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STATEMENT BY THE UNION OF SOUTH AFRICA ON THE
OUTCOME OF THEIR CONSULTATIONS WITH THE PEOPLES OF
SOUTH WEST AFRICA AS TO THE FUTURE STATUS OF THE MANDATED
TERRITORY AND IMPLEMENTATION TO BE GIVEN TO THE WISHES THUS EXPRESSED

(Provisional Agenda for the Second Part of the First Session)

Item 2 of the Supplementary List

The following letter has been received from the Legation of the Union
of South Africa:

17 October 1946

Sir,

With further reference to my letter of October 9th relating to the inclusion in the Agenda for the Second Part of the First Session of the General Assembly of an item relating to the Mandated Territory of South West Africa, I have the honour, on instructions of the Government of the Union of South Africa, to forward herewith three copies of a MEMORANDUM ON THE ADMINISTRATION OF SOUTH WEST AFRICA AND ON THE WISHES OF ITS PEOPLES AS TO THE FUTURE STATUS OF THE MANDATED TERRITORY.

I am directed to request that you be so good as to table this memorandum as a United Nations General Assembly document.

Accept, Sir, the assurance of my highest consideration.

(Signed) H. T. Andrews

MINISTER PLENIPOTENTIARY

Mr. Trygve Lie,
Secretary General,
United Nations,
Lake Success,
New York.

OCT 28 1946

MEMORANDUM

ON THE ADMINISTRATION OF SOUTH WEST AFRICA AND ON THE
WISHES OF ITS PEOPLES AS TO THE FUTURE STATUS OF THE
MANDATED TERRITORY

Presented by

THE GOVERNMENT OF THE UNION OF SOUTH AFRICA ACTING IN
THE NAME OF AND ON BEHALF OF THE PEOPLE OF SOUTH WEST AFRICA

MEMORANDUM
ON THE ADMINISTRATION OF SOUTH WEST AFRICA AND ON THE
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1. On 7 May 1945, the Delegation for the Union of South Africa informed the United Nations Conference on International Organization, San Francisco, as follows:

"(a) When the disposal of enemy territory under the Treaty of Versailles was under consideration, doubt was expressed as to the suitability of the Mandatory form of administration for the territory which formerly constituted the German Protectorate of South West Africa.

(b) Nevertheless, on 17 December 1920, by agreement between the Principal Allied and Associated Powers and in accordance with Article 22, Part I (Covenant of the League of Nations) of the Treaty, a Mandate (commonly referred to as a C Mandate) was conferred upon the Government of the Union of South Africa to administer the said territory.

(c) Under the Mandate the Union of South Africa was granted full power of administration and legislation over the territory as an integral portion of the Union of South Africa, with authority to apply the laws of the Union to it.

(d) For twenty-five years, the Union of South Africa has governed and administered the territory as an integral part of its own territory and has promoted to the utmost the material and moral well-being and the social progress of the inhabitants.

It has applied many of its laws to the territory and has faithfully performed its obligations under the Mandate.

(e) The territory is in a unique position when compared with other territories under the same form of Mandate.

(f) It is geographically and strategically a part of the Union of South Africa, and in World War I a rebellion in the Union was fomented from it, and an attack launched against the Union.

(g) It is in large measure economically dependent upon the Union, whose railways serve it and from which it draws the great bulk of its supplies.

(h) Its dependent native peoples spring from the same ethnological stem as the great mass of the native peoples of the Union.

(i) Two-thirds of the European population are of Union origin and are Union Nationals, and the remaining one-third are Enemy Nationals.

(j) The territory has its own Legislative Assembly granted to it by the Union Parliament, and this Assembly has submitted a request for incorporation of the territory as part of the Union.

(k) The Union has introduced a progressive policy of Native Administration including a system of local government through Native Councils giving the Natives a voice in the management of their own affairs; and under Union Administration Native Reserves have reached a high state of economic development.

(l) In view of contiguity and similarity in composition of the native peoples of South West Africa the native policy followed in South West Africa must always be aligned with that of the Union, three-fifths of the population of which is native.

(m) There is no prospect of the territory ever existing as a separate state, and the ultimate objective of the Mandatory principle is therefore impossible of achievement.

(n) The Delegation of the Union of South Africa therefore claims that the Mandate should be terminated and that the territory should be incorporated as part of the Union of South Africa.

(o) As territorial questions are however reserved for handling at the later Peace Conference where the Union of South Africa intends to raise this matter, it is here only mentioned for the information of the Conference in connection with the Mandates question."

2. On 18 January 1946, Mr. G. Heaton Nicholls, the Leader of the Union Delegation in addressing the General Assembly of the United Nations during the First Part of the First Session, intimated that the Government of the Union of South Africa considered it implicit in the Mandates System that the people of a mandated territory should be consulted on any proposal which involved a change in the form of their government, and stated that the Union Government, fully conscious of its individual responsibility in the matter, would reserve its position with regard to the future of South West Africa until such time as the inhabitants of the territory had been enabled to signify their wishes in regard thereto. Mr. Nicholls at the same time undertook that the results of this consultation would be reported to the United Nations General Assembly.

3. The European section of the population of South West Africa having repeatedly approached the Union Government for the termination of the Mandate and the incorporation of the Territory in the Union, the Government made the earliest possible arrangements for ascertaining the views of the non-Europeans. Consultations were thereupon conducted by the South West Africa Administration in consequence of which it was found that the vast majority of the Natives was in favour of incorporation.

4. Therefore, prior to the opening of the Second Part of the First Session of the General Assembly, the Secretary-General of the United Nations was requested to include on the Agenda a statement by the Government of the Union of South Africa on the outcome of their consultations with the peoples of South West Africa as to the future status of the Mandated Territory, and the implementation to be given to the wishes thus expressed.

THE UNION'S CASE ON BEHALF OF THE INHABITANTS
OF SOUTH WEST AFRICA

5. When the Union Delegation raised with the United Nations Conference at San Francisco the question of the inapplicability of the Mandated System to the Mandated Territory of South West Africa it indicated clearly the main considerations on which the Union's plea for the termination of the Mandate and the incorporation of the Territory would be based. These considerations may be summarized as being:

- (a) the original uncertainty as to the suitability of the mandatory form of administration for the Territory of South West Africa;
- (b) the geographical location of South West Africa;
- (c) the strategical relations between the Mandated Territory of South West Africa and the Union of South Africa;
- (d) the composition and nationality of the European population of South West Africa;
- (e) the ethnological relationship between the non-European inhabitants of the Mandated Territory and the non-European people of the Union of South Africa;
- (f) the existing measure of integration of the administration of the Mandated Territory of South West Africa with that of the Union of South Africa;
- (g) the economic dependence of the Mandated territory of South West Africa on the Union of South Africa.

It is now proposed to deal with these points seriatim - as follows:

- (a) the original uncertainty as to the suitability of the mandatory form of administration for the Territory of South West Africa.

6. The conquest of German South West Africa was the work of the Union military forces to whom was also entrusted the subsequent occupation of the Territory. This occupation dated from July 1915, until the Mandate in respect of South West Africa was formally granted to the Union in December 1920, and, in consequence of the paucity of sources of income in the Territory, was undertaken at considerable financial sacrifice by the Union Government.

7. During the period of occupation the Territory was necessarily administered under Martial Law but it was clear that, having regard to geographic, strategic, economic and ethnological considerations, German South West Africa would ultimately have to be administered as an integral part of the Union of South Africa. This view was therefore strongly pressed by the Union Delegation to the Peace Conference at Versailles.

8. The Mandates System as originally conceived by the Versailles statesmen was intended for application to certain territories which had formerly belonged to Russia, Austria-Hungary and Turkey and not to erstwhile German possessions in Africa and the Pacific. It will be remembered, however, that the principles enunciated by Woodrow Wilson the President of the United States of America, in his "Fourteen Points" and by other Allied spokesmen during the war, emphasized the right of self-determination of all peoples and made any form of annexation unacceptable to the Peace Conference.

9. The Mandates System as then intended was, however, inapplicable to territories such as German South West Africa which were so sparsely populated as to render their evolution into independent units unrealizable, and whose inhabitants were so little touched by the influences of civilization as to make it impracticable to apply to them the idea of political self-government except within the limits of local or tribal administration.

10. A formula had therefore to be evolved which would honour the principles to which Allied wartime spokesmen had committed themselves and which, at the same time, took cognizance of the considerations governing the exceptional position of territories such as German South West Africa. This formula was ultimately found by creating a separate category of Mandates ("C" Mandates) - category which differed very widely from the other classes of mandates in that principles fundamental in the original conception of the Mandates System were excluded from operation.

11. The first of these principles was the ultimate attainment of separate statehood. Article 22 of the Covenant of the League of Nations specifically ascribes provisional independence to the "A" class of mandated territories, emphasizes the separate identity of the "B" class; and clearly recognizes the inapplicability of even eventual political self-government and separate statehood in the case of the "C" category of territories - among which South West Africa is specifically named.

12. The second principle is to be found in the fact that in the case of these latter territories, Article 22 recommends administration under the laws of the Mandatories as integral portions of their respective territories; and here it would be proper to recall that an attempt was made at Versailles during the drafting of this article of the Covenant to amend the wording to indicate that these territories should be administered "as if" they were integral portions of the Mandatories concerned. The word "if" was specifically omitted in the final text.

13. Perhaps the most important conclusion to be drawn from the wording of Article 22 is the consciousness of those responsible for its ultimate form of the entire dependence of the "C" Mandated territory on its Mandatory. In fact, the inference is inescapable that the backwardness of the inhabitants, the lack of material wealth and the geographical location of the country dictated administrative integration with the Mandatory State and that a separate administrative existence would be impossible of achievement.

14. The difference between the principles embodied in the "A" and "B" mandates and those in the "C" mandates is, however, best illustrated by the fact that the system known as the "Open Door" which is fundamental in the Mandates System and specifically provided for in the two first-mentioned classes of mandates was deliberately omitted from the last-mentioned category. This precaution was calculated to facilitate the closest integration of the administration of the Mandated Territory with that of the Mandatory.

15. This then was the solution found for the dilemma which faced the Peace Conference; and General Botha, the Prime Minister of the Union and Leader of the South African Delegation, while maintaining his view as to the logical desirability of annexation, but being desirous of facilitating the solution of this vexatious territorial problem, accepted the position, because he added, he believed that the "League of Nations would consist mostly of the same people who were present there that day, who understood the position and who would not make it impossible for any mandatory to govern the country."

16. The difficulty which confronted the Versailles Conference in having to provide for the future of South West Africa, and other territories similarly situated, within the framework of the system to which the Allies had previously been committed is clear. That the formula which was ultimately evolved for reconciling the principles adumbrated in that system with an administration suited to the best interests of, for instance, South West Africa can only be regarded as a compromise in the nature of an experiment, the future of which was undoubtedly viewed with misgiving is also evident. That even an architect of the Mandates System such as President Wilson could foresee but one future for South West Africa, viz. complete incorporation, is borne out by the following statements of his at Versailles:

"The Union of South Africa would extend such of its laws as were applicable to South West Africa and administer it as an annex to

the Union so far as consistent with the interests of the inhabitants... It was up to the Union of South Africa to make it so attractive that South West Africa would come into the Union of their own free will. Should that not be the case the fault would lie with the Mandatory".

"If South Africa managed South West Africa as well as she had managed her own country then she would be married to South West Africa".

17. Evidence as to the existence of doubt in the minds of many at Versailles on the suitability of mandatory administration for South West Africa is also found in the following quotation from Dr. G. L. Beer's "African Questions at the Paris Peace Conference".

"For various valid reasons, the mandatory principle is inadvisable and really inapplicable in this case. In other areas, we are concerned mainly with derelict peoples, here essentially with land. This vast, inhospitable region of 322,450 square miles had in 1913 only a native population variously estimated at from 231,000 to 281,000 and a white population no more than 14,830, including the relatively large German military and administrative staffs. Deducting the latter and also the foreign elements, there were in the colony only 9,597 Germans. The development of this territory would be gravely handicapped if it were administered entirely apart from the adjoining Union of South Africa with distinct native, fiscal and railroad policies and systems".

When it is remembered that Dr. Beer was the alternate United States member of the Commission on Mandates and Chief of the Colonial Division of the American Delegation to Versailles, his remarks become particularly significant as to the views held by those responsible for the application of the Mandates System to South West Africa.

18. As will be submitted at a later stage, the Union Government claims to have carried out the provisions of its mandate conscientiously. While there can be no doubt that the Territory has derived great benefit from the mandatory form of administration the experience of the past quarter of a century can only serve to strengthen the original doubt as to the applicability of the Mandatory Regime to South West Africa.

(b) The geographical location of the Mandated Territory of South West Africa.

19. This feature of the Territory was used by the Union Delegation to the Versailles Peace Conference in its plea for annexation.

20. South West Africa embraces an area of 317,725 square miles (82,290,860 hectares), and lies between latitudes, 17°23' south and 28°57' south, the Atlantic Ocean and longitude twenty-one east; so that with exception of the northern portion thereof which falls within the tropics, the Territory is situated within the South Temperate Zone.

21. A glance at the map of Southern Africa will show that the Territory is located between the Portuguese Colony, Angola, in the North; Northern Rhodesia, in the North East; the Protectorate of Bechuanaland, in the East; the Atlantic Ocean, in the West; the Territory known as Walvis Bay (374 square miles - i.e. 95,867 hectares) which is an integral part of the Union, in the West; and the Union of South Africa, in the East and the South. It therefore adjoins Union Territory in the East, West and South.

22. The average width of the Territory is 350 miles. As indicated above it has the Atlantic Ocean (and Walvis Bay) on the West. In the East the terrain merges into the Kalahari desert with its seemingly endless scrub-covered dunes.

23. The elongated central plateau which is the most thickly populated and best suited for the pastoral industry forming the backbone of the Territory's economy, lies between two desert strips - in the East the Kalahari, in the West the Namib. The latter, varying in width from fifty to ninety miles, stretches from the Orange River in the South almost as far as the Territory's Northern border where it merges into the partly mountainous Kaokoveld Native Reserve. Beyond the coastal belt of sand dunes the desert slopes up to the interior plateau and in parts becomes mountainous in character. It is an arid region where rain seldom falls and is unpopulated except for a few nomadic Bushmen.

24. The southern portion of the Territory from the Orange River to about seventy miles south of the centre of the country is largely similar in character to the adjoining Cape Territory below the Orange River. This area is mainly suitable for stock farming which is, however, hampered by the low rainfall and the consequential severe droughts as well as the intense summer heat.

25. Approaching Windhoek (the capital of the Territory), which is situated in the heart of South West Africa, the country becomes mountainous and reaches an elevation of over 5,000 feet. Vegetation becomes more pronounced with scattered thorn trees and aloes. Surrounding Windhoek and extending northwards is admirable pastoral territory.

26. Except for the rivers on extreme southern and northern borders (the Orange, the Kunene and the Okavango) the Territory has no perennial streams and the main source of water throughout the interior is underground. The average annual rainfall in the central area is fifteen inches but recurring droughts have in the past severely endangered the economy of the country.

27. North of these ranching uplands, which are partly mountainous in character, the plateau levels off to the flat grass and scrub country surrounding the great but shallow Etosha Pan, centre of a vast game reserve. The Pan is periodically flooded by overflow waters from the northern rivers but does not retain water permanently.

28. Beyond the Etosha Pan and the plains comprising the game reserve lies Ovamboland, one of the three large Native territories in South West Africa located outside the European-occupied area, the other territories being the Kackoveld, west of Ovamboland, and Okavango, east of Ovamboland. Parts of these territories are strikingly beautiful. The Kackoveld, partly mountainous, has a tropical vegetation. Ovamboland, flat and stoneless, has stretches of parklike woodlands. In the East the equally flat Okavango territory has the advantage of a more abundant rainfall than the rest of South West Africa and periodic inundations of the lower-lying levels from the Kunene and Okavango Rivers ensure excellent agricultural conditions both in Ovamboland and in the Okavango area. Apart from a sometimes uncomfortable summer heat, the climate is equable and healthy.

29. Walvis Bay (which is Union Territory) and Luderitz Bay are the only South West African harbours of any importance, and the Territory's sole overland outlet is through the Cape province of the Union of South Africa. There is no rail connection with Angola and scarcely any road to speak of, nor is there any encouragement for the traveller to face the Kalahari dunes and, higher up, the Okavango swamps on the eastern border.

30. It is evident therefore, that the Territory, physically incapable of affording a separate economic existence, can logically only link up with the Union of whose territory it is a natural extension. And, were it not for a lack of vision on the part of those who, at a time, were responsible for laying the foundation of what is now the only sovereign state in southern Africa, this geographic "freak", as it has been referred to, would today not have existed. For, and this is worthy of emphasis, it was only after the German Government had failed to persuade the British authorities and the Cape Government to exercise jurisdiction in the Territory for the protection of the handful of Germans at Luderitzbucht that Bismarck in 1884 proclaimed the settlement as being a German Protectorate. As a result of further German proclamations and treaties with Native chiefs, the area of this Protectorate was extended until its international frontiers were established by agreements with, firstly, Portugal in 1886 and, secondly, England in 1890.

(c) The strategic relations between the Mandated Territory of South West Africa and the Union of South Africa.

31. This is another argument used by General Smuts at Versailles for the annexation of German South West Africa to the Union of South Africa. The argument was based on considerations of actual experience during the preceding war and, but for the Allied commitment of "no annexation", must have ensured the success of the Union's plea.

32. The events of 1914 revealed that the Germans in South West Africa had been plotting for several years to create disaffection in the Union and to foment an uprising to coincide with the outbreak of war in Europe. By exploiting racial bitterness in the Union, a legacy of the South African War of 1899-1902, and maintaining secret contact with certain members of the country's defence forces, the Germans succeeded in promoting dissension and contributing to one of the most tragic events in the history of the South African people, namely, the Rebellion of 1914-1915. Apart from the distressing effect on the racial conflict in the country this uprising delayed Union forces from undertaking full military action against South West Africa which was already urgent in order to ensure against friendly harbourage and the establishment of supply bases along its 900 miles of coast line for enemy ships and submarines.

33. The Peace Conference terminated German sovereignty in South West Africa and accorded the Territory a new status which was calculated to promote international peace. This did not, however, prevent the country from once more becoming a source of serious danger to the safety of the Union and the unity of her people when once again the world was at war. Conclusive evidence was found that a Nazi programme had been prepared in South West Africa to foment trouble in the Union and to further the plans of the German High Command.

34. Germany had formally pledged herself to induce German Nationals, who were permitted by the Union Government to remain in the Territory after World War I, to accept Union nationality and the responsibilities of citizenship attendant thereon. As National Socialism advanced from strength to strength in the Reich the allegiance of these ex-German Nationals became seriously undermined and, under the control and inspiration of Nazi emissaries, a formidable array of German "cultural" organizations soon

sprang into life for the sole purpose of strengthening National Socialism in South West Africa and bringing about the ultimate return of the Territory to Germany. The effect of these German operations on racial harmony in the country was such that the Union Government was eventually obliged to suppress certain organizations by declaring them to be

"political organizations". The result was that many of these activities were driven underground and that the Territory again became a likely springboard for German aggression when World War II broke out in 1939.

35. The foregoing briefly sketches the experience of the Union in the past, and indicates how South West Africa was used by Germany in an indirect approach to the Union's defences. With modern developments in warfare the Territory's importance to the Union's defence assumes vastly greater dimensions. For apart from its potentialities as a base for a direct attack by land, developments in air warfare have placed vital centres in the Union within easy range - with Keetmanshoop, for instance, only 500 miles from Cape Town.

36. Along a stretch of over 900 miles the coast of South West Africa flanks the vital sea route to the Union and the Far East. With air bases in this Territory, the Union would be able to protect shipping plying on this route, as indeed, it had to do during the last war. Should the Territory be occupied by an enemy, however, the threat of air and sea attack on such shipping would be serious.

37. Under the terms of its Mandate the establishment of military and naval bases and the erection of fortifications in South West Africa are prohibited. The Union has therefore had the experience of South West Africa both as a foreign colony and as a Mandated Territory serving as a source of danger to her defences. This source of danger must be removed; and this can, in the view of the Union, only be achieved by the defences of the Territory being integrated with those of the Union and placed under permanent Union command.

38. Moreover, the maintenance of adequate defences will involve considerable expenditure. This will inevitably have to be borne by the Union who must therefore be afforded security of tenure as well as continuity of authority.

39. During the last war the Union had to finance the defence of the Territory - receiving from the Administration of South West Africa a total voluntary contribution of the insignificant sum of £600,000. The continuation of the present system cannot therefore be viewed with equanimity.

40. Finally, it should be remembered that the Union, particularly in consequence of its geographical location and its position in Southern Africa, will have to play an important part in the maintenance of world peace. This will require an effective system of defence in which the position of South West Africa must necessarily feature prominently.

(d) The composition and nationality of the European population of South West Africa.

41. In the communication which the Union Delegation addressed to the United Nations Conference on International Organization at San Francisco, it was stated that "two-thirds of the European population are of Union origin and are Union Nationals, and the remaining one-third are enemy Nationals".

42. The coast of the Territory was discovered by the Portuguese explorer Diego Cao when in 1484 on a voyage from the mouth of the Congo he landed on a rocky promontory not far north of the present port of Swakopmund. The spot is at present known as Cape Cross. Shortly afterwards Bartholomew Diaz, another Portuguese explorer, reached the coast of South West Africa, which during the following decades was visited from time to time by the seafarers of other nations. Meanwhile, due to the inhospitable character of the country no efforts were made to penetrate into the interior and it was largely left to white explorers and hunters from the early Dutch settlement at the Cape of Good Hope to cross into the mysterious regions beyond the Orange River.

43. However, although the early Portuguese explorations were commemorated for centuries by names such as "Angra Pequena" (now "Luderitz") and Cape "Frio", and expeditions from the Cape had already on several occasions penetrated the unknown South West African hinterland, it was some four centuries after Diogo Cao's landing at Cape Cross before the first white man settled in the Territory.

44. The first years of the nineteenth century actually earmarked the beginning of European settlement when missionaries, traders and explorers came into the country. During the latter part of the century tribal warfare among the Native population presented a serious threat to the safety of these Europeans, with the result that calls were made on the British and Cape Governments for protection the refusal of which led to the ultimate proclamation in 1884 by Bismarck of the German Protectorate.

45. Early German settlement was characterized by a system of concessions to private companies such as the Deutsche Kolonial Gesellschaft, the Kaokoland und Minon Gesellschaft and other similar institutions for the exploitation of the material resources of the Territory. Moreover, the history of the Protectorate up to 1908 is a tale of costly wars against different Native tribes. It will be appreciated, therefore, that any policy of colonization which the Reich might have endeavoured to apply showed little success when World War I broke out in 1914.

46. When the German troops surrendered to the Union forces in 1915, the European population in the Territory numbered approximately 15,000 of whom some 12,000 were German Nationals. Of these the Union Government, in terms of the powers conferred upon it by Article 122 of the Treaty of Peace, subsequently repatriated about 6,000 comprising the military and Government officials and a number of undesirable civilians.

47. During the period of military occupation there was a considerable influx of Union citizens and by May 1921, when a population census was taken, Union Nations numbered 10,673 and German subjects 7,855.

48. Article 2 of the Mandate conferred upon the Union full power, subject to the Mandate, to govern South West Africa as an integral part of its own territory. The immediate problem after the acceptance of the Mandate was therefore to find a suitable form of administration for the Territory taking into consideration the requirements dictated by local conditions as well as the democratic principles fundamental in the Union's own conception of correct government. It was inevitable that some form of participation should be given to those in South West Africa sufficiently developed to assume full responsibility of citizenship in the future government of the country, and that plans formulated for the country's administration should contain specific provision for the application of that principle.

49. This immediately raised the question as to the future status of the Germans, whom the Union Government had decided to allow to remain in the Territory - notwithstanding its powers under the Peace Treaty to enforce repatriation. An agreement was therefore concluded with the German Government in terms of which the Germans would be accepted as part of the population of the Territory with the same privileges and the same responsibilities as other Union citizens - subject to their accepting Union nationality under a general naturalization law. This law was passed by the Union Parliament in 1924 with the result that 3,228 persons became so naturalized in that year and a further 2,354 minor persons were listed in 1931 as having become automatically naturalized.

50. The goodwill and co-operation which for some time characterized the relations between these ex-German nationals and their fellow citizens in the Territory were unfortunately soon impaired by the revival, under Nazi stimulus, of German nationalism among, particularly, the younger inhabitants of German origin. The inevitable result was that when war broke out in 1939 these persons constituted a grave danger to the safety of the State and a large number had therefore to be interned.

51. The basic principle of the naturalization law of 1924 was the process which enabled Germans to become Union Nationals without any specific request by them. Those who did not desire Union nationality gave a specific indication to that effect whereupon they were excluded from automatic naturalization. This procedure was a deliberate attempt on the part of the Union Government to be considerate of the national pride of the Germans who, as members of a defeated people, were necessarily extremely sensitive and desirous of avoiding any odium on the surrender of their original nationality.

52. That many of them had allowed themselves to be automatically naturalized not as a result of any desire to become genuine Union nationals but merely to be able to participate in the administration of the Territory, became obvious as National Socialism took effect and especially when the Union entered into a state of war against the Reich.

53. On the other hand, many of the ex-German nationals had contributed largely to the development of South West Africa and had proved themselves to be valuable citizens, albeit that some of them had inclined to the National Socialist doctrine - often under pressure of Nazi emissaries. While, therefore, as a body they were suspect during the war, their position must necessarily differ from that of their compatriots who were guilty of disaffection and had endangered the safety of the State of which they were subjects.

54. In order to rectify this unsound position the Union Government by an act of Parliament (No. 35 of 1942), denaturalized all Germans who had been automatically naturalized, permitting such denaturalized persons who genuinely desire Union nationality, to resort to the accepted process of law by which individual application is required. Those who do not avail themselves of this procedure of individual application, or whose applications are refused, can, of course, only remain in the Territory as aliens.

55. It has been clear to the Union Government for some considerable time that one of the most important factors, which before the war, militated against the harmonious co-operation between the Union and the German sections of the European community was the element of uncertainty as to the future of the Territory. The main reasons for this uncertainty were (i) the indefinite future held out by a "C" Mandate; (ii) the conviction that the Territory's satisfactory development could not be achieved under the Mandates System, and (iii) the hope among the German group that the Territory would revert to Germany. Had it not been for this, the Germans who had assumed Union nationality would, without any doubt, have been more assimilable and the outbreak of war might have found a far greater racial homogeneity in South West Africa than was in fact the case.

56. As it is the assimilation which was possible brought about a measure of racial integration which together with the influx of Union citizens has given the Territory a European population which has the closest national bonds with the European people of the Union of South Africa. This is evident from the fact that out of over 30,000 Europeans more than 20,000 are Union nationals - and this despite the denaturalization in 1942 of approximately 6,000 automatically naturalized Union citizens.

57. The unique position of South West Africa among mandated territories therefore becomes all the clearer when these facts concerning the composition of her population is given due consideration. The Native peoples who constitute the main bulk of the people are necessarily the chief concern of the mandatory (and their position will be dealt with at a later stage) but it is still the Europeans who have borne the main brunt of the country's development and on whose enterprise the material welfare of the Natives is so largely dependent. And the great majority of them are of the same stock and have the same nationality as the people of the Union.

(e) The ethnological relationship between the non-European inhabitants of the Mandated Territory and the non-European people of the Union of South Africa.

58. The dearth of historical data concerning the ethnic distribution of Africa's earliest peoples has made it wellnigh impossible to remove present-day doubts as to the original inhabitants of South West Africa. Vedder, an authority on the South West African natives, inclines to the view that the Berg Damaras were probably the first people of the Territory, but according to J. de Villiers, a former Chief Justice of the Union who served as chairman of the Rehoboth Commission, it is generally held that the Bushmen were the real aborigines of the sub-continent. He has pointed out that although these people have left no traditions there is indisputable evidence of their early occupation of Southern Africa. The Hottentots and the Bantus, like the Europeans, were therefore intruders.

59. It has been alleged that the Hottentots migrated from Central Africa along the West Coast as far south as the Cape where the Portugese came into contact with their vanguard in 1509. Along the East Coast came the Xosas, Pondos and Zulus, and down the centre of the sub-continent other Bantu races. Before this influx from the North the Bushmen had necessarily to retire to more inaccessible parts of the country of which they were practically the only inhabitants for centuries.

60. It appears that it was only in South West Africa that the Bushmen occupied the country together with another race - namely, the Berg Damaras, and that some considerable time elapsed before other Native tribes settled in this territory.

61. When the white man arrived in the Territory, he found a variety of Native races, the most important of whom, according to available data, were the Bushmen, the Hottentots, the Berg Damaras, the Hereros, the Ovambos and the Bastards. Tribes of lesser importance were the Natives in the Caprivi, Zipfel, the Bechuanas and the Ovahimbas, descendants of the Hereros, who inhabited the northern regions of the Kaokoveld.

62. Today, the Native races which inhabit South Africa, (including the Union and South West Africa) consist of numerous Bantu tribes, the main ethnic groups of which are those speaking Kosa, Shangaan, Zulu, Swazi, South-Sotho, Tswana, Sepedi (Transvaal Sotho), Venda Ovambo and Herero. In addition, there are Hottentots and Berg Damaras who speak Nama, an Hamitic language, and the Bushmen.

63. In the Mandated Territory of South West Africa the non-European population comprises roughly the following:

(a) Ovambos

The different Ovambo Tribes are found in Ovamboland, the Okavango Native Territories and the Caprivi Zipfel. They are the Ukhanyama, Ondonga, Ukuambi, Okandjera, Ukualuthi, Obaluntu, Okolonkathi and Eunda, living in Ovamboland, the Sambio, Bunja, Direko and Ukangari in the Okavango area; and the Nbukusku in the Caprivi. Those in Ovamboland number approximately 161,000 and the balance about 20,000. The Ovambos belong to the Bantu family.

(b) Hereros (including the Ovambanderu, Ovahimbas and Ovatjimbas).

The Natives who are today known as the Herero Tribe belong to the Bantu races. The supposition has however been expressed that they belong to the Hamite tribes of Northern Africa. If this is correct, the tribe must have migrated thence in pre-historical times and after intermingling with negro tribes in Central Africa after long nomadic migrations. They are at present located in reserves in the Okakanja, Karibi, Omaruru, Grootfontein, Otjiwarongo, Keetmanshoop and Gobabis districts and in the Kaokoveld.

The Ovambanderu is an eastern branch of the Hereros and are undoubtedly members of the Bantu race. They live in the Epukiro Reserve in the district of Gobabis.

When the bulk of the Hereros in the Knokovels migrated to the south, they left behind in that territory and in Ovamboland some of their tribe who, because of impoverishment, did not choose to follow their more opulent brethren. Some of these however acquired wealth and came to be known as the Ovahimbas while the rest, the paupers and servants of the Ovahimbas, continued to be known as the Ovatjimbass.

The Hereros, Ovambanderus, Ovahimbas and Ovatjimbass total about 33,000.

(c) Berg Damras or Klipkaffers

These Natives are a black race different from both the Hereros and the Hottentots as well as from the Bushmen. As already stated, Vedder thinks it probable that they inhabited the whole of South Africa even before the Bushmen. They certainly inhabited South West Africa before the Hottentots and the Hereros. At present they number approximately 30,000 and are widely dispersed over the Territory - but are found more especially in the southern regions.

(d) Namas or Hottentots

Ethnologically the Namas form a portion of the Hottentots once a nomad people consisting of many tribes who wandered over the broad plains of Southern Africa before the arrival and expansion of the Europeans. Of passing interest is Isle's theory that the Hottentots are descendants of ancient Phoenicians and the Berg Damras from whom they inherited their colour and their language, respectively.

(e) Bushmen

As was explained, common opinion indicates that the Bushmen were the aborigines of the sub-continent, and that they were afterwards obliged by the Hottentots and the Bantus as well as the Europeans to withdraw to the more inaccessible parts.

Their language is very primitive and it is maintained that they are incapable of European civilization. This is borne out by experience, as strenuous efforts to improve them have met with no success.

There are about 18,000 Bushmen in the Territory, and in consequence of the difficulty experienced in confining them to reserves, the Administration has proclaimed an extensive tract of land in the North as a game reserve where they once again enjoy their pristine liberty and are protected.

(f) Bastards (or Basters)

In all probability the Hottentot tribes migrated from the region of the Central African Lakes in pre-historic times and moved westwards and then southwards across the Kunene and thus entered present-day South West Africa passing between the Kaokoveld and Ovamboland. This movement southwards appears to have continued until the majority reached the Cape. Many of these however subsequently returned to the Territory. The only pure Hottentots are today found in South West Africa and possibly to a limited extent in the North-West Cape.

The Hottentots in the Territory at present number about 23,000.

In the first years of the European settlement at the Cape, the white servants of the Dutch East India Company provided all the manual labour required. A few Hottentots served as herdsmen and interpreters. As the Company's undertaking grew and men were placed on their own holdings, the need for cheaper labour arose. The Hottentots were neither suitable labourers nor anxious to enter the service of the colonists. A wandering life devoted to the chase and the care of their own herds was more congenial to them.

Slavery was an almost universal institution amongst the civilized nations of the day and it was to slaves that the Dutch now turned. Their ships brought Malays from Batavia and black slaves from the island of Madagascar.

Every slave-owning nation has suffered to some extent from the results of racial miscegenation and South Africa was no exception. At the Cape, the sailors, touching port in the Company's ships, visited lodges of the female slaves with the result that a considerable number of coloured children were born. These together with the off-spring of the male slaves and Hottentot women whom they were allowed to marry form the origin of the coloured population of the Cape.

We first hear of communities of coloured, or as they were called, Basters, in the latter half of the 18th Century. Later they appeared along the whole line of the Orange River where they were the pioneers. As a result of the intrusion of European farmers and, later, other native tribes, the Basters sought and obtained ownership of the large tract of country which they now occupy in the Rehoboth district and which is now known as the Rehoboth Gebiet. Their rights are fully recognized by the Union Government. The Basters and Coloureds in the Territory number approximately 18,000.

(g) Other Natives

Apart from those described above, there are about 4,000 other Natives (including Bantu as well as West African Natives) in the Territory.

64. It will be clear, therefore, that over two-thirds of the non-Europeans in the Territory (i.e. the Ovambos of Ovamboland and the Okavango, the Natives of the Caprivi Strip and the Hereros) are of the same stock as the Bantus of the Union of South Africa; in other words, they are of the same ethnological stem and their languages are of the Bantu family of agglutinating languages also spoken by the Natives of the Union. Similarly,

the closest ethnological relationship must necessarily still exist between the 18,000 Basters in the Territory and the 900,000 Coloureds in the Union. In so far as the balance of the non-Europeans in South West Africa is concerned it should be remembered that the Bushmen and the Nama-speaking people are no strangers in the Union.

65. South West Africa and the Union may in fact be regarded as components in the common habitat of the Native peoples of South Africa. The frontier between the two countries is a political one and not a demarcation between different ethnological groups.

66. In this respect, as well, South West Africa is in a unique position among the territories to which the Mandates System was originally applied.

(f) The existing measure of integration of the administration of the Mandated Territory of South West Africa with that of the Union of South Africa.

67. Article 2 of the Mandate for South West Africa provides, inter alia, that:

The Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral portion of the Union of South Africa, and may apply the laws of the Union of South Africa to the Territory, subject to such local modifications as circumstances may require.

Clear and explicit authority is therefore conferred upon the Union to govern South West Africa under Union laws and as an integral portion of the Union, subject only to the provisions of the Mandate and possible local requirements.

68. What now are these provisions of the Mandate which, it would appear, limit the full administrative and legislative power of the Mandatory; in how far do they impose real limitations on the Union? These questions require an analysis of the relevant terms of the Mandate.

69. The second paragraph of Article 2 of the Mandate reads:

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory, subject to the present Mandate.

This injunction on the Mandatory constitutes the principle which, in fact distinguishes mandatory administration and enlightened colonial government from previous colonial regimes which resulted in the exploitation of indigenous populations. It may be regarded as the raison d'être for the desire on the part of the civilized world to create international machinery for ensuring that the backward peoples of the earth shall, insofar as possible, be given an opportunity of material and moral development which in former times had been withheld from them. This principle is, however, also fundamental in the Union's own Native policy which aims at a natural development of the body of over 7,000,000 Natives within its borders. It therefore establishes no basic conditions not already observed by the Union in its Native administration.

70. Article 3 requires the Mandatory to suppress slavery, and generally to prohibit forced labour (with certain exceptions), traffic in arms and ammunition, as well as the supply of intoxicating spirits and beverages; and Article 5 enjoins the Mandatory to ensure freedom of conscience and worship and the unfettered movement of missionaries. These provisions, similarly coincide with the Union's policy and its conception of the rights of the individual.

71. Article 4 prohibits the training of Natives for military aggression, and the erection of bases and fortifications. While the scope of military training which is permissible in this article goes far beyond that observed in the Union, the prohibition as regards bases and fortifications is one which, as has previously been argued, seriously militates against the most elementary precautions for the safety of the State.

72. With the exception, therefore, of the latter provision, which was injudiciously included, and, possibly, the provision requiring an annual report to the League which merely constitutes an administrative measure, the

Mandate imposes no fresh limitation on the Union Government in the normal exercise of its authority. Its "full power" to govern the Territory is therefore unimpaired.

73. The Government of the Union did not, however, avail itself of this authority to administer South West Africa under its own laws as an integral part of its territory, but while a certain measure of administrative integration was inevitable, permitted the Territory a large measure of administrative autonomy.

74. Under Act No. 49 of 1919 of the Parliament of the Union the exercise of the Mandate was vested in the Governor-General who, by Proclamation (Union) No. 1 of 1921, in terms of which Martial Law was repealed, delegated his powers to an Administrator appointed by the Union Government.

75. In consequence of recommendations by a Commission specially appointed by the Government to report upon a suitable form of civil administration for the Territory, an Advisory Council was created, as a temporary measure, to assist the Administrator. The Commission also recommended the extension to the Territory of the Provincial System operating in the Union in terms of which the population in each of the provinces is given full representation in a Provincial Council, with prescribed jurisdiction, and in the sovereign Parliament of the Union.

76. While the Union Government did not give full effect to this recommendation, which would have entailed wellnigh complete administrative integration with the Union, it was decided to confer a limited measure of self-government upon the inhabitants of South West Africa who were Union nationals. This constitution was granted under Union Act No. 42 of 1925 and provided for an Executive Committee, an Advisory Council and a Legislative Assembly.

77. The Executive Committee consists of the Administrator, as chairman, and four members elected by the Assembly, and deals with matters falling within the competence of the Assembly.

78. The Advisory Council consists of the Administrator, as chairman, the four members of the Executive Committee and three members (one of whom must be an official qualified to represent native interests) appointed by the Administrator with the approval of the Governor-General.

It is a function of the Council to advise the Administrator on:

- (a) matters reserved from legislation by the Assembly;
- (b) preparation of financial estimates;
- (c) assent to ordinances passed by the Assembly; and
- (d) any other matter referred to it by the Administrator.

79. The Legislative Assembly consists of eighteen voters, who must be adult European British subjects, and six appointed members nominated by the Administrator with the approval of the Governor-General. The duration of the Assembly is now five years. Sessions take place at Windhoek at least once (usually March and April) during every financial year. The Assembly has power to legislate by ordinance upon all matters except briefly the following, which have been expressly reserved in the constitution unless the consent of the Governor-General thereto has been obtained:

- (a) Native Affairs.
- (b) Mines and Minerals.
- (c) Railways and Harbours.
- (d) The Public Service.
- (e) Constitution, jurisdiction and procedure of Courts of Justice.
- (f) Posts, Telegraphs and Telephones.
- (g) Military Organization.
- (h) Movements and operations of the Defence Force of the Union of South Africa.
- (i) Immigration.
- (j) Customs and Excise.
- (k) Currency and Banking.

The following matters are similarly reserved, but in respect of these the Assembly may be given extended powers upon its recommendation made by at least a two-thirds majority:

- (a) Police Force.
- (b) Civil Aviation.
- (c) Education.
- (d) Land and Agricultural Bank.
- (e) Government Land.

80. At the head of the Administration of the Territory is the Administrator to whom powers of legislation of the Governor-General have been delegated. He controls every form of governmental activity in the country with the exception of Defence, the Police (which since 1939 have been amalgamated with the South African Police), and the Railways and Harbours (which are under the direct control of the Union Government). Under the Administrator there is a Secretary for South West Africa who is also Accounting Officer and Chief Native Commissioner. He has control of the various branches of the Administration which are staffed by administrative, professional, technical and clerical personnel. Other branches of the Administration include the Secretariat, the Native Affairs Branch, the Works Branch which controls all Government building, engineering and road work, and the Agricultural, Education, Lands, Mines, Posts, Prisons and Public Health Branches.

81. As indicated above, the Railways and Harbours of the Territory fall under the direct control of the Union. The only overland outlet of the Territory is through the Union of South Africa and its principal harbour is Walvis Bay, which is Union Territory. While, however, the economy of the Territory is greatly dependent on these communications, the Administration could not possibly face the capital outlay which was required to develop the country's railways and harbours or the considerable loss at which these railways are operated. The Railways and Harbours of the Territory have therefore been integrated with those of the Union.

82. Similarly, the Territory is regarded as part of the Union in matters affecting the collection of customs duties and excise dues. The two countries in fact, constitute a Customs Union, and while all duties are initially paid into the Union revenue, annual payments are made to the Administration at Windhoek.

83. The Judiciary includes a superior court (the High Court of South West Africa), which consists of a single judge and has its seat at Windhoek but may hold sessions at other centres indicated by the Administrator. In civil cases the judge sits alone, but in criminal cases he is assisted by two assessors. The jury system is not in operation in the Territory. Further, a circuit court, with similar constitution to that of the High Court, is held periodically in the different circuit areas into which the Territory is divided from time to time. Appeal from the High Court or from a circuit court lies to the Appellate Division of the Supreme Court of South Africa. In 1920 a magistrate's court was established for each district in the Territory, other than Native Territories in the North. There are sixteen such districts wherein magistrates exercise jurisdiction. An appeal from a magistrate's court lies to the High Court.

84. The Law enforced in South West Africa includes:

(a) Roman Dutch Law as applied in the Province of the Cape of Good Hope in 1919.

(b) Certain Acts of the Union Parliament which apply directly to the territory.

(c) Proclamations by the Governor-General and by the Administrator.

(d) Ordinances passed by the Legislative Assembly.

(e) Certain portions and fragments of the German Law (in force before Union occupation of the Territory) which have been preserved.

85. It will be noted, therefore, that although the Territory has its own legislative and administrative machinery, that machinery is closely connected with the Government of the Union. The administration, which is staffed from the Union with considerable sacrifice of trained personnel, is in the nature of an agency of the Union with the Administrator, the agent of the Union, at its head. The Administrator has competence in all matters and is directly responsible to the Union Government who alone constitutes the ultimate authority in the administration of the Territory under the Mandate. The two countries constitute a Customs Union, the Railways and Harbours system have been integrated, the judicial system in the Territory is linked up with that in the Union whose supreme court constitutes the final court of appeal for both countries and the civil law of the Territory is "the Roman-Dutch Law as existing and applied in the Province of the Cape of Good Hope in 1919".

86. It is however, in the government of the Natives that the Union has retained a greater measure of direct control; for while the Mandate requires the Mandatory to promote the material, moral and social well-being of all the inhabitants of the Territory it places a special responsibility on the Mandatory with regard to the well-being and development of the Natives. This responsibility of the Union Government, as Mandatory is necessarily inalienable and the Government, has, therefore, not been prepared to impair its authority in the matter by placing Native affairs within the competence of the local Legislative Assembly.

87. Native administration in the Territory is, as will be readily appreciated, complicated by geographical, tribal and numerous other considerations, but a comprehensive survey in this submission would, of course, be impractical. A brief sketch will however be given in the succeeding paragraphs.

88. When the Union's military forces took possession of South West Africa they found that tribes in parts of the country were scattered over the land in a lamentable state of poverty. The Natives were sullen and embittered as a result of their defeat in their recent wars with the whites. They had been forbidden to own large stock and limited to only a few head of small stock. Forced labour was the order of the day. Some measures had been taken to provide ground for Natives - albeit in opposition to local wishes - but in certain areas there had been little scope for peaceful settlement or development.

89. In parts of the Territory the Union Government had to design measures to uplift the native races and to turn the individuals into useful inhabitants of the country with special regard to the restoration of tribal or traditional life and custom. To this end reserves had to be established in the areas where the respective races could be settled in their natural environments and the scattered remnants concentrated. It was essential that these natives should be enabled, under European guidance and supervision, to regain a sense of independence on a higher level than that they had previously enjoyed. This constituted no mean task and time and experienced handling alone could achieve any measure of success.

90. As has already been explained Native affairs do not fall within the competence of the Legislative Assembly or the Executive Committee. They fall directly under the Administrator, who, as its agent, is responsible to the Union Government alone. Under the Administrator, the chief executive officer is the Chief Native Commissioner, who is also Secretary for South Africa. At headquarters the latter has an additional Native Commissioner who devotes his full time to Native affairs. In addition there are full-time Native Commissioners in the Native territories of Ovamboland and the Okavango as well as an Assistant Native Commissioner in the local office at Windhoek. Further, in each district of that part of the Territory known as the "Police Zone", the Magistrate holds the appointment of Native Commissioner and administers Native affairs under the direction of the Chief Native Commissioner.

91. For the purposes of administration, control and systematic development, the Territory had, on the basis of the original partition by the German Government, been divided into two parts, namely, the Police Zone and the area beyond that zone which is closed to Europeans except under permit.

INSIDE THE POLICE ZONE.

92. At the time of the division of the Territory into two zones the Natives inside the Police Zone numbered approximately 53,000. Today the non-Europeans in that area exceed 130,000 and are distributed as follows:

- (a) Over 22,000 in the urban areas.
- (b) Over 81,000 in the rural areas.
- (c) Approximately 26,000 in the Native reserves.

93. When the Union Government assumed charge of the Territory the scattered state of the Natives in this zone, the disruption which had taken place in their tribal life and their animosity against Europeans were such that immediate action was essential for their rehabilitation. Steps were therefore taken to repeal the regulations prohibiting their ownership of stock, to permit them to acquire land and other immovable property, to establish a judicial system which would ensure for them recourse to law, and to select adequate and suitable areas for reserves.

94. At present there are eighteen Native reserves in the Police Zone with a total area exceeding 4,000,000 hectares. In addition thereto, the Administration holds large tracts of land for future extension. These reserves have been proclaimed for the sole and exclusive occupation of Natives and no European may reside in or even enter such areas without a permit, which, it should be noted, is given only in favour of missionaries, traders and other persons having legitimate business in the reserve. Furthermore, no land in the Territory set apart as a reserve for Natives or Coloured persons may be alienated without the authority of the Union Parliament.

95. As will be appreciated, many of these reserves were, on proclamation, virgin veld and it may be said that for a period of ten years (1924-1934) the Administration's activities were directed to building them up and making them habitable by fencing, sinking boreholes and providing dams. It was only in the five years before the outbreak of war that the fruits of this Native settlement policy began to appear.

96. Where there are large reserves in a district, a Welfare Officer is in charge, who reports to headquarters through the local Native Commissioner. This officer is responsible for the administration of the reserve regulations. He allots residential sites, sees that pumping plants, buildings, fences and roads are kept in order, and brands the stock. In his work of general development of the reserve he is assisted by a Native Reserve Board which consists of the Headman and up to ten additional Native members elected by the Natives. This affords the Natives direct participation in the management of their affairs and is basic in the Mandatory's Native policy both in the Union and in the Territory.

97. For each reserve a Trust Fund has been created into which is paid all revenue derived from the inhabitants of the particular reserve by way of grazing fees, levies and other income. These funds are used, after consultation with the Natives and under the authority of the Administrator, for the exclusive benefit of the reserve concerned, as, for example, water supplies, road construction, stock improvement, etc.

98. In rural areas outside the reserves, there is a considerable population working on farms and on mines. Their residence and movements are governed by proclamations in terms of which employment on farms and labour in the mines are also controlled. Many of these Natives have the right of residence in particular reserves to which they return after completion of contracts of service. District Native Commissioners are required to watch their interests and to investigate all complaints;

99. In urban areas Natives reside in locations controlled by local authorities. Their residence is subject to legal provisions which, inter Alia, compel local authorities to maintain locations set aside for them in proper order and to keep separate accounts of all revenues collected in respect of each location which may only be spent for the benefit of Natives concerned and cannot be diverted for services for Europeans. Provision is also made for Native Board each of which must be composed of not less than three Native residents of a location. All Natives employed in the urban areas have their contracts registered by the Native Commissioner and the employer is required to pay a small fee per month. This revenue is kept in a separate account by the Administration and can only be utilized in the interests of the Natives in the locality where it is collected.

100. Of importance is the question of Native health, all expenditure in respect whereof is borne by the general revenue of the Territory. Within the Police Zone there is a District Surgeon available for each district who provides free medical services on orders from the Magistrates. The Administration maintains four Native hospitals as State institutions where treatment is practically free. Only when a Native is well-off or the employer is liable is a fee charged. In addition, there are seven Venereal Disease Clinics and medicines are provided free to all Welfare Officers for issue to Natives living in the reserves.

101. Another important feature of the Native administration of the Territory is education. There are six Government schools for Coloured and Native children as well as a Government Training Centre for Native teachers. The number of pupils attending the various schools has increased from 5,821 in 1940/41 to 6,431 in 1944/45 and the expenditure over that period from £22,000 to £36,476. The 1946/47 estimate of expenditure on this Vote is £49,770. The cost of these State Institutions and subsidies to Mission schools is borne by the general revenue of the Territory and is not defrayed from Native funds.

102. Mention should also be made of the Rehoboth Basters. As was indicated elsewhere, a reserve known as the Rehoboth Baster Gebiet is situated in the Rehoboth district south of Windhoek. The Rehoboth people who, as was explained, are of mixed European and Native descent, entered into an agreement with the Administrator in regard to their government - in terms of which they have a Council elected by themselves to regulate their internal affairs in accordance with their own written constitution which their forefathers had observed before the German regime. The Magistrate of district presides over the Council as, under the agreement, the functions of the Chief or Captain are vested in him.

OUTSIDE THE POLICE ZONE

103. This area comprises the Kaokoveld district, Ovamboland, the Okavango Territory and the Western Caprivi Zipfel (the Eastern portion of the Caprivi being administered by the Union Native Affairs Department). In it there are six reserves measuring approximately all-in-all, 8,000,000 hectares. At the beginning of the Mandatory regime the Native population in this area was estimated at about 146,000. According to the latest figures they now exceed 180,000.

104. The Kaokoveld, which is closed to Europeans, is administered by the Native Commissioner of Ovamboland who is assisted by European and Native staffs, a Medical Officer and a Plague Inspector. In Ovamboland he has an Assistant Native Commissioner and in the Kaokoveld an Officer-in-charge. He is supplied with official transport to enable him to visit the various centres as rapidly as possible and maintains touch with the Native Chiefs and Headmen by means of official messengers selected from younger members of the leading Native families. He visits the tribal areas regularly for inspection purposes, tries cases in which appeals have been lodged from local decision, sees that law and order are maintained, that dams and water holes are kept in order, that roads are repaired, that timber is not being wastefully cut down and collects the local levies for the Ovamboland Trust Fund.

105. In accordance with the policy of permitting the Natives to participate in the management of their own affairs, tribal Councils of Headmen have been established. Apart from dealing with general administrative affairs, these Councils also constitute part of the legal machinery in the Territory in so far as they hear appeals from the decisions of Headmen.

106. The Western Caprivi Zipfel is administered by the Native Commissioner of the Okavango Territory where the method of administration is, generally, the same as that in operation in Ovamboland.

107. Further, the Administration provides a fulltime Medical Officer for Ovamboland and Okavango, and the Missions operating in these areas undertake additional medical services receiving a subsidy and free medicines from the Administration. A decision was recently taken to pay allowances in respect of qualified medical and nursing staffs employed by these Missions.

108. In this area Native education is undertaken by the three Mission Societies established there. There are, altogether, 113 recognized schools with an enrollment of more than 13,800 pupils and a total of 319 teachers. The Administration subsidizes the Mission Societies by paying the salaries of approved teachers and providing equipment. An Organizer of Native Education for these northern territories has been appointed and is responsible to the Director of Education for the Territory.

109. The satisfactory relationship of the various tribes in all these northern areas outside the Police Zone towards the Administration and the good inter-tribal relations which exist in that part of the country are due to the fact that the Natives have gained confidence in the method of control which is operative. The various tribes are becoming more and more acquainted with the governing principles of indirect rule which has been gradually built up over the past 25 years.

Chiefs and Headmen, as well as their subjects, are becoming increasingly aware of its aims and advantages and ruling Natives are showing greater confidence in the control and management of their affairs.

110. Of interest is the fact that there are no armed forces or police outside the Police Zone where the Natives live under tribal councils and govern themselves under tribal law and custom subject only to the guidance of the Native Commissioners.

111. The foregoing brief sketch of the Native administration in the Territory serves to indicate the main principles on which that administration is based. It should, also, constitute ample proof that the Mandatory, in pursuit of the promotion of the welfare of the indigenous population and its endeavours to comply faithfully with the provisions of the Mandate, has achieved much, and that the Union Government has reason to believe that its Native policy in the Territory is basically sound.

112. Moreover, the considerable benefits which have already accrued to the South West African Native from this policy must satisfy the most conscientious observer as to efficacy of the Government's Native policy in the Union which is based on identical principles. In fact, the Union's own Native administration, on which the welfare of over 7,000,000 individuals is dependent, may be regarded as the laboratory from which the main ingredients of its South West African counterpart have been procured.

113. Also as in the Union, the Native in the Territory is very largely dependent on the European for the financial resources which are essential for his well-being and development. In the Territory, Native administration is financed to a considerable extent from public revenue to which he does not contribute. His economic well-being is governed by the economic development of the country. The financial position of the Territory as well as its economic development are, in turn, very dependent on the resources of the Union.

114. The Eastern Caprivi Zipfel with its Native tribes is administered by the Union Department of Native Affairs. The fundamental principles of Native policy in the rest of the Territory and in the Union are identical; the forms of administration designed for the Natives in the two countries are closely aligned; public finance, in both cases, is very largely the responsibility of the European; and the Natives in the Union and in South West Africa spring from common stock and constitute a common problem. The position in the Union differs from that in the Territory only insofar as it has been possible to do more for the Native in the former country as a result of the time factor and the incomparably larger public resources.

115. The foregoing indicates, briefly, the relationship between public administration in the Territory and that in the Union. It will be observed that in some respects (Customs and Railways) the Territory is governed as a part of the Union. For the rest, the Administration in the Territory has been fashioned on the Union model and is composed mainly of Union material. In both countries the Union Government, under the sovereignty of the Union Parliament, constitutes the final constitutional authority. Whilst, therefore every effort has been made to preserve the distinct identity of the Mandated Territory a large measure of integration has, in the interests of good government, been unavoidable.

116. While purely local considerations must of necessity dictate a measure of decentralization in government, there can be little doubt that the present system cannot operate in the best interests of the Territory and its peoples. Representation in the Union Parliament for both the Europeans and non-European is fundamental in the Union's constitution. As the Union Parliament is the ultimate authority in South West African affairs, this right of representation should also be extended to the Territory. Similarly, the Territory should be enabled to share fully in the administrative services of the Union - services which it could not possibly afford out of its own resources. Moreover, the Native in the Territory has already benefited from the Union's experience in

Native affairs, but, here again, the Territory could not provide facilities and services for Native development on a scale operative in the Union. The granting of these rights and the provision of these services would however only be possible in the event of South West Africa being incorporated in the Union of South Africa.

(g) The economic dependence of the Mandated Territory of South West Africa on the Union of South Africa.

117. When the Union Government accepted the Mandate for South West Africa, the main prop of the finances of the Territory was furnished by the Diamond Mining Industry which, with the Copper Mines, provided the chief markets for farm produce. Agriculture was carried on in a small way but never met the requirements of the local market. Out of a total export trade of £3,515,000 in 1913 minerals accounted for 96 per cent and agricultural products only 0.3 per cent (mostly hides, skins, wool and ostrich feathers). The Territory had three different stretches of railway of different gauges, and no adequate seaport. Secondary industries were non-existent and banking facilities were inadequate.

118. In the first place the Mandatory set about improving the communications the Territory, both internal and external. The Railways of the Territory were converted to a uniform gauge and linked up with the railways of the Union with which they were also integrated administratively. Since 1922 the South African Railways and Harbours Administration has spent £1,375,000 on improvements to the permanent way of the South West Africa system, and, under limited guarantees against loss on working, has spent £568,000 on the development of Walvis Bay Harbour as a port for the northern part of the Territory and £334,000 on the extension of the 3'6" gauge line from Windhoek

to Gobabis (thereby helping to open a rich cattle farming area in the Eastern part of the Territory).

119. Bearing in mind the luxury nature of the principal industry of the Territory (diamonds) and the wide and sudden fluctuations to which it is subject, the Union Government decided to utilize the revenues received directly from this industry and other surpluses to develop the farming industry, to provide markets for agricultural products and to that end to maintain free trade between the Territory and the Union. Development along this line was decided upon in the interests of the Native section of the population as it offered healthy and open-air employment of a type to which they were suited and accustomed by their nomadic type of life.

120. To assist the Territory in setting its house in order under the new administration the Union provided a sum of £1,000,000, the bulk of which, with subsequent revenue surpluses, mainly from the diamond industry, was invested in the establishment of the Land and Agricultural Bank of South West Africa, the promotion of a Land Settlement Scheme, boring for water, and other necessary capital expenditure.

121. Owing to periods of acute depression and drought and, in 1927, a sudden drop in diamond revenue, the Territory was unable to balance its budget from either Mining or Farming sources with the result that over the period 1926/27 to 1936/37 the Union Government found it necessary to assist the Territory with loans to the extent of nearly £3,000,000.

122. By 1937, however the Territory appeared to be achieving economic health and it seemed likely that it might manage without further loss if it did not have to meet heavy commitments on its existing obligations to the Mandatory. Accordingly the Mandatory granted the Territory a moratorium for all its debts - including amounts owing to the South African Railways and Harbours Administration under the guarantees given in respect of the Walvis Bay Harbour and the Gobabis Railway.

123. In addition to the direct financial assistance which it accorded, the Union Government fostered the farming industry of the Territory in indirect ways through its Railway rating policy and through its institutions such as the Dairy Industry Control Board and the Livestock and Meat Industries Control Board.

124. When the Railways and Harbours of the Territory were integrated with those of the Union, the latter substituted for the German rating system (designed for internal traffic over comparatively short hauls) its own system of tapering rates, subject to maxima, designed to assist long-distance traffic and to promote farming development in areas distant from markets. Low and uneconomic rates were applied to farm products. According to official figures this has entailed a surrender of revenue by the South African Railways and Harbours of approximately £2,500 000 over the period 1921 - 1945. In fact, the Auditor-General in his report for 1944-45 puts the total loss incurred on the South West African Railways and Harbours (including this sum of £2,500,000 but excluding the loss on Walvis Bay Harbour and on the line from Walvis Bay to Swakopmund) at approximately £6,250,000 up to 31 March 1945. This is a statistical figure as yet, which has never been claimed from the Territory but it must be regarded as an indirect subsidy by the South African Railways and Harbours Administration, and through it by the Union taxpayer, to the development of the Territory.

125. Mainly on account of the scarcity of surface water and the insufficient rainfall, agricultural farming has very limited possibilities in South West Africa. Accordingly farming activities during the Mandatory period have been directed mainly to dairy farming, ranching for slaughter stock, and Karakul pelt production; and in fostering these branches of farming the Mandatory did not lose sight of interests of the Natives. The benefit derived from the Union Government's policy of direct and indirect subsidization becomes apparent on consideration of the development which has taken place since the Mandate was conferred.

DAIRY FARMING

126. In 1929 the production of butter in the Territory had reached about 2,500,000 lbs. Of this only about twenty per cent was consumed internally, but, as the prices obtainable overseas were not economic, export of the surplus was not possible.

127. The Natives share substantially in the dairy farming industry - in one Reserve alone there are seventy-six dairies - and it was apparent that unless financial assistance was accorded the industry could not survive. This financial assistance was provided by the Dairy Industry of the Union. The Union itself produced a small percentage surplus above its own requirements of about 20,000,000 lbs. and, in order to export that surplus, adopted a system of levy on the entire production out of which a bounty was paid on the exportable surplus. South West Africa was admitted to this scheme and according to official figures the cost of the support thus given to the Territory by the Dairy Industry of the Union amounted to £1,150,000 over the period 1931 to 1940/41. During this period the Territory exported about 63,500,000 lbs. of butter, and, as the Union's surplus production over the same period was only 34,000,000 lbs. it is clear that the main benefit from the levy scheme has fallen to the farmers of South West Africa.

RANCHING

128. The livestock of the Territory increased from 205,000 cattle and 1,072,000 sheep and goats in 1913 to 1,372,000 cattle and 4,592,000 sheep and goats in 1943. The Natives have shared generously in this progress and it is of interest to note that the increase in Native-owned stock has been proportionately greater than that in European-owned stock, the increase in the former being from 20,000 cattle and 132,000 sheep and goats in 1913 to 292,000 cattle and 678,000 sheep and goats in 1943. These figures for Native-owned stock do not include those owned by Natives beyond the Police Zone - in 1945 about 210,000 cattle and 200,000 small stock.

129. Attempts to find markets overseas for the livestock of the Territory - subsidized at times by the Government - were not successful, and the Mandatory, through the Livestock and Meat Industries Control Board of the Union, came to the assistance of the Territory by admitting its livestock to the Union's controlled markets on the same terms as home-produced animals. In this way the Territory was able to export over the period 1930 to 1945 1,273,000 cattle and 2,088,000 sheep valued conservatively at well over £10,000,000.

KARAKUL FARMING

130. The export of Karakul pelts since 1932 has brought to the Territory over £21,000,000. The rapidity in the rise of this branch of farming, in which the Natives have been participating to an increasing extent, is evidenced by the export figures which increased from 84,000 pelts valued at £126,000 in 1929 to 2,393,000 pelts valued at £4,317,000 in 1945.

131. The Union Government has taken active steps to foster this industry and find markets for its products. Before the war as Leipzig was one of the principal markets for the pelts the Union Government provided in its "exchange agreements" with Germany for a substantial share of karakul pelt

exports to that country, the purchase price of which was of course financed from Union sources. Later, during the war, it was only the active intervention of the Union Government in obtaining shipping priority for Karakul pelts that enabled the industry to carry on.

132. The success of the Union Government's policy of fostering pastoral farming in the Territory is apparent when it is realized that agricultural exports have increased from:

0.3% in German times to

15 % of a total export of £2,600,000 in 1925,

25 % of a total export of £3,595,000 in 1929, and

75.4% of a total export of £8,162,000 in 1945.

133. A large measure of credit for the increased prosperity of the farming community of the Territory is due to the Commercial Banks of the Union - the Standard Bank of South Africa, Limited, and Barclays Bank (D.C. & O.), which established branches in the Territory during the occupation period. During the early years they accepted wide risks. In 1918 the Standard Bank's advances in the Territory were over five times the total of its liabilities to the local public, and in 1921 were still nearly three times these liabilities. On 30 September 1921, the advances made by Barclays Bank were about one and one-half times the amount of its liabilities and the two banks together had advanced the public about £975,000 against liabilities of about £480,000. These ratios improved, but again in the 1930/34 period of depression the Bank's joint advances were at times in the region of 150% of liabilities to the public. At 31 December 1945, the financial position of the people of the Territory had improved to the extent where advances represented only 39.3% of liability in the case of the Standard Bank and 24.5% in the case of Barclays Bank. In addition the two Banks together carried a note issue at that date of £925,673.

134. As far as trade generally is concerned the Territory is closely integrated into the affairs of the Union and is for the most part dependent upon the Union both for its markets and for its imports.

There is no customs barrier between South West Africa and the Union.

There is free interchange of the products of the two territories and transfer of duties collected on goods originally imported into one and subsequently removed to the other.

135. During the war when, in consequence of universal short supplies, the emphasis in external trade shifted from exports to imports, the dependence of the Territory on the Union became even more pronounced. Merchandise removed from the Union accounted for 95-100 percent of the Territory's import trade. On the other hand the Territory's most important export commodity, being largely a luxury article, only found a market in consequence of Union intervention.

136. The excellent commercial relations which have gradually been developed between the two countries, and so greatly promoted during the war years should continue, and the Union is likely to remain South West Africa's foremost customer. This latter fact assumes especial significance when it is remembered that the Territory's main export to markets other than the Union constitutes a luxury trade which is necessarily subject to a high degree of uncertainty. It is clear that for beef, mutton and butter which represent the staple products of the Territory's farming - particularly of the Native populace - the Union has been its only remunerative market. And this has, of course, been due to the existing customs integration.

137. This integration was however not applied to the purely fiscal relations between the Territory and the Union, and it is by considering these relations that the dependence of South West Africa on its Mandatory becomes more apparent.

138. The "disinterestedness" which is characteristic of the Mandates System postulates that a Mandatory shall not administer a Mandated Territory for material profit but that the income of such a territory be utilized in the exclusive interests of its inhabitants. On the other hand the Mandatory is not expected to subsidize the administration of a Mandated Territory. During the Eleventh Session of the Mandates Commission one of its members, Mr. van Rees, stated that:

"... neither the responsibilities (undertaken by the mandatory to advance the territory and its inhabitants) nor the fact that (it) was chosen - among other reasons - 'by reason of its resources' nor the disinterestedness which it should display in administering the territory, should result in part of the normal expenses of administration being borne by the mandatory state. The mandate, although it should not be a source of profit, should not necessarily become a burden."

139. The Union was nevertheless obliged by the nature of its political relations with the Territory to grant it fiscal autonomy - which entailed separate accounts for the Administration. These accounts enable us today to determine the country's ability to finance, out of its own resources, that development of the inhabitants which is fundamental in the Mandates System and a responsibility of the Mandatory.

140. To start with, the Union did not avail itself during the period of occupation of the provisions of the Hague Convention, in terms of which it could have financed the requirements of the occupation forces and the administration of Territory out of income derived from local sources - even if this required additional taxation of the inhabitants. Instead, the deficit for the years 1915 - 1916, which amounted to L1,810,000 was debited to the Union's "War Expenses" account. The Union could have utilized income from the Territory's diamond production, but decided to hand the full accumulated income from this source back to the Administration. The net result was that the Territory commenced the mandatory period with a surplus of close on to L1,000,000.

141. During the first six years of mandatory administration the Territory's total income exceeded its total expenditure by approximately £18,000. During the next ten years, however, large annual loans from the Union totalling £2,988,900 were required to balance the annual budgets, as a result of which a commission appointed by the Government reported that:

"It must, we consider, be clear from what has gone before that the Territory has not hitherto been capable of defraying, on an autonomous financial basis, the level of public expenditure which has been incurred".

142. The Commission also drew attention to the highly unstable nature of the Territory's sources of public revenue, oscillating as it had done in the past from feast to famine. This is due to the fact that in good times all sources of revenue boom, and in bad time they fall away to a very low ebb. This results from the highly specialized nature of all the economic activities of the Territory. The Commission expressed the view that owing to these wide fluctuations it was difficult to arrange the budget on the customary annual basis.

143. Having regard to the lamentable financial position of the Territory at that time the Union Government suspended the payment of both interest and capital redemption of these loans with effect from 1 April 1937. These amounts were debited against the Territory, but no interest was charged on arrear interest. The amounts outstanding on that date were as follows:

(a) Deficit Loans £1,183,272.11.4.

(b) Capital Expenditure Loans £1,185,029. 0.6.

(c) Advances to local authorities £ 201,966. 0.0.

As indicated elsewhere, the Railway Administration likewise placed to a suspense account, during the period from 1 April 1937, the amounts owing by the Territory under guarantees given by it in respect of the Gobabis Railway and the Walvis Bay Harbour.

144. The arrangements made by the Union Government and the South African Railway Administration were intended to relieve the Territory temporarily from its heavy load of debt and so enable it to make provision in good years for the expenditure of lean years. The Administration subsequently followed the policy of creating a "Territorial Development and Reserve Fund".

145. The accumulated arrears on 1 April 1945, when the Territory was required to commence repayment of interest and redemption on the amount mentioned in paragraph 143 above were as follows:

(a) Arrear interest	£900,550.12. 0.
(b) Arrear redemption	£314,658.18. 4.

Moreover, the sum outstanding under the two guarantees to the Railway Administration amounted to £329,727 at 31 March 1945.

146. The Territory enjoyed a period of prosperity during the war unparalleled in its history. There was a great demand for all its products, and except for a voluntary contribution of £200,000 per annum for three years to the Union for war expenditure it escaped the high financial cost of the war to other States.

147. As a result of the prosperity of the war years, the Territorial Development and Reserve Fund had accumulated a credit balance of £2,150,000 at 31 March 1945. The Territory also had a surplus in its Revenue Account. If to these balances the amount of £600,000 paid to the Union for war purposes is added and the amounts in respect of its duties which were borne by the Union Government and the Railway Administration are deducted, a fair picture of the financial result of its work during these eight years is obtained. This result is as follows:

BALANCE AT 31 MARCH 1945

Territory Development and Reserve Account	£2,150,000	
Surplus	845,000	
Contributions to Union	<u>600,000</u>	3,595,000
Arrears due to Union Government	(900,550 (314,658	
Arrears due to Railway Administration	329,727	<u>1,544,935</u>
Credit Balance		<u>£2,050,065</u>

151. Yet, the Union Government, considering the fruits of its efforts in the Territory and the task which lies ahead, shares with the people of South West Africa the conviction that the Mandates System is inapplicable to the Territory. This conviction rests upon three main considerations, namely -

(a) The fundamental principle of the Mandates System and its successor the Trusteeship System is ultimate political self-government and separate statehood. The low economic potential of the Territory and the backwardness of the vast majority of the population render this impossible of achievement.

(b) The immediate aim of the Mandate is the development of the Territory and its people. This development can only be satisfactorily carried on at an expense to the Mandatory which, in the nature of things, it cannot undertake.

(c) The uncertainty as to the ultimate future of the Territory inevitably militates against racial tranquility and the optimum development of the country.

152. As already declared by the Union High Commissioner before the General Assembly of the United Nations Organization, when trusteeship matters were being considered, the Union Government regard it as implicit in the Mandates System that no change be introduced into the form of government of a Mandated Territory except with the specific consent of the people of that Territory and in accordance with their wishes. The European population having already signified its wishes in the matter, the Union Government therefore caused the non-European inhabitants of South West Africa to be consulted.

153. The European section of the population of South West Africa has repeatedly given expression to its wish that the Mandate over the Territory be terminated and that the Territory be incorporated in the Union of South Africa. This desire has been expressed in the Press, in public utterances by representative

leaders, and in two resolutions unanimously adopted by the Legislative Assembly of South West Africa. The first of these resolutions, adopted on 14 May 1943, was in the following terms:

That this House respectfully requests His Honour the Administrator forthwith to urge upon the Government of the Union of South Africa that the time has arrived for the termination of its Mandate over the Territory of South West Africa, and that it is the earnest desire of the inhabitants of this Territory that upon such termination of the Mandate, the Territory of South West Africa be formally annexed to and incorporated in the Union of South Africa upon such terms as to financial relations and political representation as may be mutually agreed upon between the Government of the Union of South Africa and representatives nominated by this House. On 8 May 1946, the Legislative Assembly unanimously adopted a similar resolution, the Chairman directing that his vote also be recorded in favour of the resolution.

154. German nationals in the Territory have also made various representations to the Assembly in favour of incorporation and recently offered to get a petition signed in favour of incorporation by non-enfranchised Germans who have no voice in the Legislative Assembly.

155. The consultation of the non-Europeans necessarily presented certain difficulties as it was essential that they should clearly understand the implications of the question at issue and that their differing tribal customs be observed. It was therefore decided to entrust consultation to officials who had the necessary experience in Native affairs and who enjoyed the confidence of the non-Europeans. Moreover, having regard to Native custom and susceptibilities it was arranged to consult the different tribes as units and not individuals.

156. The officials specially selected were the Native Commissioners and certain Magistrates (who are also local Native Commissioners) who were instructed to emphasize the fact that the Natives were a free people and therefore had the right to express their views without fear. It was also arranged that, insofar as tribal considerations permitted thereof, similar terms should be employed in both address and in the different memorials to be submitted for signature.

157. Following are quotations from the address delivered to the tribal meetings:

"I have asked you all to attend this Meeting as I wish your answer to be the voice of all the people who live in this reserve. You must understand that you are free people and can always express your views, whatever they are, without fear. Similar meetings are being held in all the Native Reserves and these meetings are being addressed by Native Commissioners (Magistrates) of the districts concerned. They are using the same words as I will use today so that all the people will understand this big question fully and so that there can be no misunderstanding among the people of the various Reserves."

158. The memorials read as follows:

We, the undersigned, Chiefs, Headmen or Board Members of the people of the tribe, who live in the Reserve in this Mandated Territory of South West Africa, acting with full authority of the people of the tribe of the Reserve wish to say that we have heard that the people of the world are talking about the administration of countries such as ours and that the administration of these countries may be changed.

We and our people wish the following matters to be known to the peoples of the world:

- (a) That our people have been happy and have prospered under the rule of the Government of the Union of South Africa and that we should like that Government to continue to rule us;
- (b) that we do not wish any other Government or people to rule us; and
- (c) that we would like our country to become part of the Union of South Africa.

159. Following is a detailed summary showing the results of the consultations

Territory or Reserve	Tribe	Population to nearest 10.
IN FAVOUR		
OVAMBOIAND	:Ondonga) :
	:Ukusnyama) :
	:Ukuambi) :
	:Okandjera) :
	:Okolankathi	) : 129,760
	:Ukuuluthi) :
	:Ombalantu) :
	:and Funda) :
	:) :
OKVANGO and	:Ukuangari) :
WESTERN CAPRIVI ZIPFEL	:Bunja) :
	:Sambio	) : 25,540
	:Diriko) :
	:Nbukushu) :
	:) :
POLICE ZONE	:Ovambo and	:
	:Okavango tribesmen	:
	:(not specially	: 21,750
	: consulted).	:
	:	:
KAOKOVELD	:Ovahimbas) :
	:Ovatjimbas	) : 5,990
	:Hottentots) :
	:	:
REHOBOTH BASTER GEBIET	:	:
and elsewhere throughout	:Basters and Coloured	: 19,450
Police Zone	:	:
	:	:
BONDEIS	) :Hottentots	: 1,320
KRANZFONTEIN) :	:
HOACHANAS) :	:
FRANZPLAATS) :	:
and other RESERVES) :	:
	:	:
OKOMBAHE) :	:
OTJIMBINGWE	) :Damaras	: 3,090
and other RESERVES) :	:
	:	:
ALL RESERVES IN	) :Other unspecified	:
POLICE ZONE	) :tribes	: 1,950
		<u>208,850</u>

Territory or Reserve	Tribe	Population to nearest 10.
AGAINST		
BERSEBA	) :Hottentots	: 2,810
SOROMAS) :	:
and other RESERVES) :	:
	:	:
AUKEIGAS and other	) :Damaras	: 1,690
RESERVES) :	:
	:	:
ALL TERRITORY	:Hereros	: 27,350
	:	:
RESERVES IN	:	:
POLICE ZONE	) :Other tribes	: 1,670
		<u>33,520</u>

Territory or Reserve	Tribe	Population to nearest 10.
	NOT CONSULTED	
Within POLICE ZONE	Bushmen	9,330
- ditto -	Balance Hottentots	19,100
- ditto -	Balance Damaras	25,560
- ditto -	Other tribes	2,800
		<u>56,790</u>
	GRAND TOTAL	<u>299,160</u>

160. As will be noted, a number of bushmen, Hottentots, Damaras and a few other Natives were not consulted. This was due to the fact that they are scattered on farms over the whole Territory and because of the absence of authorized tribal Headmen.

161. It will also be observed that the Natives against the incorporation of the Territory with the Union are, in the main, Hereros. In fact, apart from some 994 in the Kaokoveld and 1,574 in the Otjitua Reserve, all the Hereros are against incorporation. This, it is believed, is due to the traditional grievance of the Hereros that their country was not returned to them after the defeat of Germany in World War I. Any form of government limiting their independence would be equally objectionable to them.

162. However, the result of consultation is briefly:

For	-	208,850
Against	-	33,520
Not consulted	-	56,790

These figures, it is submitted, speak for themselves; and when one considers the terms in which many of the replies by Headmen and others in authority were couched there can be no doubt as to the feelings of the non-Europeans. Indeed, the words of Councillor-Headmen Shitala Namangangala of Ovamboland that, "we are like man who has lived a long time with a good wife ... a man who likes his first wife does not get rid of her ... it is so with this Government of ours ...", constitute a clear and unequivocal reply to President Wilson's remark at Versailles that "if South Africa managed South West Africa as well as she had managed her own country then she would be married to South West Africa".

163. SINCE THEREFORE THE PEOPLE OF SOUTH WEST AFRICA HAVE FREELY AND UNEQUIVOCABLE EXPRESSED THEMSELVES IN FAVOUR OF A STATUS WHICH WOULD MAKE THEIR COUNTRY PART OF THE UNION;

SINCE FURTHERMORE -

- A. DOUBTS ORIGINALLY EXISTED AS TO THE APPLICABILITY OF THE MANDATES SYSTEM TO THE TERRITORY;
- B. EXPERIENCE OF MORE THAN A QUARTER OF A CENTURY HAS SHOWN THAT THE UNIQUE CIRCUMSTANCES OF THE TERRITORY DO NOT PERMIT OF SATISFACTORY GOVERNMENT UNDER THE MANDATES OR ANY ANALOGOUS SYSTEM;
- C. THE TERRITORIES OF THE UNION AND SOUTH WEST AFRICA SHOULD, FOR GEOGRAPHIC REASONS, CONSTITUTE A SINGLE UNIT;
- D. THE TERRITORIES OF THE TWO COUNTRIES SHOULD, IN THE INTERESTS OF NATIONAL SECURITY AND WORLD PEACE, CONSTITUTE A STRATEGIC UNIT;
- E. THE PEOPLE OF THE TERRITORY HAVE A CLOSE ETHNOLOGICAL AND NATIONAL AFFINITY WITH THE PEOPLE OF THE UNION;
- F. THE TERRITORY IS ECONOMICALLY DEPENDENT ON THE UNION;
- G. THE ADMINISTRATION OF THE TERRITORY HAS ALREADY BEEN INTEGRATED PARTIALLY WITH THAT OF THE UNION, AND SHOULD, IN THE GENERAL INTERESTS OF THE COUNTRY AND ITS POPULATION, BE FURTHER INTEGRATED:

THE UNION GOVERNMENT CONSIDERS THAT THE INTERESTS OF THE PEOPLES OF SOUTH WEST AFRICA WOULD BEST BE SERVED BY THE SPEEDY IMPLEMENTATION OF THE WISHES THEY HAVE FULLY AND FREELY EXPRESSED RE THE FUTURE STATUS OF THEIR COUNTRY.
