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Chairman: Mr. Luciano JOUBLANC RIVAS
(Mexico).

Requests for hearings (A/C.4/310) (continued)

1. The CHAIRMAN proposed that the Committee should consider the request from Mr. Simon Kumah for a hearing in connexion with the Togoland unification problem and the future of the Trust Territory of Togoland under British administration (A/C.4/310).

There being no objection, the request was granted.

AGENDA ITEM 30

Question of South West Africa (*continued*):

(b) Report of the Committee on South West Africa (A/2913 and Add.1 and 2; A/C.4/308) (*continued*)

2. Mr. BOZOVIC (Yugoslavia) said that the chief argument put forward by the South African representative (491st meeting) in defence of his Government's refusal to place the Mandated Territory of South West Africa under the International Trusteeship System had been that with the demise of the League of Nations, the Mandates System had ended and the international responsibilities of South Africa had accordingly ceased. Both the Mandates System and the Trusteeship System imposed a number of obligations on the administering Powers. First and foremost, there was the obligation to the people of the territory under trusteeship or mandate, with the concomitant right of the people to have their interests and aspirations regarded as being of paramount importance. There was also the obligation of the administering Power to the international community. It was that obligation which led to the corresponding right of the international community to supervise the administration of the territory in question. The international community itself also had an obligation to the people of the territory to exercise effective supervision in their interest, and in its own interest, with a view to safeguarding international peace and security, for there could be no doubt that peace and security were threatened by the non-observance of the rights of dependent peoples. The contract under the Mandate for South West Africa, therefore, had been

agreed upon between the international community, by the League of Nations, and the Union of South Africa, for the benefit of the peoples of the mandated territory. All the parties to that contract were still in existence, with the sole difference that the international community was now personified by the United Nations.

3. The South African theory that the South African Government's international responsibilities had ceased with the demise of the League, with the implication that the League had existed and operated apart from the international community, was one which the Yugoslav delegation could not accept. Moreover, if the argument which denied the right of the United Nations to supervise the administration of South West Africa was correct, it should also apply to the rights enjoyed by the Union of South Africa under the Mandate. Clearly if that argument was accepted, there was no legal basis for the South African administration of the Territory. The time when certain parts of the world could be regarded as a no man's land, open to seizure by any interested Power, was long over. It was universally accepted nowadays that the Territory of South West Africa belonged to its indigenous inhabitants. If the Union of South Africa had no legal right to administer the Territory, the Territory had been wrongfully appropriated. If the Union of South Africa was legally entitled to administer the Territory, it had certain undeniable obligations also, and it ought, therefore, to agree to put into effect the appropriate provisions of the Charter. On the other hand, if there was no legal basis for its assumption of authority over the Territory of South West Africa, there were other provisions of the Charter which should be applied.

4. In connexion with the South African representative's references to the transfer of the rights and responsibilities of the League of Nations to the United Nations in 1946, he would merely draw attention to the contrast at that time between the co-operative attitude of other former Members of the League and the lack of co-operation shown by the Union of South Africa. The South African argument that the responsibilities assumed under the Mandate had been to the Principal Allied and Associated Powers only was obviously untenable, and it was not surprising that the South African proposal based on that argument, namely to enter into an agreement with the remaining Principal Allied and Associated Powers, had not been renewed at the current session.

5. The South African representative had stressed his Government's consistency in refusing to recognize the competence of the General Assembly in the question of South West Africa. It was true that that had been the South African position for the last nine years, but at the second part of the first session of the General Assembly, when the South African Government had sought to obtain the General Assembly's approval for its proposed annexation of the Territory

of South West Africa, the position had been otherwise. At that time, the Union of South Africa had explained its refusal to place South West Africa under the Trusteeship System by its desire to satisfy the wishes of the people in regard to the future of their Territory, under the terms of Article 76 b of the Charter. The South African Government had adopted its present attitude that the General Assembly was not competent to supervise the administration of South West Africa only after the General Assembly had expressed the opinion that the Territory of South West Africa should become a Trust Territory. That attitude did not tally with the views which the South African delegation had expressed at the second part of the first session of the General Assembly, both in the Fourth Committee (14th meeting) and at the 64th plenary meeting.

6. On repeated occasions, the South African delegation had stated that the Union of South Africa was conscious of its obligations under the Charter and that its only reason for refusing to place the Territory under the Trusteeship System was its anxiety to respond to the wishes of the inhabitants, who were the people most concerned. The manner in which the South African Government had sought to ascertain the wishes of the people was well known to the Committee. Nevertheless, if that statement of policy was still valid, and if the representative of South Africa could still say that it was the firm intention of the South African Government to follow the wishes of the indigenous inhabitants, who constituted 88 per cent of the population of the Territory, then the General Assembly might be able to assist in carrying out joint measures for ascertaining the opinion of the people in question. Such a joint effort in the interests of peace and security would help South Africa, without prejudice to its present or future interests, to put an end to a situation in which it stood alone against the United Nations and world public opinion. The Yugoslav delegation would support any move to find a solution which would, without recrimination, secure respect for the provisions of the Charter and safeguard the interests and dignity of all the parties involved.

7. On previous occasions the South African Government had said that its policy had been influenced by the lack of security in the international situation and by certain strategic considerations. In that respect, the situation had certainly improved. On the international plane, the question of the non-self-governing peoples was no longer a point of conflict between the "haves" and the "have-nots". The conflict now arose over the protection of the interests of the inhabitants of South West Africa. The South African Government declared that its administration of the Territory was guided by those interests, and it ought to be possible to achieve a mutual understanding on that basis if the Union of South Africa could demonstrate a little of the goodwill which had already been shown by the General Assembly.

8. The situation in South West Africa, as described by the Committee on South West Africa in its report (A/2913, annex II), seemed hardly to belong to the twentieth century, so far was it from the standards which had now come to be accepted as governing the administration of non-self-governing peoples. It was hoped, despite the South African Government's refusal to co-operate with the United Nations, that it would none the less seek to improve the deplorable situation of the

indigenous inhabitants of South West Africa, with the assistance which the United Nations and its specialized agencies were only too willing to provide. The South African representative had assured the Fourth Committee that his Government was administering South Africa in the spirit of the Mandate, but actual conditions in South West Africa did not support his claim. That situation was admirably summed up in the Committee's concluding remarks in paragraph 198 of annex II of the report. There were many specific instances throughout the report, on matters of land distribution and education for example, which made it very difficult to accept the South African contention that the Territory was being administered with a view to the promotion of the material and moral well-being of its indigenous inhabitants. As matters stood the Yugoslav delegation was obliged to take the report as an authentic picture of the situation in the Territory. He would remind the South African Government that if the report was not correct, it could rectify it by taking part in the deliberations of the Committee on South West Africa or by transmitting its own report to the United Nations.

9. Mr. ALTMAN (Poland) observed that after nine years of discussion of the problem of South West Africa, the Committee was once again faced with the same situation. It was unfortunately impossible to say that any progress had been made towards a solution. The efforts so far made by the United Nations to solve the problem in accordance with the principles of the Charter had met with a categorical refusal by the South African Government. Moreover all efforts to find any other solution by returning to the defunct Mandates System merely complicated the question and retarded a just solution, to the detriment of the interests of the indigenous inhabitants.

10. The Polish delegation had emphasized many times that a solution must be sought exclusively in the provisions in the Charter, which obliged the South African Government to place the Territory under the International Trusteeship System. The Charter did not allow for the simultaneous existence of the Trusteeship System and the Mandates System; the Mandates System had ceased to exist and the mandated territories had either become Trust Territories or achieved independence.

11. The South African Government had never complied with the provisions of the Charter or the resolutions of the General Assembly with respect to South West Africa. It submitted no information on the Territory, did not transmit petitions or even fulfil its obligations under the Mandates System. Its attitude had remained unchanged during the past year, as was shown by the correspondence between the Chairman of the Committee on South West Africa and the South African Government in annex I of the Committee's report (A/2913) and the statement made at the 491st meeting by the South African representative.

12. The past year had witnessed further acts designed to incorporate the Territory in the Union of South Africa. The South West Africa Native Affairs Administration Act, 1954, transferred the administration of indigenous affairs from the Territorial Civil Service to the South African Minister of Native Affairs. Although the Civil Service in the Territory had always been a part of the South African Civil Service, no constitutional amendment of the kind had previously been enacted.

13. The 1954 Act recognized the right to alienate land in the exclusive interest of the European population. "Land-hunger" was chronic among the indigenous inhabitants of the Territory. Paragraph 85 of the report on conditions in the Territory (A/2913, annex II) stated that no land was privately owned by natives anywhere in the Territory. The Europeans, who in 1952 had constituted less than 12 per cent of the total population, had owned 45 per cent of the land, whereas the non-Europeans had owned only 26 per cent. The Committee had expressed its concern at the disparity in the area of land set aside for the non-European population as compared with that set aside for Europeans and at the possibility that the demand for additional land by European farmers might lead to further reduction of the area reserved for non-Europeans. It had concluded that the Administration's land policy appeared to be developed almost entirely in the interest of the Europeans and that the present and future interests of the non-European inhabitants were not being sufficiently safeguarded.

14. After thirty-six years of administration by the Union of South Africa the population did not participate in political life. There was no law defining their status. According to the report the various departments of the administration were staffed primarily by European officials of the Public Service, and non-Europeans were only employed in lower capacities. The Legislative Assembly, which in any event had very limited powers, was made up exclusively of Europeans elected by South African nationals residing in the Territory. Indigenous inhabitants could neither become members nor participate in the election of its members.

15. The report gave many examples of discriminatory practices in the Territory. The policy of *apartheid* was fully applied. Most of the non-European population lived in Native Reserves and other areas set aside for their exclusive occupation. Annex II of the report, paragraphs 143 to 152, dealt with restrictions on the freedom of movement of the indigenous and non-European peoples of the Territory; the 1954 Act had added still further restrictions.

16. The economic situation was unsatisfactory; the population lived in dire poverty. The report expressed the opinion that the protection of the Native population would appear to be based on its value as a labour supply. Segregation was practised in education and in the health services and there was discrimination in the economic, social and cultural fields. There were no trade unions and the indigenous inhabitants were paid starvation wages and subjected to forced labour. The indigenous inhabitants were deprived of any rights and subjected to merciless exploitation.

17. The conditions described in the report could not be reconciled with the fundamental principles of the Charter and the International Declaration of Human Rights. The only real solution of the problem would be found in Chapters XII and XIII of the Charter. The population of South West Africa needed and was entitled to protection. The United Nations must do its utmost to solve the problem in accordance with the interests and aspirations of the indigenous population and place the Territory under the International Trusteeship System. Only such a solution would enable them to progress towards independence.

18. Mr. MALLI (Pakistan) recalled that when South West Africa had been placed under mandate the South African Government had acquired certain rights and obligations. The Council of the League of Nations had supervised the administration and seen to it that those obligations were fulfilled. Since the League had ceased to exist the Union of South Africa contended that the Mandate had lapsed. It had overlooked or chosen to ignore that its own authority over the Territory was based on the Mandate and that if the Mandate had lapsed its authority had also lapsed; it could not retain the rights derived from the Mandate while repudiating the obligations.

19. Since the South African Government had maintained its contention against the majority of the General Assembly, the Assembly had quite properly referred the question to the International Court of Justice for an advisory opinion. The Court's opinion, dated 11 July, 1950,¹ had vindicated the majority view and set forth, *inter alia*, that the Union of South Africa continued to have the international obligation stated in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa as well as the obligation to transmit petitions from the inhabitants of that Territory, and that the supervisory functions were to be exercised by the United Nations, to which annual reports and petitions were to be submitted. The South African Government had contested that opinion on the grounds that new relevant material had been discovered. That argument had already been answered and he would not go into it again. The opinion of the International Court of Justice was based on all the evidence before it and constituted the authoritative definition of the obligations of the South African Government in the matter.

20. It had thus been established by the highest international judicial authority that the South African Government was obliged to submit annual reports and petitions to the United Nations. As indicated in the report of the Committee on South West Africa (A/2913, Section II), that Government was not only not doing so but had refused even to enter into negotiations with the Committee in order to implement fully the advisory opinion of the International Court of Justice.

21. The refusal of the South African Government to co-operate did not relieve the United Nations of its obligations towards the peoples of South West Africa to exercise to the best of its ability the supervisory functions of the League of Nations. The Committee on South West Africa had examined such information and documentation as was available and had made every effort to render to the General Assembly as complete and objective an account as possible on conditions in the Territory. As the Committee itself had acknowledged, it would have been in a better position to discharge its functions if the South African Government had submitted a report and participated in its work, but the lack of co-operation by that Government did not invalidate the conclusions to be drawn from the Committee's report, despite the South African representative's implications to the contrary.

¹ *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 by document A/1362.)

22. The conditions that had been criticized in the Fourth Committee year after year for the past nine years had also been noted by the Committee. He would not multiply examples of the Committee's findings, but would merely say that over all the years the matter had been debated no basic change had been effected in the Union of South Africa's policy of white supremacy and *apartheid*.

23. The United Nations could not divest itself of its responsibilities towards the people of South West Africa; it could only continue to carry them out as well as possible without the co-operation of the South African Government, and hope that that Government might yet see where its obligations lay and give its co-operation in seeking the best interests of the people of South West Africa.

24. Miss BROOKS (Liberia) said that her delegation would like the dependent peoples of the world, many of whom lived in Africa, to know that in their struggle for self-determination, freedom and independence they enjoyed the sympathy and understanding of the people of Liberia.

25. Having, at the 491st meeting, reserved her delegation's right to refer to the draft resolution presented by the United States delegation (A/C.4/L.405) with respect to the 1955 opinion of the International Court of Justice,² she wished to state that at the ninth session her delegation had voted against all forms of words which it felt tended to give the South African Government a veto power with respect to the procedure to be adopted for examination of reports and petitions relating to the Territory of South West Africa. Furthermore, it had abstained on the question of referring the Committee's adoption of special rule F to the International Court of Justice, not because it questioned the Court's jurisdiction, but because it felt that any opinion which the Court might give would be merely an interpretation of the original advisory opinion which, in her delegation's opinion, was clear and unequivocal. It had also felt that the delay would be unwarranted in so far as the co-operation that could be expected from the South African Government was concerned. Her delegation's attitude in that respect had been substantiated by the 1955 advisory opinion of the International Court, with respect to special rule F, and the refusal of the South African Government to accept that opinion.

26. The Committee on South West Africa had described its renewed efforts to persuade the Government of the Union of South Africa to submit a report on its administration of the Territory of South West Africa and to participate as the administering Power in the Committee's work. It had also given an account of its efforts to negotiate an agreement with the South African Government on the Territory of South West Africa. In response to those efforts, the South African Government had asserted that it did not recognize the competence of the General Assembly to exercise any supervision over the Territory of South West Africa, and had repudiated the advisory opinion of the International Court.

27. The General Assembly's competence to exercise supervision over the Territory of South West Africa

had been defined in her delegation's statement at the 407th meeting of the Fourth Committee, during the ninth session. She would, however, reiterate that it was South Africa that had elected to accept the "sacred trust" concept laid down in Article 22 of the League of Nations Covenant rather than to place the Territory under trusteeship. The South African Government could not now legally deny that whatever rights it possessed in connexion with the Territory were derived from the Mandate, and that if it continued to insist that the Mandate had lapsed, it must also acknowledge that its authority to administer the Territory had lapsed.

28. In reply to the explanation given by the South African representative concerning the general attitude towards mandates at the San Francisco Conference, she observed that, while international agreements, like all statutes, might be interpreted by reference to the original debates on their contents, so as to determine the true intentions of the parties at the time the instrument had come into effect, nevertheless oral testimonies could not be regarded as affecting the terms of the agreement embodied in the instrument. Thus the explanation given by the South African representative could not be admitted by the Liberian delegation to change in any way the conditions of the United Nations Charter. Nor could her delegation accept the explanation concerning the resolution on mandates adopted by the last meeting of the Assembly of the League of Nations on 18 April 1946,³ paragraphs 2, 3 and 4 of which expressly recognized the supervisory functions of the United Nations. The International Court of Justice was, at the present stage, the only body competent to determine the legal status of the Territory of South West Africa. In her delegation's opinion the South African Government at heart shared that view, but had adopted its present attitude as a means of evading its international obligations with respect to South West Africa.

29. The Liberian delegation felt that the inhabitants of the Territory of South West Africa should not continue to be regarded as stateless persons, and would welcome any law or regulation which would render their status at least equal to that of immigrant inhabitants of the Territory and would remove restrictions on movement and enable them to obtain passports to travel abroad.

30. Her delegation would reserve its judgement with respect to the South West Africa Affairs Administration Act, 1954, until time had shown what effect it had on the interests of the Native population. She drew attention to paragraph 198 of the Committee's report on conditions in the Territory (A/2913, annex II), which stated that there had been no significant improvement in the moral and material welfare of the Native inhabitants, and concluded that the main efforts of the Administration were directed almost exclusively in favour of the European inhabitants of the Territory, often at the expense of the Native population.

31. The problem of South West Africa was a source of anxiety to the Liberian delegation. The administrative segregation of the Territory into sections would tend to retard the progress of the Territory towards territorial integrity and political independence. In view

² *South-West Africa—Voting Procedure, Advisory Opinion of June 7th, 1955: I.C.J. Reports 1955*, p. 67 (Transmitted to Members of the General Assembly by the Secretary-General by document A/2918.)

³ League of Nations, *Official Journal, Special Supplement No. 194*, p. 278-279.

of the general attitude of the South African Government, it must be assumed that that type of administration was designed to defeat the objectives of the Mandate. The South African Government was carrying out a process of annexation of the Territory of South West Africa and was making no effort to accord the indigenous inhabitants rights equal to those of the inhabitants of the Union of South Africa.

32. The discrimination exercised against the indigenous inhabitants of South West Africa was severe. They lived face to face with the problems of disease and poverty, restricted in their movements, deprived of their lands and of the bare necessities of life, though they inhabited a Territory which should permit economic growth if their interests were paramount. They lived without a gleam of hope for the achievement of self-determination and independence.

33. Her delegation agreed with the view that the technical organs of the United Nations could do much to aid the development of South West Africa, and hoped that some means could be devised by which those organs could function with respect to the Territory in question.

34. Her delegation shared the opinion that the door must be left open for the South African Government to negotiate with the United Nations with respect to the Territory of South West Africa. It had not lost hope, and sincerely trusted that the United Nations would not cease its efforts to help the people of the Territory to reach the stage of self-determination.

35. She reserved her right to comment at the appropriate time on any draft resolutions that might be proposed in the Committee.

36. Mr. PACHACHI (Iraq) noted that after nine years the question of South West Africa was still a special item on the General Assembly's agenda. The Fourth Committee had devoted much time to the discussion of the problem but in vain. In view of the South African Government's adamant refusal to co-operate with the United Nations in seeking a solution to the problem, the Committee's debates had often seemed pointless. The gulf separating the overwhelming majority of the Members of the United Nations and the South African Government had been widened still further and the chances of a reasonable and satisfactory agreement had been seriously retarded by the South African representative's recent statements. Nevertheless, the Iraqi delegation was not discouraged. He had listened patiently to the South African representative's familiar arguments. They had been presented at the 491st meeting with exceptional ability and skill but had still failed to convince him. He hoped that the South African Government would somehow find it possible to change its attitude and make a serious effort to follow the dictates of reason and abide by the universally accepted precepts of international responsibility.

37. In his recent statement the South African representative had once again rejected the Court's 1950 advisory opinion and questioned its validity. He had said that, since everything which the United Nations had done was illegal, no decision it might take would make the slightest difference as far as his Government's future policies were concerned. It would therefore be futile to reopen the whole legal debate. That aspect of the problem had been settled once and for

all by the 1950 advisory opinion. The Court had reached its decision after a thorough examination of all the relevant factors including the circumstances leading to the adoption of the League resolution of 18 April 1946. The question was where and how the Committee should proceed next.

38. The South African Government's answer to that question was well known. It contended that the General Assembly should declare null and void all its past resolutions, abolish the Committee on South West Africa, reject the Court's advisory opinion, accept the contention that the Mandate had lapsed and then sit back and hope that the South African Government would administer South West Africa in accordance with the spirit and aims of the Mandates System. The Assembly could not adopt such a course without violating the very principles upon which the United Nations was founded and making a mockery of the whole concept of international responsibility. The only course open to it was, therefore, to continue to abide strictly by the terms of the Court's two advisory opinions.

39. The Assembly was now in a position to exercise the supervisory functions envisaged under the Mandates System, with the assistance of the Committee on South West Africa. The task would be considerably facilitated by the South African Government's co-operation but, in the absence of such co-operation, the Committee on South West Africa would have to carry out its functions as best it could by continuing to examine all available information on South West Africa and reporting thereon to the Assembly. He realized that that was far from an ideal solution, and was aware of the difficult and even anomalous situation that had arisen as a result of conferring on an organ of the United Nations functions that belonged to a system of supervision not envisaged in the Charter. That unsatisfactory situation had been brought about by the South African Government's refusal to agree to place South West Africa under trusteeship. Its solution was therefore entirely and exclusively in the hands of that Government. Pending action to extend the Trusteeship System to South West Africa, the Assembly must continue to exercise its supervisory functions in the manner indicated by the Court.

40. He paid a tribute to the excellent work accomplished by the members of the Committee on South West Africa. It was regrettable that the South African representative had failed to give examples of what he had termed inaccuracies and erroneous conclusions in the Committee's report. He appeared to have been discouraged by his experience at the ninth session; needlessly so, however, since his explanations had been carefully noted by the members of the Committee. Some of his points had been answered by various representatives and others had been taken into consideration by the Committee on South West Africa in its latest report. If the Committee had committed errors of fact or judgement, that was mainly due to the South African Government's repeated refusal to send representatives to its meetings to explain matters and correct any erroneous impressions and conclusions.

41. In 1954, the South African representative had complained that few speakers had commented on the

passages of the report commending the South West African Administration. There were several such passages in the present report. In paragraph 114 (A/2913, annex II), for example, the Committee on South West Africa commented that the implementation of the recommendations of the Commission of Enquiry into a Long-Term Marketing Scheme for Meat at Walvis Bay, outlined in paragraph 113, would be in the interests of the Territory. In paragraph 118, it noted with satisfaction the activities in the Territory devoted to the development of the casein industry. In paragraph 134, it expressed its approval of the increase in expenditure from the Native Areas Account reported in paragraph 133. In paragraph 154, it noted with satisfaction that Ordinance No. 26 of 1954 now embodied the principle of International Labour Convention No. 45 that no person should employ underground in any mine a boy under the age of sixteen or a female. It also noted with satisfaction, in paragraph 174, that there had been a continued expansion of medical services in the Territory and that total government expenditure on public health had more than tripled between 1946 and 1954. The housing developments reported at the beginning of paragraph 139 were also welcome. His delegation joined the Committee in commending such achievements; it only wished that they were more numerous. As it was, they did not appreciably alter the generally sombre picture of conditions in the Territory.

42. There were many laws and practices in the political sphere which were contrary to the spirit of the Mandate and not calculated to serve the best interests of the indigenous inhabitants. The legal status of non-European inhabitants was one example; his delegation fully endorsed the Committee's opinion that legislation defining that status should be promulgated at the earliest opportunity. Other examples were the non-eligibility of non-Europeans for permanent appointment to posts in the public administration at the municipal level, and the administrative separation of the Eastern Caprivi Zivofel. As the Indian representative had said at the 493rd meeting, the latter was inconsistent with the decision of the Council of the League that mandated territories must be capable of maintaining their territorial integrity and political independence.⁴

43. The South African Government could do far more to promote the Native administration outside the Police Zone. In paragraphs 54 and 55 the Committee noted that, although the Natives outside the Police Zone enjoyed a certain degree of autonomy, their administration was still conducted along traditional lines that did not promote the development of democratic institutions of self-government which alone could prepare the people "for the strenuous conditions of the modern world" mentioned in Article 22 of the Covenant of the League of Nations. The Committee's conclusions on the rate of political advancement in South West Africa compared with other African territories were particularly pertinent as they provided a satisfactory answer to the South African representative's repeated contention that the only way to appraise the rate of progress in a given territory was by comparing it with other territories having similar

problems. The Committee observed in paragraph 56 of its report that under the administration of the Mandatory Power the political evolution of the non-European population of South West Africa had not been commensurate with the developments emerging in other territories in Africa.

44. In the economic sphere, the Committee reported some very serious problems calling for prompt and bold solutions by the administrative Power. The provisions of the South West African Native Affairs Administration Act, 1954, for example, whereby the land and other assets of the Territory were vested in the South African Native Trust, were, as the Committee had pointed out, inconsistent with the interpretation which the Permanent Mandates Commission had adopted with respect to articles 120 and 257 of the Treaty of Versailles regarding the limitations imposed on the rights of the Mandatory Powers in mandated territories.⁵ The alienation of Native land was one of the most serious economic problems in South West Africa. The Committee noted that the legal processes for alienation had been simplified in a way that might eventually prove detrimental to the interests of the Native population: alienation could now be effected by resolution rather than by Act of parliament. Alienation decisions were often taken without regard to the interests and wishes of the Native inhabitants. The interests and wishes of the European population seemed to be of paramount importance. While it was comparatively easy to transfer Native land to European hands, once a European had acquired land it could never pass back to Native ownership, for the laws of the Territory provided that in no case would consent be given to any hypothecation, assignment, transfer, sub-lease or sub-letting to Natives, Asiatics or Coloured persons.

45. While the South African Government was giving considerable attention to the problem of housing, it was regrettable to note from paragraph 139 of the Committee's report that the Union *apartheid* laws were enforced and that there must be a buffer zone of 500 yards between European and non-European areas. Such laws and practices obviously had no place in a territory supposedly administered in the spirit of the Mandate. With regard to labour laws and regulations his delegation endorsed the Committee's recommendations in paragraph 162.

46. The information available with regard to educational conditions seemed to substantiate the Committee's opinion that they were far from satisfactory. The disparity between the educational facilities provided for European and non-European children remained as great as ever as was clear from the total expenditure, the number of schools and the number of teachers. The Committee's conclusions in paragraph 197 therefore seemed entirely justified.

47. The Committee's concluding remarks in paragraph 198 were not sweeping assumptions; they were based on clear and unmistakable facts. He wondered whether the South African representative was in a position to deny the following assertions: first, that the Natives were still not participating in the political development of the Territory; secondly, that their participation in economic development was restricted to that of labour; thirdly, that racial discrimination

⁴ *Ibid.*, 12th year, p. 2057.

⁵ *Ibid.*, 7th year (1926), pp. 867 and 945.

was prevalent throughout the Territory; and, lastly, that the main efforts of the Administration were directed almost exclusively in favour of the European inhabitants.

48. Mr. TAZHIBAEV (Union of Soviet Socialist Republics) drew attention to the fact that the report of the Committee on South West Africa was based on information provided by the Secretariat. The normal procedure would be for the Fourth Committee to examine the situation in South West Africa on the basis of a Trusteeship Council report prepared from information submitted by the Administering Authority and the reports and observations of a visiting mission. The United Nations had consistently maintained that, as a former mandated territory, South West Africa should be placed under the International Trusteeship System, in accordance with Chapter XII of the Charter. The United Nations was responsible for the Territory's development towards self-government and independence, as had been repeatedly confirmed in the relevant General Assembly resolutions and the International Court's advisory opinion. For ten years, however, it had been deprived, by the South African Government's unilateral action, of the possibility of discharging its obligations towards the people of South West Africa.

49. The Committee on South West Africa stated that after nearly four decades of administration under the Mandates System, the Native inhabitants were still not participating in the political development of the Territory, their participation in the economic development was restricted to that of labourers and the social and educational services for their benefit were far from satisfactory. Racial discrimination was prevalent throughout the Territory. The Committee had found no significant improvement in the moral and material welfare of the Native inhabitants compared with the previous year and concluded that it was apparent that the main efforts of the Administration were directed almost exclusively in favour of the European inhabitants of the Territory, often at the expense of the Native population. The Committee cited a number of specific facts in support of those general conclusions.

50. The Territory's economy was dominated by foreign monopolies. The main branches of industry—diamond, lead and zinc mining—were entirely owned by foreign capital, which exploited the Territory's natural and human resources not for its economic development but for the purpose of profit. Karakul farming, which was one of the Territory's main sources of income, was almost entirely in the hands of Europeans. The Native economy was primitive. Agriculture and stock-breeding were carried on extensively, rather than intensively; productivity was low and there were periodic droughts. The peasants, and particularly the agricultural workers, suffered from poverty and hunger. The alienation of land from the indigenous population continued: under a 1954 Act, Native land could be alienated for the benefit of the European population without regard to the interests of the Native inhabitants. As the Committee noted in paragraph 97 of its report, the present land policy of the Administration appeared to be developed almost entirely in the interests of the Europeans; the interests of the non-Europeans were not being sufficiently safeguarded. The Committee's conclusion was that the limited ef-

forts thus far made by the Administration to develop Native areas reflected a policy to compel the Natives to seek employment on mines and European farms. It noted that the indigenous population could be forced, on a number of pretexts, to take up employment on public works or private employment. In fact, South West Africa had been converted into a source of cheap raw materials and a market for manufactured goods. The General Assembly must make recommendations and the administering Power must take the necessary steps to ensure that the Territory was developed in accordance with the principles of the Charter and that the economic situation of the indigenous inhabitants was improved.

51. The indigenous population had no political rights: they could not participate in elections and were not directly or indirectly represented in the legislative Assembly or the Executive Committee of the Territory. All administrative posts, except some of the lowest clerical ones, were in the hands of Europeans and the courts were composed solely of Europeans.

52. The indigenous inhabitants were subject to racial discrimination and to all sorts of restrictions and prohibitions: they could live only in certain defined areas, on special reservations; they could not travel from one place to another without a special permit. Corporal punishment could still be imposed by the courts.

53. The Administration was not taking the necessary measures to eradicate illiteracy among the indigenous inhabitants and give them professional or vocational training. There were separate schools for Europeans, Natives and other non-Europeans and education was compulsory only for European children. No specific provisions were made in regard to curricula and language of instruction in the indigenous schools, and the expenditure on them was several times lower than on schools for Europeans.

54. It was regrettable that, far from diminishing, racial prohibitions and restrictions were growing increasingly severe. On 31 March 1955 for example, an Act had come into force tightening the restrictions governing the entry of Natives into urban areas.

55. The General Assembly could not remain indifferent to the situation of the indigenous population in South West Africa. Steps should be taken to ensure compliance with the provisions of the Charter on Trust Territories. It was regrettable to note that virtually no significant political, economic, social or educational progress had been made. Conditions in South West Africa should be changed and the Territory must be brought under the International Trusteeship System.

56. His delegation was prepared to support any recommendations designed to ensure the indigenous inhabitants of South West Africa their lawful rights to develop towards self-government and independence.

57. Miss ROESAD (Indonesia) said that her delegation was gratified that the Fourth Committee was holding a general debate on the report of the Committee on South West Africa. The Committee's work was extremely important; only through its report could the General Assembly learn about conditions in the Territory and assess the people's development towards the future which the Charter guaranteed to all dependent peoples.

58. The South African Government consistently maintained that the future of South West Africa and its people was solely its concern and that the United Nations had no right to consider the matter. Her delegation could not agree with that view. It shared the views and endorsed the arguments placed on record at the previous meeting by the representatives of Egypt, India and Thailand. The United Nations Charter, to which the South African Government adhered, clearly stated in Article 77 that the Trusteeship System should apply to territories held under mandate. Her delegation therefore believed that the General Assembly should be kept informed about the development of South West Africa and that it had both the right and the duty to study conditions and stages of development there and adopt appropriate recommendations. She was therefore happy to note that the Fourth Committee had adopted draft resolution A/C.4/L.405 endorsing the Court's 1955 advisory opinion. If that draft resolution were also adopted by the General Assembly, the Assembly would be in a better position to assist the Committee on South West Africa in its work.

59. She congratulated the Committee on South West Africa on its thorough examination of conditions in the Territory and its excellent report. A study of the sections of the report dealing with the material welfare of the Natives, their position in the economy, social conditions, labour and education, fully justified the Committee's objective conclusion that there was no significant improvement in the moral and material

welfare of the Native inhabitants. The majority of the indigenous population still lived at the subsistence level; it had little purchasing power; it was subject to *apartheid* laws and other discriminatory legislation in every field. Her delegation endorsed the Committee's opinion that the main efforts of the Administration were directed almost exclusively in favour of the European inhabitants. That was confirmed by the conditions reported in the sections of the report dealing with education, social conditions and land tenure.

60. The indigenous people of South West Africa had very few civil and political rights. For example, no indigenous person was represented on the Executive Committee or in the Legislative Assembly or entitled to vote in elections. It was difficult to see what motives could reasonably be advanced to justify such a policy. She could only conclude that it was based on discrimination on grounds of race.

61. The South African representative had stated at the 491st meeting that the supervision of South West Africa by the General Assembly would not help to promote the material and moral welfare of any section of the inhabitants. In her delegation's view the South Africa administration had certainly not helped to promote the material and moral welfare of at least one section of the population, namely the indigenous inhabitants. She wondered how long they would be patient and endure their present treatment in a country which was rightly theirs.

The meeting rose at 12.45 p.m.