilities they would consequently require". In its cabled reply sent on 22 June 1961, the Committee clearly stated its plans and purposes in visiting Bechuanaland as follows: "Committee plans to proceed to Maun and Ghanzi to gather information especially from Herero residents Bechuanaland originally from South West Africa in view of close ties maintained between Hereros of both territories and also from any South West Africans who may contact Committee in these areas."

Subsequent to that reply, the United Kingdom Government granted the visas and offered the facilities requested by the Committee. It is, therefore, regrettable that your Government should now assume that this Committee, an organ of the General Assembly of the United Nations, might possibly commit an "illegal act" in its implementations of a General Assembly resolution, and also that on that assumption the visas and facilities should now be regarded as being in suspense. Moreover, the facilities requested by the Committee from the United Kingdom Government are confined to those necessary to enable the Committee to discharge the above-mentioned plans and purposes.

Unless, therefore, the United Kingdom Government gives its co-operation and proffered assistance to the Committee, the Committee shall be unable to discharge its declared tasks in Bechuanaland in its attempt to implement as fully as possible General Assembly resolution 1596 (XV), and shall perforce have to continue its work in other parts of Africa. Nonetheless, in reiterating the contents of my letter of 8 July 1961, the Committee expresses the hope that the United Kingdom Government may yet find it possible to reconsider its position.

(Signed) Enrique RODRÍGUEZ FABREGAT  
Chairman of the Committee  
on South West Africa

**15. Letter dated 13 July 1961 from the High Commissioner for the United Kingdom in Salisbury to the Chairman of the Committee on South West Africa, transmitted by note verbale dated 16 July 1961**

I have the honour to acknowledge the receipt of your Excellency's letter of 11 July.

(Signed) ALPORT  
High Commissioner

**16. Note verbale dated 16 July 1961 to the Chairman of the Committee on South West Africa**

The Private Secretary to His Excellency the Governor of Tanganyika presents his compliments to His Excellency Professor Enrique Rodriguez Fabregat, Chairman of the South West Africa Committee, and has the honour to transmit to him the accompanying letter. He begs to add that a reply to His Excellency the Chairman's letter addressed to the High Commissioner for the United Kingdom in Salisbury will be conveyed to His Excellency in Nairobi.

**LETTER DATED 14 JULY 1961 FROM THE HIGH COMMISSIONER FOR THE UNITED KINGDOM IN SALISBURY TO THE CHAIRMAN OF THE COMMITTEE ON SOUTH WEST AFRICA**

With further reference to your letter of 11 July, I have the honour to say that Her Majesty's Government very much regrets that the Committee have been unable to put them in a position to accord the facilities which Her Majesty's Government would have been glad to provide for a visit by the Committee to Bechuanaland Protectorate.

With regard to the fourth paragraph of your letter, I am instructed to inform you that it had been the assumption of Her Majesty's Government that the Committee in the course of its visit to Bechuanaland did not intend to enter South West Africa without permission. This assumption on the part of Her Majesty's Government, which was based on the fact that no such intention was mentioned among the purposes of the Committee set out in your Excellency's letter of 22 June, was made clear in the letter addressed to your Excellency by the United Kingdom High Commissioner in Accra on 29 June. Her Majesty's Government feel bound to point out that it was certain statements by members of the Committee running counter to the sense of your Excellency's letter and the fact that the Committee declined to confirm Her Majesty's Government's assumption which have cast doubts on it.

Her Majesty's Government are, of course, ready to proceed with the provision of facilities in co-operation with the Committee should the Committee respond to their request for confirmation of the assumption.

(Signed) ALPORT  
High Commissioner