



C O N T E N T S

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Chairman: Mr. Rafik ASHA (Syria).

AGENDA ITEM 34

Question of South West Africa: report of the Committee on South West Africa (A/2666 and Corr.1 and Add.1) (*continued*)

1. U HLA AUNG (Burma) agreed with the view expressed by the representatives of Iraq and Egypt at the 404th meeting that the question of South West Africa was a challenge to the authority of the United Nations and that it must be considered as part of a wider problem—that of ensuring that Africa was not regarded as an unlimited field for exploitation. The best solution would be to place South West Africa under the International Trusteeship System. It was regrettable that the Union of South Africa had not yielded to the solemn appeals addressed to it by the General Assembly at previous sessions and reinforced at the sixth session by the advisory opinion of the International Court of Justice,¹ which specifically stated that the South African Government continued to have international obligations with regard to South West Africa. The integration of South West Africa into the Union of South Africa, against the wishes of the people, was totally inadmissible.

2. The Committee on South West Africa was to be congratulated on its report (A/2666 and Corr.1 and Add.1) and particularly on annex V, namely its report and observations regarding conditions in the Territory. It was clear from that report that in the Police Zone the Native population was strictly segregated from the European population and confined to Reserves, locations, Native villages or hostels. Segregation also applied to the area outside the Police Zone which was virtually closed to Europeans. In addition, as described in annex V, paragraphs 102 and 103, Natives required a pass or permit to move from one place to another. The Committee on South West Africa had observed that the severe restrictions on the freedom of movement were clearly inconsistent with the principles and purposes of the Mandates System.

3. In the political field, non-Europeans were not directly or even indirectly represented in the Legislative Assembly or the Executive Committee of the Terri-

tory. It was the conclusion of the Committee on South West Africa that the contribution of the administration of the Mandatory Power, which by now covered a period of more than thirty years, to the political evolution of the non-European population of South West Africa had been negligible.

4. Despite the fact, brought out in paragraph 86 of annex V, that the Chief Native Commissioner considered the income of the Natives in the Reserves not sufficient for them to be taxed, even when the wages of those members of the family working outside were added, the Natives were in fact subject to a considerable number of direct and indirect taxes, as could be seen from paragraphs 78 and 79.

5. The land situation in the Territory was most disquieting. In 1950, the Native population, numbering about 350,000, had had only 21,826,000 hectares of land, while the European population of less than 50,000 had had 34,403,900 hectares of land. Since 1946, the Police Zone, to which European settlement was confined, had been extended three times into areas previously regarded as Native areas or areas for the future expansion of Native settlement. The Committee had expressed concern at that increasing encroachment upon the limited usable land available for the future needs of the Native population.

6. From the Committee's findings it would seem that the Natives participated in the economic development of the Territory only as labourers. They were mostly recruited by a recruiting agency from the part of the Territory outside the Police Zone or from other territories. They worked in the Police Zone or in the Rand Mines in the Union of South Africa. He endorsed the Committee's opinion that the recruiting agencies should not only be composed of representatives of employer groups, but that in its organization special and adequate representation should be given to suitably qualified representatives of the Native population as well as to the Administration.

7. The Committee had referred at length to the report of the South West Africa Native Labourer's Commission, which had examined the food, housing, wages and health of Native labourers and their contracts for employment in the mines and towns and on the farms. It had endorsed a number of the Commission's recommendations: for example, the Commission had stated that the bad housing conditions on farms could no longer be tolerated; the Committee on South West Africa expressed the hope that the South African Government would make it compulsory for every farmer to supply his Native employees with a certain minimum standard of housing. The Commission had pointed out that the wages paid by farmers were inadequate and that wages paid in towns were not sufficient for the purpose of supporting the workers' dependents; the Committee on South West Africa noted with concern that although the considerable increase in the cost of

¹ See *International status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950*, p. 128.

living since the beginning of the Second World War had been recognized in the case of all European employees, it had not been recognized in the case of Natives.

8. U HLA AUNG drew attention to the provisions of the Education Proclamation, 1926, mentioned in paragraph 145 of the Committee's report on conditions in the Territory. He had been astonished to see how many sentences in that law were phrased in the negative. The most striking provision was perhaps that quoted in sub-paragraph 3, namely that it was lawful for the Administrator to prohibit and prevent the establishment of any school for the education of Coloured or Native pupils or the training of teachers for schools for Coloured or Native pupils or to close any such school if in his opinion such action was in the best interests of the inhabitants of the Territory. With such a law it was not surprising that the Committee on South West Africa had found that the educational facilities for Natives were still inadequate and had urged that the situation should be remedied.

9. He was appalled at the extent of discriminatory legislation in the Territory. Not only were schools, health facilities and residential areas segregated and allocated on a purely racial basis, but discrimination was also directed against the nationals of Members of the United Nations. As the Committee had noted, the effect of the Union Immigrants Regulation Act—which also applied to the Territory—was that as a rule Asians, not Europeans, were prohibited from entering the combined territories of the Union and South West Africa for economic or other reasons.

10. It was distressing to note that, while the rich mineral resources of the Territory were being fully exploited, little was being done to promote the welfare of the Native population or to ensure the development of the water supplies and irrigation necessary to increase the production of food for local consumption. The General Assembly should give careful consideration to any positive measures by which the Native population of South West Africa could receive assistance from the specialized agencies, such as the Food and Agriculture Organization and the World Health Organization.

11. In conclusion, he hoped that the Union of South Africa would do everything in its power to improve conditions in the Territory and particularly to correct the discriminatory measures directed against the majority of the inhabitants whose material and moral well-being and progress it had undertaken to promote to the utmost. The Government of South West Africa should direct its attention first to those situations which the Committee on South West Africa had considered to be most in need of improvement.

12. Mr. SHTOKALO (Ukrainian Soviet Socialist Republic) said that the question of South West Africa had been before the United Nations since 1946, when the South African Government had refused to conclude a trusteeship agreement for the Territory. Since that date, South Africa had consistently failed to comply with the repeated General Assembly resolutions on the subject and South West Africa remained illegally annexed to the Union of South Africa.

13. Conditions in South West Africa were a cause of grave concern to his delegation. As a result of the South African Government's policy of discrimination, the Native tribes were divided and isolated on the

Reserves and in the Locations. It was clear from the Trusteeship Council's last report on the administration of South West Africa (A/603, chapter VII), that the 360,000 African inhabitants of the Territory had no franchise, no eligibility to office and no representation in the governing bodies or the administration of the Territory. Expenditure on non-European welfare had amounted to barely 10 per cent of the budget, although the non-Europeans constituted approximately 90 per cent of the total population. The Trusteeship Council had expressed the opinion that division of the indigenous inhabitants and their allocation to fixed areas was not conducive to their general advancement and that the system of Native Reserves was to be deplored in principle.

14. As the Reverend Michael Scott had pointed out in a letter dated 18 June 1954 (A/2666 and Corr.1, annex VII), the process of incorporation of South West Africa into the Union had been carried even further during 1953 through legislation placing Native affairs in South West Africa under the South African Government's Department of Native Affairs and through placing the South West African Native Reserves under the South African Native Land Trust. Immigration, too, had been added to the list of services administered by the Union of South Africa (A/2666 and Corr.1, annex V, para. 37). The South African Government apparently intended to promote the financial integration of South West Africa in the Union of South Africa. As early as 1949, the Prime Minister of the Union of South Africa had said that if it was in South Africa's interests the South West Africa Legislative Assembly might be deprived of its limited financial autonomy, and that despite the fact that no Native was entitled to sit in the Legislative Assembly or to vote in the election of its members.

15. The South West Africa Advisory Council had been abolished in 1950 and since its abolition the Administrator was no longer advised by any council or body with advisory functions. Hence, *The Windhoek Advertiser* of 23 March 1954 had been correct in stating that South West Africa was now a fifth province of the Union.

16. Clearly, therefore, the South African Government was violating Chapters XII and XIII of the United Nations Charter, which clearly defined the relations that should exist between an Administering Authority and a Trust Territory. It was preventing the United Nations from taking any positive action to bring South West Africa under the International Trusteeship System. On more than one occasion, the South African Government had stated that it could not accept any responsibilities in excess of those which it had assumed under the Mandate. It was systematically flouting the principle of the sacred trust of civilization embodied in Article 22 of the League of Nations Covenant. As the Committee on South West Africa noted in paragraph 60 of its report on conditions in the Territory, the contribution of the administration of the Mandatory Power over a period of more than thirty years to the political evolution of the non-European population had been negligible.

17. The courts were composed entirely of Europeans and only in a few isolated cases were non-Europeans employed in subordinate positions. Corporal punishment was widely used. It should be condemned in the strongest terms; legalized whipping was scarcely

consonant with the spirit of the sacred trust. The Committee on South West Africa had stated in its report (para. 71) its strong opposition to the practice of corporal punishment and had said that the elimination of corporal punishment from the laws of the Territory was an urgent matter.

18. The Administration's policy of discrimination was also apparent in economic, social and educational matters. As the Committee noted in paragraph 24 of its report, the various departments of the administration were staffed primarily by European officials; non-Europeans were only employed in the Public Service in lower capacities. Freedom of movement for the non-European population was strictly controlled. No non-European within the Police Zone might buy a railroad ticket, travel within or leave the Police Zone without a pass issued for that purpose by his European employer or by one of the officials specified by law. In urban areas, the Administrator might determine that a Native was required to leave the area even if he owned land there. The Mixed Marriages Ordinance, 1953, prohibited marriages between Europeans and non-Europeans.

19. In the Police Zone, the Europeans, who were five times fewer in number than the non-Europeans, had four times as much land. The Natives had been relegated to the most unhealthy areas. Every year more and more of their land was being alienated and the Committee on South West Africa itself had expressed concern at the increasing encroachment upon the limited usable land available for the future needs of the Native population. The economic level of the Native inhabitants of the Territory was extremely low. Strict limitations were placed on the number of livestock the inhabitants of the Native Reserves were allowed to graze. In a statement, referred to in paragraph 86, the Chief Native Commissioner had noted that the income of the Natives in the Reserves was not sufficient for them to be taxed even when the wages of those working outside were included. The wages paid to Native workers were extremely low and were not sufficient to support the workers' dependents. Working conditions were appalling. They had been vividly described by Freda Troup in her book *In Face of Fear*.

20. The picture in educational matters was no better. Official data showed that in the Police Zone the expenditure on each pupil attending a government European school was four times as high as the expenditure on each Native child. As the Committee on South West Africa had noted, a substantial number of the Native population remained in a state of illiteracy. If primary education was inadequate, secondary and higher Native education were practically non-existent. The South African Government even refused to issue passports for Native students who wished to study abroad. Annex VI of the Committee's report contained a petition from Miss Margery Perham concerning the refusal to grant a passport to a young South West African teacher who wished to study at Oxford University. The petitioner stated that it seemed to many people at Oxford a grave denial of human freedom and the rights of an individual of a mandated territory that that excellent opportunity for further education should be denied to the young man, when his people so greatly needed leadership. Discrimination in housing, health and other spheres was equally deplorable.

21. Many other facts drawn from official sources could be cited but he felt that he had said enough to

indicate the appalling state of affairs in South West Africa. In order to distract world attention from the sorry plight to which its policy had brought the Native population, the South African Government was refusing to assume the obligations placed upon it by the United Nations Charter and was trying to reduce the problem of South West Africa's status to a legalistic dispute on the interpretation of the Charter and various details. South Africa's annexation of South West Africa was illegal and contrary to the Charter. South West Africa must be placed under the International Trusteeship System of the United Nations. That was the only just solution in keeping with the Charter and the interests of the Native population.

22. Mr. JOUBLANC RIVAS (Mexico) said that his delegation, as a member of the Committee on South West Africa, was grateful for all the tributes which had been paid to the work of that Committee and its report. He deplored the refusal of the South African Government, despite the appeals of the General Assembly, to supply information to the Committee or to co-operate in any way with its work. Such co-operation would have enabled the Committee to present to the Fourth Committee a report which could have been not only fuller and more accurate, but more satisfactory to the South African Government itself. He hoped that that Government would not continue to disregard opinions which were held not only by the United Nations General Assembly but by people throughout the world, including the Union of South Africa itself and the Territory of South West Africa. In support of that statement, he quoted a passage from a memorandum of the Commission of the Churches on International Affairs of the World Council of Churches.

23. A great deal had been said on the uselessness of debating the question of South West Africa in the United Nations, and the impossibility of obtaining information from the Union of South Africa. His delegation did not share that pessimistic view, but felt that the South African Government, realizing that its actions were contrary to the current of world public opinion, would eventually reconsider its attitude and embark on a course more in keeping with the Principles of the United Nations Charter.

24. He would draw attention only to some of the more significant facts mentioned in the report of the Committee on South West Africa. He wished first of all to note the Committee's statement that it was unaware of any law or regulation defining the status of non-European inhabitants of the Territory. Although the League of Nations Council had adopted a resolution on the subject on 23 April 1923,² stating that it was desirable that Native inhabitants receiving the protection of the Mandatory Power should in each case be designated by some form of descriptive title which would specify their status under the Mandate, the South African Government had taken no steps in that connexion since 1928, when it had submitted to the League, on 19 December 1928, a memorandum³ to the effect that the Natives were regarded as stateless subjects under the protection of the Mandatory Power. His delegation would welcome some law or regulation specifying the status of the Natives and enabling them

² See *League of Nations, Official Journal*, vol. IV (1923), p. 604.

³ *Ibid.*, vol. X (1929), p. 826.

to obtain passports to travel abroad for some legitimate purpose.

25. Passing on to the question of the administration of the Eastern Caprivi Zipfel as an integral part of the Union of South Africa, he said that he could not understand the reasons why it should be more difficult for officials to travel to the Eastern Caprivi Zipfel from the Territory of South West Africa than from the Union, and feared that the objectives of the Mandates System, particularly with regard to territorial integrity and political independence, might well be endangered by that form of administration.

26. He regretted the abolition of the Advisory Council, and the fact that since its abolition the Administrator had no longer been advised by any council or body with advisory functions.

27. He was concerned to note that non-Europeans were only employed in the Public Service in lower capacities, and thought that during the thirty-one years in which the Territory had been administered by the Union of South Africa, the Native inhabitants should have been encouraged to progress further than the stage where they could be employed as prison warders, apparently the only public function to which non-Europeans were admitted, since teachers were specifically excluded from the Public Service. He also noted the fact that the eighteen members of the Legislative Assembly were all of European origin and that no Native was entitled to sit in the Assembly or to vote in the election of its members.

28. His delegation was anxiously awaiting further reports from the Committee on South West Africa concerning the results of, and the reactions to, the transfer of control over Native affairs from the Administrator of South West Africa to the Minister of Native Affairs of the Union. He noted that there had been some anxiety on the subject among the European inhabitants and regretted that there was no information on the Native reactions to the measure. He also hoped for further information on the proposed integration of financial matters, which had apparently aroused some opposition among the European population.

29. With regard to the action taken concerning Native Reserves, his delegation understood that such measures might have been taken in the interests of the Natives, but it had doubts as to their effectiveness. In view of the small degree of participation by the Natives in the administration of their own affairs, he thought that the comment of the Committee on South West Africa to the effect that the contribution of the administration of the Mandatory Power to the political evolution of the non-European population of the Territory had been negligible was justified.

30. He regretted the fact that corporal punishment was still practised in the Territory. His delegation was opposed to that form of punishment, and thought that, even if it were deeply rooted in the traditions of the African population, it should disappear with other ancient customs, such as cannibalism, as civilization advanced. There was no statistical proof that the crime rate was lower in territories where corporal punishment was retained, and there seemed to be no social justification for its retention. His delegation would congratulate the Union of South Africa when it decided to abolish that humiliating penalty.

31. With reference to part III, section F, of the report on conditions in the Territory (A/2666 and Corr. 1, annex V), he noted with concern the fact that despite the favourable trade balance of the Territory and its good dollar-earning powers, it had still been made subject to the same restrictions as the Union of South Africa. Those restrictions did not seem necessary in the case of the Territory, indeed they might prove harmful to it by slackening the pace of its economic development.

32. Part III, section I, painted a really alarming picture of the material welfare of the Natives, which was one of the most distressing features in the report. He hoped that the Mandatory Power might feel able to give some indication of existing or proposed measures to remedy a situation in which the overwhelming majority of the population, 349,000 Natives as against 48,500 Europeans, were living in conditions such as those described in the report.

33. He expressed his delegation's profound regret at the measures of racial discrimination, particularly with regard to marriages and extra-marital relations, enforced in the Territory. His delegation always had condemned, and always would condemn, such discriminatory practices.

34. In the section dealing with freedom of movement and vagrancy, the Committee had not hesitated to observe that severe restrictions were placed on the freedom of movement of the Native and non-European populations of the Territory. With regard to the obligation of the urban local authorities, if so requested, to purchase the land owned by Natives required to leave certain urban areas, it should be noted that there was no mention of how these Natives were to be assisted to make their request, or of the basis on which the price paid for their land was computed. He thought that the penalties prescribed for vagrancy were excessively severe, and found the situation disquieting in view of the fact that six years had elapsed since the General Assembly had adopted the Universal Declaration of Human Rights.

35. He was glad to note that compulsory labour did not exist in the Territory, except in some cases as a penalty, but regretted that the recommendations of the Native Labourer's Commission, a body on whose establishment the South African Government deserved to be congratulated, had never been enforced.

36. He welcomed the progress achieved in the field of public health, but found it unfortunate that the same progress was not observable in education. Since three quarters of the sums allocated for education were devoted to the education of the European population, it was clear that a regrettably small proportion was spent on the education of the Native and Coloured population. His delegation agreed with the conclusions of the Committee on South West Africa concerning educational conditions in the Territory, and the possibilities of granting scholarships for study overseas. Needless to say, his delegation deplored the discrimination practised against Native teachers and the segregation of European, Native and Coloured pupils in different schools.

37. The Mexican delegation hoped that the debates of the Fourth Committee on the question of South West Africa would inform world public opinion of the conditions prevailing in that Territory and would prove beneficial to its inhabitants.

38. Mr. JELEN (Poland) said that all the attempts that had been made to solve the problem of South West Africa had proved vain in the face of the attitude adopted by the Union of South Africa. Not only had the South African Government systematically flouted the provisions of the Charter concerning the interests of the peoples of dependent territories, not only did it reject the jurisdiction of the United Nations in the matter, but it had gone back on its own undertakings under the Mandate of the League of Nations. The Committee on South West Africa had concluded, in annex V of its report (A/2666 and Corr.1), which contained its report and observations regarding conditions in the Territory of South West Africa, that after thirty-five years of administration under the Mandates System, the Native inhabitants were still not participating in the political development of the Territory and that their participation in its economic development was restricted to that of labourers. He quoted from the letter sent to the Secretary-General by the chiefs of the Berg Damara, Nama and Herero tribes of South West Africa (A/2666/Add.1, annex II) and from a petition received from a South West African student (A/2666/Add.1, annex III) in further illustration of that point.

39. General Assembly resolution 749 B (VIII) stated that the Union of South Africa acting alone was not competent to modify the international status of the Territory of South West Africa and that its international obligations towards the people of South West Africa remained in force. The resolution also noted that all mandated territories which had not achieved independence had been brought under the Trusteeship System, with the sole exception of the Territory of South West Africa, and reasserted the Assembly's conviction that the normal way of modifying the international status of the Territory would be to place it under the Trusteeship System in accordance with the provisions of Chapter XII of the Charter. Twelve months after the adoption of that resolution, it was again apparent that the Government of South Africa had not complied with the General Assembly's recommendations.

40. The South African Government continued to refuse to submit reports on its administration of South West Africa to the United Nations and to allow the United Nations to receive petitions directly from the people of that Territory, as provided in the Charter. In a letter addressed to the Committee on South West Africa on 25 March 1954 (A/2666 and Corr.1, annex I (c)), the Government of South Africa had declared that it would not submit any reports because the report which it had transmitted for 1946⁴ had afforded an opportunity for the utilization of the Trusteeship Council and the Fourth Committee as a forum for unjustified criticism of the South African Government's administration. There was of course another way in which the Union of South Africa could avoid such criticism, namely by administering the Territory of South West Africa in accordance with the spirit and provisions of the Charter. However, the South African Government had certain special criteria of its own in respect of the United Nations and in respect of non-white peoples. Those criteria were set forth in a bulletin of 13 May 1954 published by the South African Gov-

ernment's Information Office in New York. According to a summary of a statement made by the South African Prime Minister, the United Nations was a danger to Africa in that it had declared that all men possessed certain so-called human rights.

41. From the limited and incomplete information available in annex V, it appeared that the Territory possessed considerable natural resources, including an enormous wealth of minerals and that those resources ought to be sufficient to allow the people of South West Africa to advance comfortably towards self-government. History had shown that countries with far fewer natural resources and larger populations than South West Africa had been able to achieve independence. The people of South West Africa, also, could have acquired a degree of development leading to independence, if the Administering Power had recognized that their interests were paramount, in accordance with the Charter. However, the position in South West Africa was that the Natives, who formed 90 per cent of the total population, had been deprived of the wealth of their land. The basic economic resources belonged to a small number of European settlers and the Administering Power concerned itself primarily with the interests of the foreign-controlled mining companies. In the period between 1946 and 1952, sales of minerals from South West Africa by foreign companies had increased nearly fifteen times. The impossibility of obtaining complete information on the Territory of South West Africa, owing to the hostile attitude of the South African Government, made it difficult to determine exactly how far the standard of living of the Natives had declined in the same six years.

42. The information relating to the general standard of living of the Natives showed *inter alia* that the economic level of the Native inhabitants of the Territory was extremely low, that if more extensive and adequately watered land were set aside for Native use, the Natives would have better opportunities to improve their living standards; that the wages paid in towns were not sufficient for the purpose of supporting the dependents of labourers; and that although the cost of living had risen considerably since the beginning of the Second World War, the rise had not been recognized in the case of Native employees.

43. The Native population had been deprived not only of its subterranean wealth, but also of its farm land and pastures. The system of land tenure imposed by the South African Government in South West Africa was such that both in the so-called Police Zone and outside it, the Native population had been forced into Reserves. On so-called government or Crown land, where land could be leased or purchased, no lease or purchase by Natives had so far been allowed. In the Police Zone the Natives were not entitled to acquire land situated in urban areas or rural townships, outside the Reserves. Inside the Reserves, land remained the property of the Administration and the Natives who cultivated it were not entitled to acquire ownership. European settlement was extending further and further, to the detriment of the Native population.

44. The Uruguayan representative had stressed that the United Nations could not confine its interest to the land alone but must devote itself above all to its human inhabitants. The view of the Prime Minister of South Africa that some human beings had no human rights was being put into effect in South West Africa,

⁴ See Report by the Government of the Union of South Africa on the Administration of South West Africa for the Year 1946, Pretoria, 1947.

as far as the Native population was concerned. The Administering Power regarded that population simply as an essential complement to the Territory's natural wealth. It was merely a manpower reserve to be used in conditions of servitude on European properties or in the mines. The population of South West Africa was also used for the mines in the Union of South Africa, and Native workers who refused to do their work as defined in a contract, or who left their employ, were guilty of an offence. Moreover, they were forbidden to organize in order to obtain better working conditions. Paragraph 136 of annex V showed that there were no trade unions in South West Africa. Any movement of the workers against exploitation was brutally repressed, as could be seen from paragraph 137 of the same annex. He noted that trade unions in the Union of South Africa had shown their solidarity with the Native workers in South West Africa.

45. The South African Administration had acted along similar lines in education, with the clear intent of preventing the cultural advancement of the people. Although the Native population was almost ten times larger than the European population, expenditure on education for the Natives was six times less than that on education for Europeans. Moreover, there was a bill before the South African Parliament, the Bantu Education Act, which would in practice completely wipe out education among the Native inhabitants of South West Africa.

46. The report of the Committee on South West Africa showed that the South African Government had done nothing to promote the economic, cultural and social advancement of the people of the Territory. On the contrary, the South African policy was to accelerate the exploitation of the natural wealth of South West Africa, to hinder the cultural and social advancement of the Native population and to prevent them from ever having an opportunity of administering themselves. The only tangible progress that had been made was the incorporation of the Territory of South West Africa in the Union of South Africa. The transfer of control over the Territory's Native affairs to the Minister of Native Affairs of the Union of South Africa was merely the conclusion of a formal process of annexation, giving legal sanction to what had already been effected in practice.

47. South African policy in South West Africa could be compared only to the policy of the colonists of the sixteenth century. Today, however, peoples under colonial domination no longer submitted quietly. Attempts to prolong the colonial system and its method had been outspokenly condemned in the General Assembly. World opinion supported those colonial peoples who were fighting for their emancipation. The smoke-screen which the South African Government had laid over South West Africa would not prevent the United Nations from reviewing conditions there. The people of South West Africa claimed the recognition of their lawful rights to their own land. It was the duty of the United Nations to see that those rights, as defined in the Charter, were accorded to them.

48. During the discussions on South West Africa at previous sessions of the General Assembly, the Polish delegation had been consistently in favour of dealing with the matter in complete accordance with the provisions of the Charter. It had always been convinced that the application of methods other than those pre-

scribed in the Charter could not lead to a solution. Experience since the eighth session of the General Assembly had shown that the granting of special privileges to the Union of South Africa, by the establishment of bodies which sought to return to the mandates procedure in the administration of South West Africa, could not solve the Territory's problem.

49. The Charter made it plain that the Territory of South West Africa as a former mandated territory should be placed under the International Trusteeship System. The only other solution under the Charter was independence, in accordance with the principle of the self-determination of peoples. The Polish delegation noted that in refusing to conclude a trusteeship agreement with the United Nations and in rejecting the successive resolutions adopted by the General Assembly, the Union of South Africa was violating the Charter. It flouted the Principles and Provisions of the Charter in its administration of South West Africa, and had acted arbitrarily and unilaterally in incorporating the Territory in the Union of South Africa against the will of the people of South West Africa. He trusted that the General Assembly would not cease in its efforts to solve the problem of South West Africa in strict accordance with the Provisions of the Charter.

50. Mr. Fida Mohammad KHAN (Pakistan) said that the peoples of Asia and Africa were ready to shake off their bonds and in its own interests as well as those of the rest of the world, the Union of South Africa should try to learn from the lessons of the past.

51. The South African Government interpreted article 2 of the Mandate as entitling it to administer South West Africa as an integral portion of its territory. However, according to Article 22 of the Covenant, the mandated territories were to be administered as a sacred trust of civilization. The South African Government had not discharged its duties under the Mandate, for in thirty-five years there had been no notable advance in the welfare of the indigenous population.

52. According to the report of the Committee on South West Africa on conditions in the Territory (A/2666 and Corr.1, annex V), the status of non-European inhabitants of the Territory had never yet been defined. However, according to the memorandum submitted to the League of Nations on 19 December 1928, Natives were to be regarded as stateless subjects under the protection of the Mandatory Power. It was ironic that at a time when so much was being done to resettle stateless persons, sometimes at the expense of the traditional inhabitants of a country, the peoples of South West Africa should be regarded as stateless in the land which was rightfully their own. In paragraph 19 of the report, the Committee on South West Africa expressed some concern over the integration of Eastern Caprivi Zipfel into South Africa. It felt that the administrative separation of any section of the Territory would be likely to prejudice consideration of the general conditions which must be fulfilled before the Mandates System could be brought to an end. Such incorporation might not be conducive to the achievement of the purposes of the Mandates System, but it was fully consonant with the policy of the Government of the Union of South Africa, which seemed to be that the United Nations should continue merely to discuss the Territory, until it had been fully integrated in the Union. It was the South African Government's repeated contention that the Mandate had lapsed and that it

acknowledged no international commitment after the demise of the League. It felt itself entitled, therefore, to annex the Territory little by little. Most of the Territory's administrative services had already been integrated with those of the Union and the list was to be extended to include Native affairs, financial matters and mines and minerals. The Legislative Assembly of South West Africa consisted of eighteen members, all South African nationals of European descent and elected entirely by South African nationals residing in the Territory. No Native was entitled to sit in the Legislative Assembly or to vote in the election of its members. Such arrangements were hardly consonant with the purpose of the Mandate, which was eventual self-government for the Territory. Instead, the Territory was experiencing discrimination, exploitation and annexation.

53. He drew special attention to the discrepancy between the sums devoted to the education of Natives and to the education of Europeans, and to the similar disparity between rates of pay for Native and European teachers. Education, being the basis of all development, particularly in the political and economic spheres, might endanger plans of domination, and it was therefore to the advantage of the Union of South Africa to keep the Native population in ignorance. Previous speakers had drawn attention to discrimination in economic conditions. That discrimination extended to all aspects of life in the Territory. South Africa was perhaps proud of its intransigence and of its unlawful retention of authority over the Territory of South West Africa. He wondered what the fate of the United

Nations would have been if all the Mandatory Powers had been equally intransigent.

54. The lot of the people of South West Africa was hard: at the end of the First World War, they had been led to expect that the Union of South Africa would take them forward to self-rule. It was deplorable that a peace-loving State which had signed the Charter should have taken the course that it had. Peace and freedom were indivisible and there could be no peace in a country where there were oppressed peoples.

55. There had been a tendency in the United Nations to defer any decision in the hope that matters would right themselves in the end. He had been greatly impressed, however, by the statement of the representative of Iraq at the previous meeting that the policy of inaction and appeasement could lead nowhere. The Union of South Africa had at least been consistent in its attitude of non-co-operation. The representative of South Africa had warned the General Assembly in a recent statement not to entertain any illusions that his Government might change its attitude. The people of South West Africa had looked to the United Nations for help for eight years. It was now time to be frank, and either to make some effective decision or to declare the Organization helpless.

56. His delegation would support or indeed co-sponsor any move which would encourage the Union of South Africa to carry out its obligations and would lead to the ultimate freedom of the Territory of South West Africa.

The meeting rose at 12.35 p.m.