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NEW YORK

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Chairman: Mr. Thanat KHOMAN (Thailand).

AGENDA ITEM 38

Question of South West Africa (*continued*):

- (a) Report of the Committee on South West Africa (A/3626, A/AC.73/L.10);
- (b) Study of legal action to ensure the fulfilment of the obligations assumed by the Mandatory Power under the Mandate for South West Africa: special report of the Committee on South West Africa (A/3625)

HEARING OF PETITIONERS

At the invitation of the Chairman, Mr. Mburumba ua' Kerina Getzen took a place at the Committee table.

1. Mr. GETZEN said that he would like to show the members of the Committee some photographs taken recently in South West Africa.
2. The CHAIRMAN said that in the absence of any objection the photographs would be displayed in a corner of the conference room.
3. Mr. GETZEN said that he would first reply to some statements which had appeared in the *Windhoek Advertiser* and were reproduced as enclosure B in the petition in annex XI to the report of the Committee on South West Africa (A/3626). To begin with, his mother was not a Damara but a Herero. Secondly, he had never compared Mr. Naser with President Nasser of Egypt; all he had said was that care should be taken not to confuse the two names.
4. He had appeared before the Fourth Committee the previous year^{1/}, as had the Reverend Michael Scott^{1/}, to whom the people of South West Africa were deeply grateful for his efforts on their behalf. Since then the situation had not improved; rather the contrary. According to the *Cape Times* of 10 August 1957, Mr. Strijdom, the Prime Minister of the Union of South Africa, had said that South Africa and South West Africa should speak with one voice and tell the

world and the United Nations that the Union and South West Africa formed an inseparable unit and as such would defend themselves, if necessary even to death.

5. In the course of the year various petitions had been sent to the United Nations by the people of South West Africa, reporting the appalling living conditions of the African people in the Territory and the restrictions placed on their right to petition. He had been personally requested by the people of Ovamboland to present a petition signed by eighty-two people, dated 3 August 1957 and addressed to the President of the Trusteeship Council. The petitioners said, among other things, that they appointed Mr. Getzen and the Reverend Michael Scott as their representatives at the United Nations, since no one in Ovamboland would be allowed to represent them and express their views owing to the restrictions imposed by the Union Government, which cut them off from the civilized world by raising racial barriers. They denied the statements made before the United Nations by the Union Government that they were in favour of the incorporation of South West Africa into the Union. They were supposed to be satisfied because they had not lost their land, but they wished the world to know that a portion of their country was included in the Police Zone. They stood, and would continue to stand, with their brothers the Hereros, Berg Damaras and Namas to the bitter end. They called upon the United Kingdom, the United States of America, France and Belgium to reconsider their decision to hand over South West Africa to the Union Government, for it had failed to fulfil its obligations and had complied neither with the Covenant of the League of Nations nor with the Charter of the United Nations. After thirty-eight years' rule over the Territory, the Union Government had shown itself incapable of promoting the moral and material well-being of the indigenous people, who were kept in the reserves as a source of cheap labour. The petitioners demanded that the country should be placed under the Trusteeship System and that the United Nations should send a commission of inquiry to the spot. They demanded the release of the Reverend T. H. Hamtumbangela, who had been imprisoned for having sent a petition on their behalf to the United Nations (A/2913, annex VIII). They demanded the abolition of the compulsory contract system through which their young men were employed, permission for married women to accompany their husbands to their place of work and permission for unmarried women to enter the Police Zone and look for work there.

6. The African people of South West Africa were still being deprived of their legal rights and at a time of African political awakening they too would like to be given an opportunity to develop modern political institutions. They did not expect the South African Government to solve all their social problems; they considered themselves capable of learning the various modern techniques of social organization and scientific

^{1/} See Official Records of the General Assembly, Eleventh Session, Fourth Committee, 570th, 571st, 572nd and 574th meetings.

methods. To that end, they would like to develop educational institutions ranging from elementary to higher learning, taking into account their traditional ways of life as well as the knowledge accumulated by the great minds of all times. The South African Government was systematically denying them that privilege. In May 1957 the Prime Minister had stated before the Union Parliament that discriminatory laws were necessary to protect the White people and to place the power to govern the country in the hands of the White man so that he could retain his supremacy.

7. He appealed to the United Nations, in the name of the people of South West Africa, to use every legal means available to prevent South Africa from absorbing the Territory, to place the Territory under the Trusteeship System and to send a commission to study living conditions on the spot. The Union of South Africa and the rest of the world should appreciate that the Union had not conquered the Territory by force of arms, that the Territory was not a colony of the Union, that the interests of its inhabitants should be paramount and that consequently, in the event of an internal explosion, they had the right to obtain assistance from other sources than the United Nations.

At the invitation of the Chairman, the Reverend Michael Scott took a place at the Committee table.

8. The Reverend Michael SCOTT expressed the view that the question of South West Africa had reached a vital turning-point. It had now become generally realized that the ten years that had been spent on painstaking negotiations and the minute working out of procedures to conform to the minimum requirements of international law had been used by the Power entrusted with the administration of the sacred trust of civilization to whittle away the few rights possessed by the indigenous peoples and to encroach upon their lands and liberties until they had been driven to despair.

9. Those on whose behalf he was speaking had asked him to continue to make representations to the Committee, since their own nominated spokesmen were prevented from appearing in person. They hoped that the nations which, whether as Members of the League of Nations, or of the United Nations, or of both, had always shown so much concern for their destiny would seek the compulsory jurisdiction of the International Court of Justice under article 7 of the Mandate and Article 36 of the Statute of the Court.

10. He had asked for a hearing because he had a certain amount of additional information which might assist the Committee and in one or two ways supplement the report (A/3626) of the Committee on South West Africa, for whose diligence and care they wished to express very deep gratitude. When he had read in the Press that two German residents of South West Africa had protested to the Committee against alleged "gross falsehoods" (A/3626, annex XI (a)) in his statement of the previous year to the Fourth Committee, he had written to the Committee on South West Africa asking to be granted a hearing, since that Committee had been specifically authorized by the General Assembly to hear petitioners. The Committee had, however, already completed its work and he had therefore asked for a hearing by the Fourth Committee and had expressed the hope that the two German petitioners might also be heard, together with

the Africans who wished to come. The Committee on South West Africa had answered the main points of the German petitioners in very effective and moderate terms, while they had failed to meet the gravamen of the Committee's charges against the Administration. Nevertheless allegations continued to be made in the South West Africa Press against the Committee itself and against its report.

11. He went on to quote a leading article published in the Windhoek Advertiser on 30 July 1957, which said that the Committee was trying to give the impression that South West Africa was suppressing its non-European residents and that they should be given more say in the affairs of the country. According to the article, the Natives in the reserves, far from being oppressed, were so pampered that the European taxpayers were beginning to wonder where it would end; South West Africa's Native policy was an example to the rest of Africa and to the rest of the world; at the head of its "Native Affairs" were men who had devoted their lives to the welfare of people, who were slowly being educated to become productive and self-supporting; those officials not only took into consideration the traditions of the Natives but knew that they could not be rushed into responsibility for which they were not mentally equipped. The article concluded that it was time the United Nations realized that some of the countries which pointed the finger at South West Africa would do better to look into their own affairs.

12. It was difficult for anyone who knew the conditions of the African people in South West Africa as compared with those in other parts of Africa, such as Ghana, Nigeria and Uganda, to believe that the writer of such an article could be both rational and honest. Neither the Committee nor the petitioners had tried to minimize the little that was being done for the health, education and welfare of the African people. What the Committee and the petitioners emphasized was the disproportion between those measures and the great expansion and increasing wealth of the mining industry and karakul sheep farming. That growth and expansion had been possible only on the basis of an increasing flow of cheap migrant labour from the Native reserves, as the Committee pointed out in paragraph 58 of its report, and upon a legal system which deprived the African people of a large part of their land, thus compelling them to seek work in the European-owned industries and farms. Without some understanding of the basis of prosperity of the great mining concerns in South West Africa, it was difficult to explain the failure of such public figures as Sir Ernest Oppenheimer, of the Anglo-American Corporation, to use their power and influence to bring about a radical change in the system of segregation enforced by the State.

13. He went on to quote the latest figures, published in the Windhoek Advertiser on 10 May 1957, concerning the mining industry. According to that publication the sale of minerals in 1956 had yielded £34,795,175, which was £6,500,000 more than in 1955. The industry had provided work for 2,032 Europeans and 11,637 indigenous inhabitants and had paid out £2,783,674 in wages as compared with £2,400,000 in 1955. Sales of gem and industrial diamonds had realized the sum of £17,609,488, which was £2,583,607 in excess of the figure for the previous year.

14. European farmers were no less dependent on the supply of cheap indigenous labour. The number of indigenous inhabitants dealt with by the New South West Africa Native Labour Association had risen from 2,887 in 1928 to 45,500 in 1955. While it was true that the minimum wage of agricultural workers had increased by 200 per cent in the past thirteen years, it was still only 20 shillings per month. The agencies which recruited farm and mine labour were pushing their activities farther and farther afield, so that they now extended to Bechuanaland, Angola and Tanganyika. Inevitably rivalry had arisen between agriculture and industry, since both wished to recruit as large a labour force as possible. In that rivalry it appeared that the Government intended to favour the mining interests.

15. He had dwelt at some length on the economic structure of the Territory and the system of employing migrant labour because that system was responsible for the dissolution of African social and family life. The whole apparatus of the State was designed to keep control in the hands of the privileged White caste and to enforce restrictions on the ownership of land, on freedom of movement and on education, so that the White masters would have a supply of cheap labour at hand. Apartheid was evil in its essential hypocrisy and duplicity, as well as in the greed and fear which it bred among the Whites. There were limits to the patience and endurance of the Africans in the face of that evil doctrine. South Africa and the world as a whole would do well to heed the lessons of history, which showed that it was impossible to block the course of evolution without eventually opening up the flood-gates of human resentment and arousing a sense of outraged justice. The United Nations General Assembly had witnessed the persistent efforts of the African chiefs and people to uphold the principles of orderly discussion and peaceful change. When Africans had resorted to movements of resistance to injustice they had done so by means of boycotts, passive resistance and strikes, methods which in South West Africa were answered with police action and the use of fire-arms. It seemed that the time had come for the United Nations to find ways and means of intervening in that great African crisis. A warning had already been sounded at the beginning of the century, when the Hereros, Namas and Damaras had been decimated by a great nation asserting its racial superiority. In 1914, and again during the Second World War, that same nation had shown what monstrous crimes could be committed against humanity in the name of a false nationalism.

16. He then quoted from a statement by Mr. J. Kozonguizi, a student of international law at the University College of Fort Hare. In it Mr. Kozonguizi recalled that the United Nations had instructed a committee to find ways whereby the Government of the Union of South Africa could be forced to respect the resolutions of the United Nations and fulfil its obligations towards the Territory. The Union of South Africa, however, was determined to maintain its control over the Territory without permitting outside intervention. An examination of conditions in South West Africa would show the reasons for that determination.

17. It would be a mistake, however, to think that responsibility for the deplorable conditions in the

Territory lay entirely with the Nationalist Administration. Those conditions had been brought into being by a ruthless German régime, had been perpetuated by the United Party Administration and had been carried to their logical conclusion by the Nationalist Administration. Professor Bonn of the University of Munich had acknowledged in 1914 that the goal pursued by Germany in Africa had been the establishment of European colonies comparable to those in Australia and Canada. The attempt had met with failure but it had led to the extermination of a large part of the indigenous population. By 1918 the Herero population had been reduced from 80,000 to 15,000. In 1936 the South West Africa Commission presided over by Mr. Justice Van Zyl, had observed that the dissatisfaction of the population had its origin in the measures taken by the Union Government to establish its own nationals in South West Africa. In the period between 1918 and 1936 the Herero people, who had reoccupied the fertile areas round Orumbo, had been forced at bayonet point, after their villages had been burnt down, to settle in the dry areas near the Kalahari Desert. Now they were being forced to evacuate their villages of Epukiro and Aminuis and move further into the desert.

18. Article 2 of the Mandate, which imposed on the Mandatory Power the obligation to promote the material and moral well-being of the inhabitants of the Territory, had not been respected.

19. Not until 1946 had the Administration begun to concern itself with the African element of the population. When Field Marshal Smuts had raised the question of the incorporation of South West Africa into the Union of South Africa, at the second part of the first session of the General Assembly, the United Nations had pressed him to furnish information showing what his Administration had done for the indigenous inhabitants. The report published by the Union Government in 1947^{2/} had revealed the true situation. It had been at that same time that the United Nations had received its first petition from the people of South West Africa (A/C.4/96), protesting against the intentions of Field Marshal Smuts and requesting that the Territory should be placed under the Trusteeship System. Before Field Marshal Smuts' Government had been able to decide what policy to follow it had been succeeded by the Malan Administration. After the failure of the efforts of Mr. Louw, its representative, to convince the United Nations that a policy of justice was being pursued in South West Africa, the Malan Administration had turned its back on the United Nations and had declared that it would refuse to bow to its will. The Territory had been incorporated into the Union of South Africa and while its citizens of European origin were broadly represented in the Union House of Assembly the rest of the population had been placed under the authority of the Union Minister of Native Affairs.

20. The living conditions of the non-Whites throughout the Territory were characterized by the most extreme poverty. Housing for the indigenous population was particularly deplorable and contrasted sharply with the comfort and prosperity in which the European part of the population lived.

^{2/} Report by the Government of the Union of South Africa on the Administration of South West Africa for the year 1946 (Pretoria, Government Printer, 1947).

21. While medical services for the European population were continually expanding, those intended for the indigenous African population were totally inadequate. The sum of £40,000 was expended annually for a European population of less than 50,000, whereas only £20,000 was spent for the maintenance of hospitals for a non-European population of almost 400,000. That disproportion would seem to indicate that what had been done for the non-European population was a mere façade.

22. Social and residential segregation was strictly enforced. Africans were not admitted to the theatres reserved for Europeans. Relations between men and women of different races were strictly prohibited and a proclamation on mixed marriages issued in 1953 had made interracial marriages illegal. Non-Whites were forbidden by law to be in possession of liquor, whether of European or local origin. In all urban centres a curfew was imposed and any non-Whites who wished to leave the reserves was obliged to have a pass issued by the authorities.

23. The economic policy practised by the authorities had deprived the Africans of their fertile land, forcing them to go to work in the towns, where they lived in conditions devastating to both body and mind. The system of land allocation had been designed to encourage the influx of Afrikaners from the Union and to drain the Africans off the land in order to leave it free for the immigrants. Thus only 21,825,995 hectares were occupied by the non-Whites, while 37,578,865 hectares of the best land belonged to the Europeans, who also had all the unallocated land at their disposal. Various tribes had been compelled to leave the land they occupied and move to less fertile regions. That had been the case with Damaras, as also with the Namas, who under threat of force had been obliged to move from an area where vegetables and fruits flourished to the already overcrowded Berseba Reserve. The fate of the Hereros had already been mentioned. The land taken from the original occupants had been given to European settlers. The standard of living in the reserves was particularly low. The Administration did not deny the facts but claimed that the indigenous inhabitants were lazy and indifferent to progress. Yet they could hardly be expected to show enthusiasm or make any great effort to improve the land when they might never enjoy the fruits of their labours.

24. The average wage of town workers amounted to £2 a week, while the workers recruited from the reserves by the South West Africa Native Labour Association earned £1.5.0. a month. Direct taxation, which mainly affected the European population, was comparatively low, whereas indirect taxation affected the population as a whole and undoubtedly weighed heavily on the Africans, whose wages were so much lower than those paid to Europeans.

25. With regard to education, the Administration's policy was such that the Territory had had its first African matriculant in 1948 and its first African graduate in 1957. In the whole of South West Africa only six Africans were studying at South African universities and abroad and not one of them had a grant from the Government. Of the total amount of £803,853 spent on education during the 1952-1953 financial year, £659,781 had been spent on White education. In fact, education was reserved for the

privileged minority of the population, while the education of the majority was neglected.

26. In the political field, the administration was solely in the hands of the European population and the Government had made it quite clear that it had no intention of changing the situation. The tribal councils and the Basterraad in the reserves were of no political significance. The non-European population felt that the only way the necessary changes could be brought about was by having South West Africa placed under United Nations trusteeship and it thought that the Territory should be completely severed from the Union of South Africa.

27. It was regrettable that Mr. Kozonguizi, the author of the statement he had just quoted, had been unable to obtain the necessary authorization to come to New York, where he could have answered any questions the Committee might put to him. Perhaps some delegation, possibly that of another country belonging to the Commonwealth of Nations, could take up the matter of the permit or even issue the necessary documents to Mr. Kozonguizi. He was able to pay the cost of his passage to New York, and various universities, including the University of London and Lincoln University in the United States, had offered him scholarships, which unfortunately he had been unable to take up.

28. The case of South West Africa was a testing point of the integrity of present-day civilization and of the system of international law. In 1920 the well-being of the African people had been placed in the hands of the Union of South Africa as a member of the Commonwealth, as a sacred trust of civilization for and on behalf of His Britannic Majesty and his successors. Article 7 of the Mandate, the international instrument by which that sacred trust had been bestowed upon the South African Government, provided for the resort to the Permanent Court of International Justice in the event of any dispute between the Mandatory Power and any one or more of the States Members of the League of Nations. In the opinion of the International Court of Justice, given on 11 July 1950^{3/}, the Union of South Africa continued to have the international obligations stated in article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa, the supervisory functions to be exercised by the United Nations and the reference to the Permanent Court of International Justice to be replaced by a reference to the International Court of Justice, in accordance with article 7 of the Mandate and Article 37 of the Statute of the Court. The United Nations was now the sole custodian of international law. There was no other earthly tribunal to which appeal could be made, and the United Nations and the International Court were the bulwarks of justice against international anarchy and resort to force.

29. As Chief Hosea Kutako had said in concluding his petition of 5 February 1957, which was reproduced in the report of the Committee on South West Africa (A/3626, annex II), the only way in which the United Nations' right of supervision could be established was

^{3/} International Status of South West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128. (Transmitted to members of the General Assembly by the Secretary-General under cover of document A/1362.)

by compulsory jurisdiction of the International Court of Justice. Persuasion of the Union Government had so far failed and would always fail as long as the Union Government was allowed to continue its undisturbed hold over South West Africa. While South Africa continued to defy the resolutions of the United Nations, its position was being consolidated in South West Africa and the non-Europeans were retrogressing in every sphere. Human patience could not be expected to last indefinitely.

30. The United Nations had tried by every means of moral persuasion to secure the co-operation of the Mandatory Power in carrying into effect the opinion of the Court through a form of supervision as nearly as possible in accordance with the provisions of the Mandate. Furthermore, the Committee on South West Africa had drawn the General Assembly's attention to the process of absorption of the Territory which had been continuing throughout the period during which the United Nations and the International Court of Justice had been seeking to clarify the question and to negotiate a settlement with the Mandatory Power.

31. He went on to read out some of the conclusions in the report of the Committee on South West Africa (A/3626, annex I, paras. 19, 157, 159 and 162) and quoted, in connexion with the compulsory jurisdiction under article 7 of the Mandate, the second, third, and fourth paragraphs on page 158 of the separate opinion of Sir Arnold McNair ^{4/}.

32. The General Assembly might therefore recommend that Member States should have recourse to the International Court's compulsory jurisdiction to ensure the observance of international law, if they considered that the Union Government's refusal to submit reports and transmit petitions to the United Nations violated their rights either as former Members of the League of Nations or as Members of the United Nations, or as Members of both. Member States might even do so without waiting upon a General Assembly resolution. The judgement of the Court could be followed by the award of substantial indemnities to the African peoples for the loss of their lands and rights. Under Article 53 of its Statute, the Court could give judgement even if the Union of South Africa refused to accept its jurisdiction on the ground that the Mandate had lapsed.

33. Under Article 94 of the Charter, the Security Council could make recommendations or decide upon measures to be taken to give effect to the Court's judgement. If the Security Council took no action, Articles 1, 2, 10 and 14 of the Charter left the way open for the General Assembly to take whatever action was necessary to deal with the question as a whole.

34. Should South Africa refuse to carry out its obligations under the international Mandate, it could be expelled from the United Nations under Article 6 of the Charter. Even if it ceased to be a Member of the United Nations, it would continue to be bound by its obligations, for under Article 2, paragraph 6, of the Charter, the United Nations was required to ensure that States which were not Members of the United Nations acted in accordance with the principles of the Charter so far as might be necessary for the maintenance of international peace and security. There was no way by which the Union of South Africa could evade its obligations and escape the supervision which the

United Nations was obliged to exercise. So long as the Union defied the recommendations of the General Assembly, all Member States retained individual and collective responsibility for the bad administration of the Territory, inasmuch as their supervisory functions still continued.

35. He therefore appealed to all Member States, and particularly to those which were members of the Commonwealth of Nations, to bring South Africa's conduct to the judgement of the International Court. The problem of the rights of respective States, according to whether or not they had been Members of the League of Nations, should present no difficulty if application to the Court were made by a group including those States whose standing was in no doubt.

36. With regard to the sanctions, other than moral sanctions, which might be applied in order to ensure respect for international law, resort to military force was certainly not a desirable means of settling disputes but there were forms of pressure less brutal and yet undeniably effective. The economy of the Union of South Africa was dependent on the export of diamonds, copper and furs and on the import of petroleum and machinery. The economic life of the country could be brought to a complete standstill in a very short time if the conscience of the world had the will to exert such pressure. Voluntary organizations could also bring pressure to bear in such spheres as athletics, art and culture, with the initiative and leadership of the United Nations Educational, Scientific and Cultural Organization. Such measures might have considerable influence on public opinion in South Africa; the churches had demonstrated that when they had opposed the claims of the State in the sphere of church order and worship. It must not be forgotten that many sections of the people of South Africa were fearful of the possible consequences of apartheid and were waiting for a positive lead in the matter from the various international organizations.

37. In conclusion, he drew attention to an error in paragraph 9 of the summary record of the 574th meeting of the Fourth Committee, held during the eleventh session of the General Assembly. When the Iranian representative had asked him a question regarding the International Court of Justice his reply had been that he hoped it would be possible for the Court's compulsory jurisdiction to be sought; he had not spoken of a further advisory opinion on the Territory's status.

38. Mr. ZAKARYA (Afghanistan) said that the Committee should promote the development of peoples to self-government. He recalled President Wilson's efforts after the First World War to assert the right of peoples to self-determination. Despite the obstacles that had been encountered, certain results had now been achieved. The right of peoples to self-determination had been enshrined in the Atlantic Charter; it had later been confirmed in the communique issued after the Yalta Conference and finally in the Universal Declaration of Human Rights. It had therefore become a rule of modern international policy.

39. The world was passing through a psychological crisis and the gravest danger threatening humanity was not the use of atomic energy for military purposes but the lack of confidence among men. It was an urgent necessity that that evil should be remedied. Colonialism inevitably increased mistrust. That was why the

^{4/} Ibid.

Mandates System had been adopted after the First World War, the only system capable of both dispelling the fears of the colonial empires, which had been disputing over the former German and Turkish colonies, and inspiring confidence among the peoples which it was claimed had not yet come of age.

40. The reasons for the Union's attitude were therefore difficult to understand; what was involved was the destiny of a people, and it was essential that the administration of South West Africa should be under United Nations supervision until the Territory had been placed under the International Trusteeship System.

41. Mr. ESPINOSA Y PRIETO (Mexico) drew attention to a letter addressed to the United Nations by Mr. Wilhelm Heyn and Dr. Joachim Seegert, both of German origin, which appeared as annex XI of the report of the Committee on South West Africa. Although the terms of the letter were not explicit, it could be inferred that it contained a request for a hearing. He proposed that a reply should be sent to the signatories stating that, if that were the case, the Assembly would grant the hearing. It was important that no one should be able to allege that the Committee had refused to grant a hearing to petitioners who spoke well of the administration of the Territory.

42. Mr. KADRY (Iraq) supported the Mexican delegation's proposal. He had a few questions to ask Mr. Scott but he would prefer first to hear the petitioners who spoke on the other side.

43. Mr. RODRIGUEZ FABREGAT (Uruguay) agreed with the Mexican representative but asked whether any other persons who would like to be heard by the Committee had been unable to come to New York and what were the difficulties they had encountered.

44. He hoped that the statements made by Mr. Getzen and Mr. Scott would appear in the summary record of the meeting.

45. The Reverend Michael SCOTT replied that Mr. Kozongulzi wanted to be heard by the Committee and had been waiting several years for the Union Government to authorize his journey to New York.

46. Mr. COHEN (Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories) said that the Secretariat had not received any letter from that petitioner requesting a hearing.

47. Mr. RODRIGUEZ FABREGAT (Uruguay) suggested the Committee should announce that it was

prepared to grant a hearing to anyone who wanted to be heard.

48. The CHAIRMAN said that all requests for a hearing addressed to the United Nations would be examined by the Committee, which would decide on each case.

49. Mr. QUIROS (El Salvador) asked for the petitioners' statements to be reproduced in full and distributed to the Committee.

50. Mr. BOZOVIC (Yugoslavia) pointed out that hitherto the Committee had always granted requests for hearings. He was afraid that if it did not take the letter from Mr. Heyn and Dr. Seegert into consideration it would be accused of disregarding certain points of view. He therefore proposed that the signatories to the letter should be asked whether or not they wished to be heard by the Committee.

51. He suggested that the statements of Mr. Getzen and Mr. Scott should be circulated as an official document bearing a symbol number.

52. Miss BROOKS (Liberia) had no objection to the granting of a hearing to the two signatories to the letter. If, however, the Committee decided to hear them, although they had not expressly asked to be heard, it would be obliged to do the same each time such a case occurred.

53. She supported the proposal made by the Salvadorian and Yugoslav representatives concerning the circulation of the petitioners' statements as official documents.

54. Mr. ESPINOSA Y PRIETO (Mexico), replying to the Liberian representative, pointed out that his proposal was based on the fact that the last few lines of the letter from Mr. Heyn and Dr. Seegert could be interpreted as a request for a hearing.

55. The CHAIRMAN said that the Secretariat would inquire of the two persons concerned whether they wished to be heard by the Committee and, at the same time, inform them that the Committee had expressed willingness to hear them.

56. Concerning the statements made by Mr. Getzen and Mr. Scott, the Chairman proposed that they should be circulated in the same manner as at the previous session of the General Assembly.

It was so decided.

The meeting rose at 1 p.m.

CIRCULATED TO MEMBERS OF THE FOURTH COMMITTEE IN ACCORDANCE WITH
THE REQUEST MADE BY THE COMMITTEE AT ITS 653rd MEETING

Statement made by Mr. Mburumba wa' Kerina Getzen at the 653rd meeting
of the Fourth Committee, on 26 September 1957 (see A/C.4/SR.653)

Mr. Chairman and Honourable Delegates, I once more wish to thank you for having given me this opportunity to appear before the Fourth Committee.

For the last eleven years the people of South West Africa have earnestly hoped that South Africa as a member of the UNO would be persuaded to place their country under the UNO Trusteeship System, as it is required by the Charter.

The African people of South West Africa are very grateful to the tireless efforts of the Rev. M. Scott in his attempt to plead for their welfare.

I appeared last year in this Committee at the request of my people to add to what Rev. Scott has done in their behalf, hoping that the appearance of an African petitioner might move the South African Government to reconsider its position. However, there seems to be no change of attitude on the part of the South African Government: Instead a report which appeared in the Cape Times of August 10, 1957 quotes the South African Government Prime Minister Mr. Strydom as having said in his speech at Keetmanshoop, S.W.A. that "South Africa and S.W.A. should speak with one voice and tell the world and the UNO that we in the Union and SWA form an inseparable unit and that as such we shall defend ourselves if necessary even to death".

Meanwhile, my people continue to live under the same conditions of which the Committee is well informed.

In the course of this year various petitions were sent by my people to the UNO reporting the appalling living conditions of the African people in the territory and the restrictions placed on their rights to petition.

I have personally been requested by the people of Ovamboland to present the following petition signed by 82 people addressed to the Chairman of the Trusteeship Council written on the 3rd of August 1957 which says among other things:-

"We note with regret that even if someone in Ovamboland was available to represent us and express our views and feelings to the world, due to the

restrictions imposed on us by the Union Government, he would not be permitted to go over to do so.

"Therefore we appoint Mr. Mburumba Uakerina (Getzen) jointly with Rev. M. Scott as our representatives at the United Nations. Mr. Mburumba must always be allowed to speak on our behalf at United Nations. Likewise Rev. M. Scott must continue to deputise for us.

"We very much feel annoyed by the false statements made to your organization by the Union Government that we are in favour of the incorporation of S.W.A. into the Union. It has been accepted as such because we have no means to let our opposition be heard owing to the fact aforesaid. Secondly, we are isolated and cut off from civilised world by the Union Government with its racial barriers.

We are supposed to be satisfied because we have not lost our land. Yet we would like the world to know that a portion of our country is placed in the Police Zone. This part stretches from the boundaries of Grootfontein and Tsumeb westward to the borders of Outjo and Okaukuejo.

"We have stood and will continue to stand together with our brothers the Hereros, Berg-Damaras and Namas to the bitter end. We also call upon Great Britain, America, France and Belgium even at this last minutes to reconsider their decision of handing over S.W.A. to the Union Government for she has failed to fulfill her promises or obligations and to comply with the covenant of League of Nations as well as the United Nations Charter which is its legal successor. After 38 years rule over the territory, the Union Government has shown its incapability of "Promoting the moral and material wellbeing of the indigenous people in the territory", instead it kept the people in the reservoir (reserves) as a source of cheap labour.

"We demand that our country be placed under the Trusteeship Council which we believe will look after us as a "Sacred Trust". We hope the U.N. take immediate steps and send a commission to come and see things for themselves. We as a people like our children educated so that we can run our own affairs when the time comes.

"Furthermore, we demand the release of Rev. T.H. Hamtumbangela who in the eyes of the Union Government committed a punishable crime by petitioning the U.N. on our behalf. This is a right to which he and all of us, inhabitants of a mandated territory, are legally entitled to.

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"We demand the abolition of compulsory "Contract System" through which our young men are employed. Contracts should only be taken voluntarily and every young man must be free to choose and serve his master as long as they understand each other. Our married women folk must be allowed to accompany their husbands to their place of work if they wish to do so; the unmarried women must be permitted to enter the Police Zone and look for work if they like to.

"We the undersignatories on behalf of Ovambos having been cut off from any other communication with the world abroad and have no other means to let our voice and objections heard by your organization and the whole world, appoint Mr. Mburumba Uakerina (Getzen) as our national representative at United Nations General Assembly jointly with Rev. Michael Scott. We plead that whenever possible Mr. Kerina must be permitted to speak on our behalf and our brothers the Hereros, Berg-Damaras and Namas."

The living conditions of my people have not improved much since I spoke as these petitions show. I would like to call the attention of the Committee to the pictures appearing on the board which were recently taken in S.W.A.

The African people of S.W.A. are still being deprived of their political rights. At this hour of much African political awakening, my people would also like to be given an opportunity to develop political institutions which are in keeping with the modern world.

We do not expect the South Africa Government to solve all our social problems, however, praiseworthy its attempt to do so may be. We as a people consider ourselves at least potentially capable of learning the various modern techniques of social organization and scientific know-how to cope with our own problems. To this end we would like to develop the institutions of learning ranging from elementary to higher learning in such a way that we take into account our traditional ways of life as well as the store knowledge accumulated by the great minds of the world and of all time. This privilege the South African Government is systematically denying us by the use of all kinds of subterfuges including the refusal to place our territory under the Trusteeship System and by various kinds of legislations.

Of late the S.A. Prime Minister underscored his determination to continue to foster his policy of suppression of the African people not only in the Union

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but also in S.W.A. "White and non-White, that is the objection of a large section of the outside world against us; that we should not protect the power of the White man by legislation in order maintain his supremacy. I say that this is the ideological policy to which a large section of the outside world is opposed. What they demand of us is that we should change and repeal our policy on those points and that we should introduce equality. Our policy is that to protect the White man these discriminatory law, with regard to the franchise, for example, are necessary to place the power to govern the country in the hands of the White man so that he can retain or maintain his supremacy".^{1/}

If this is the policy of the Mandatory Power what hope do we have in S.W.A.?

I appeal to you in the name of the people of S.W.A. to use every legal means available to you to prevent S.A. from absorbing our territory into the Union.

I appeal to you once more to place my country under the UNO Trusteeship System, and to send a UNO Commission to study the conditions of the African people on the spot.

One other thing I would like to straighten out here is this:

It should be understood both by the S. Africans and everybody that

(a) S. Africa has not conquered us by military means, (b) that we are not a colony of South Africa, (c) that our rights are paramount and as such in the event of any internal explosion we have the right to appeal to other sources for assistance apart from the UNO, namely those responsible for the creation of the Mandate.

My Friends there is no substitute for freedom, and in the event of any uprising in S.W.A. against the S.A. Government it would not be my duty to delve into the nature of the problem, but rather to defend the objective of that struggle if it is in conformity with our national aspirations.

^{1/} Union of S.A. House of Assembly Debate No.15. May 6-10, 1957.p.563.