



CONTENTS

	Page
Agenda item 37:	
Question of South West Africa: report of the Committee on South West Africa (<i>continued</i>)	
Hearing of petitioners (<i>continued</i>)	119
General debate (<i>continued</i>)	120

Chairman: Mr. Enrique de MARCHENA
(Dominican Republic).

In the absence of the Chairman, Miss Brooks (Liberia), Vice-Chairman, took the Chair.

AGENDA ITEM 37

Question of South West Africa: report of the Committee on South West Africa (A/3151 and Corr.1, A/C.4/338, A/C.4/L.442 to 444) (*continued*)

HEARING OF PETITIONERS (*continued*)

At the invitation of the Chairman, the Reverend Michael Scott and Mr. Mburumba Kerina Getzen took places at the Committee table.

1. Mr. MANGASHA (Ethiopia) inquired what special reasons Mr. Scott had for the suggestion he had made at the 570th meeting that a conference on the work of the specialized agencies should be convened in Africa.

2. The Reverend Michael SCOTT explained that the inhabitants of South West Africa thought of the United Nations as a body dealing primarily with political problems. It would accordingly be very useful if they could be made aware, through a conference, lectures, films and the like, of the constructive social, economic and cultural work done by the specialized agencies. Such a conference could not perhaps be held in the Territory itself, but might be held in a neighbouring territory such as Bechuanaland. A further possibility that might be considered was that of setting up an agency which, as a distinguished American had once suggested, could provide financial or technical assistance to countries requesting it.

3. Mr. JASPER (United Kingdom) asked the petitioner if he was familiar with chapter VII of the report of the Committee on South West Africa to the tenth session of the General Assembly (A/2913), which explained exactly what the specialized agencies thought they could do to help in promoting the advancement of the Territory's inhabitants.

4. The Reverend Michael SCOTT thought he remembered that in substance the agencies had replied they could not do anything without the consent of the Union of South Africa. The problem was to persuade persons who were influential, and who had the right to vote in South West Africa, of the desirability of assistance

from the specialized agencies. They would have to be shown how they could benefit from it, by being told, for instance, of all the opportunities for development in neighbouring and similar territories, such as Bechuanaland.

5. Mr. JASPER (United Kingdom) pointed out that the United Kingdom was responsible for the development of Bechuanaland while South West Africa was administered by the Union of South Africa.

6. Mr. BOZOVIC (Yugoslavia) wondered if the Union of South Africa might some day be persuaded to accept the offers of the specialized agencies.

7. The Reverend Michael SCOTT said that the United Nations could take positive action by preparing a list of the services which it could render to the population of South West Africa. The inhabitants of the Territory might then realize that their problems were a matter of direct concern to the United Nations.

8. Mr. JAHANBANI (Iran) questioned the petitioner as to the attitude of voters in South West Africa towards the International Court of Justice and their reactions on learning that the General Assembly had been asking the Court for advisory opinions.

9. The Reverend Michael SCOTT replied that the electors had a deep respect for international law and for the work of the Court at The Hague as they were for the most part of Netherlands extraction and had always associated the International Court of Justice with the origin of the concept of international law. Accordingly, in face of the integration measures taken quite recently by the Union of South Africa, he would suggest that the General Assembly might ask the Court for an advisory opinion on the question whether those measures were compatible with the Mandate.

10. Mr. DORSINVILLE (Haiti) asked if the people of South West Africa realized that the United Nations was doing everything in its power to improve their lot.

11. Mr. GETZEN said that the peoples of South West Africa were familiar to a certain extent with the work of the United Nations but that they had a loathing of hypocrisy. It was shameful that certain countries which might, by exerting their influence on the Union of South Africa, have given strong support to the decisions of the United Nations, had been avoiding any such action for ten years. It was time that they changed an attitude so contrary to their own national traditions.

12. Mr. MANGASHA (Ethiopia) inquired as to the views of the indigenous inhabitants of South West Africa concerning the future status of the Germans resident in the Territory.

13. The Reverend Michael SCOTT explained that the Africans had thought that the lands occupied by the Germans at the beginning of the century would be restored to them, as promised. But after Germany's defeat and the conclusion of the Treaty of Versailles,

the Germans had been authorized to keep those lands. The Africans were now condemned to live on reserves. They were quite justifiably surprised at the treatment meted out to them, and wanted action taken to remedy the situation.

14. Mr. GETZEN wished to point out that the Africans had no intention of driving out the Germans or the other Europeans settled in the Territory, if they showed a spirit of co-operation. The Africans realized the extent of their contribution to the Territory's economic development. In their eagerness to build up a democratic country they would certainly respect the rights of the minorities settled in South West Africa, and would not adopt in the matter a racial policy like that of the Union of South Africa.

The Reverend Michael Scott and Mr. Mburumba Kerina Getzen withdrew.

GENERAL DEBATE (*continued*)

15. Mr. RAMAIAH (India) congratulated the Committee on South West Africa on having prepared such a well-documented report (A/3151 and Corr.1), despite the difficult conditions under which it had been obliged to work. He was glad that the Committee had been able to put forward a recommendation on every aspect of the question.

16. His delegation regretted the absence of the Union of South Africa. That country had taken up a very curious attitude and it was difficult to see how the United Nations could ever achieve anything if every delegation withdrew whenever items relating to its country's affairs came up for discussion. However, he hoped that the Union would change its policy and collaborate with the Committee and the General Assembly.

17. South West Africa was a rich territory, but all its resources were in the hands of white people, representing only 12 per cent of the population. As for the indigenous inhabitants, they were confined in reserves, reminiscent of concentration camps. Even in those reserves they were not safe, because the land could always be expropriated. Workers were paid only a starvation wage and could not choose their employer. If they ran away they were put in prison. The standard of education was very low. Africans could not move about freely and were subject to a curfew. They were subjected to an unbelievable system of racial discrimination.

18. The Suppression of Communism Act was being used to stifle civil and political freedoms. The Act in fact gave the State power to arrest anybody on any pretext whatsoever. The United Nations had assuredly shown great patience with the Union of South Africa, but he doubted whether the same forbearance would have been shown if the oppressed populations of South West Africa had been white instead of black. In defiance of the resolutions of the General Assembly and the opinions of the International Court of Justice, the Union was now trying to annex the Territory as if the Mandate did not exist. Incidentally, that brought to mind the new trend in imperialism, its "backyard extension": if one no longer dared to call a territory a "colony", it was made into an "overseas province". But that did not alter the status of the subject population.

19. He asked the Committee if the United Nations could not do something more than adopt resolutions. There was nothing India would not do, within the

framework of the Charter, to put an end to the sufferings of the indigenous inhabitants of South West Africa.

20. Mr. TAZHIBAEV (Union of Soviet Socialist Republics) observed that the General Assembly had been adopting resolutions for ten years to the effect that the Territory of South West Africa be placed under the Trusteeship System, but it had met with nothing but refusals from the Union of South Africa. Like the majority of Member States, the Soviet Union considered the present situation as highly abnormal and believed that it was the duty of the Union of South Africa to fulfil its obligations under the Charter with regard to South West Africa. But despite those obligations the Union had virtually annexed the Territory. The Prime Minister of the Union had said that his country was not prepared to sacrifice its sovereignty over South West Africa, and the Minister of Foreign Affairs had assured the Parliament of the Union that they would regard South West Africa as an integral portion of the Union, and had expressed the hope that the day was not far off when South West Africa would be part of the Union in every sense of the word.

21. Those statements as well as others made by official representatives of the Union of South Africa were in conformity with the existing position of the Territory, which had been annexed to the Union in violation of that country's international obligations and without any consultation with the Territory's indigenous inhabitants. The annexation of South West Africa by the Union deprived the people of the Territory of their legitimate right to free development and independence.

22. All matters relating to the administration of the indigenous inhabitants of the Territory were under the South African Government's direct control, and the inhabitants of the Territory were subject to all the Union's racist legislation depriving Africans of the most elementary human rights and designed to retard the development of the African people and to keep them in subjection to the ruling minority, the so-called European section of the population. The indigenous inhabitants were kept in servitude. Although they constituted a vast majority of the population, they had no political rights and took no part in public life.

23. The situation of the indigenous inhabitants was not improving in any way. The best land was given to the Whites. In 1952, 45 per cent of the land had been in their hands, although they represented only 12 per cent of the population. The alienation of land from the indigenous population had continued, in 1955 a further 748,342 hectares having been allocated for the settlement of Europeans. The indigenous inhabitants were continually being moved from one place to another to make room for Europeans.

24. The great wealth of the Territory's natural resources was still being used, not in the interests of the indigenous inhabitants, but for the benefit of South African and foreign companies and monopolies, which were reaping fabulous profits from the exploitation of the Territory's raw materials. The indigenous inhabitants lived on reserves, where they were prey to hunger and disease. Those who worked for the settlers or in the mines operated by foreigners received a mere pittance. Confined to their reserves, which they could not leave without a pass, the workers lived in huts where they were crowded together sixteen to a room. Even sick persons were obliged to obtain a permit to visit the

doctor. The Territory possessed no governmental secondary schools for Africans. About 50 per cent of children of school age were unable to enrol in the elementary schools. The situation with regard to public health was no better.

25. The United Nations General Assembly could not remain indifferent to the fate of a half million of the Territory's indigenous inhabitants. It must exercise its legitimate right by making itself responsible for the fate of a people which had suffered so much. It must take the necessary steps to enable it to develop towards self-government and independence, as required by the Charter. The USSR delegation, basing itself on the principles of self-government and independence of peoples, would support any action by the United Nations designed to achieve that end.

26. Mr. MESTIRI (Tunisia) congratulated the members of the Committee on South West Africa on their excellent report. The Tunisian delegation particularly approved of the practical recommendations formulated by the Committee pursuant to paragraph 8 of resolution 941 (X). It had insisted on including the most important of those recommendations in the draft resolution submitted by his delegation and the delegations of Burma, Liberia and Morocco (A/C.4/L.442), because it felt that General Assembly resolutions should be given a constructive aspect. In its view, the eight specific steps set forth in operative paragraph 4 represented the minimum action which the Union Government should take. They related to fundamental human rights and, if they were applied, they would make it possible to remedy the most flagrant injustices. Moreover, although it laid particular stress on the human aspect of the problem, the draft resolution also approved all the Committee's other recommendations.

27. He thought the text of the draft resolution might be improved by a few changes in the opening sentence of paragraph 4, so that it would read:

"Approves and endorses accordingly, and without prejudice to the solution of the broader issues raised by the Committee concerning the situation of the Territory, the conclusions and recommendations of the Committee as to the action which should be taken by the Government of the Union of South Africa as the Mandatory Power, and in particular draws the attention of the Government of the Union of South Africa to those recommendations in respect of:"

Moreover, the phrase "in accordance with the spirit of the Mandates System" might be added at the end of sub-paragraph (b) of paragraph 4.

28. The Tunisian delegation hoped that the joint draft resolution would receive the greatest possible number of votes: it was perhaps a little stronger than the resolutions previously adopted by the Assembly in that connexion, but it was not in any way excessive.

29. The Tunisian delegation thought that the possibility of sanctions against the Union of South Africa should not be envisaged until all possible means of persuading the Union Government to take a more reasonable stand had been exhausted. One of those means was perhaps to adopt stronger resolutions. He would accordingly be in favour of adding to the operative part of the draft resolution submitted by Liberia (A/C.4/L.443) a paragraph in which the General Assembly would draw the Union Government's attention to the gravity of the situation which would inevitably be

created by its refusal to co-operate with the competent organs of the United Nations.

30. He thanked the petitioners and emphasized the nobility and usefulness of the work being done by the Reverend Michael Scott; it was because of men like him that the oppressed peoples did not meet hatred with hatred. He assured Mr. Getzen of the Tunisian delegation's solidarity with the cause he defended with so much conviction. He hoped that that solidarity would help the members of the Committee to realize even better the awakening of Africa, already emphasized by the Secretary-General in his report on the work of the Organization in 1955 (A/2911).

31. Mr. CHAMANDI (Yemen) deplored the South African delegation's decision not to take part in the Committee's discussions and the Union Government's intransigence in refusing to co-operate with the Committee, in taking no notice of the relevant Assembly resolutions and in persisting in the adoption of discriminatory legislative and other measures against the Natives of South West Africa.

32. The Union Government was presumably enlightened and democratic; but he could not understand its intransigent attitude, which was wasting a good deal of the Organization's time and money and was a permanent cause of suffering to the people of South West Africa. The delegation of Yemen could not accept the Union Government's argument regarding the juridical status of the Territory, which was contrary to the opinion of the International Court of Justice of 11 July 1950,¹ violated the provisions of the Charter and disregarded the resolutions of the General Assembly. His delegation was convinced that since the League of Nations had been dissolved and the Mandates System ended, all the mandated territories must automatically be placed under the jurisdiction of the United Nations and thus under the International Trusteeship System. It would therefore vote in favour of the draft resolutions in documents A/C.4/L.442 and A/C.4/L.443.

33. He could see no advantage in continuing to discuss and adopt resolutions if the Union Government disregarded them. He felt that new methods must be found of approaching the problem and convincing the Union Government that it should co-operate in finding a just and equitable solution. The Trusteeship Council ought to take the initiative. It was to be hoped that the Union Government would realize that it was in the interest of its own people that the problem should be settled once and for all.

34. He thanked the petitioners and congratulated them on their untiring efforts in defence of the cause of South West Africa.

35. U ON SEIN (Burma) said that South West Africa, the last of the mandated territories of the League of Nations, was neither independent nor under the Trusteeship System, so that it did not possess the rights provided for under that system, while the Union of South Africa which administered it was not subject to the obligations defined in Article 76 of the Charter. As the International Court of Justice had stated in 1950, the Territory remained under the Mandate laid down in 1920 by the Council of the League of Nations. Article 2 of the Mandate provided that the Union

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 under cover of document A/1362.)

should promote to the utmost the material and moral well-being and the social progress of the inhabitants of the Territory. However, present conditions in South West Africa were the direct opposite of those the Mandate was intended to secure.

36. He referred to various statements made by members of the Union Government, which made it clear that the Union did not recognize that the United Nations had any authority over South West Africa and that its intention was to annex the Territory. He shared the misgivings of the Committee on South West Africa regarding the juridical consequences of the Territory's representation in the Union Parliament.

37. The Burmese delegation also associated itself with that Committee in maintaining that the land resources of the Territory should remain intact and that its territorial integrity should be maintained until it had achieved the purposes of the Mandates System, all of which was incompatible with the transfer of the administration of the Territory's Native affairs to the Union Minister of Native Affairs.

38. The Burmese delegation deeply regretted that non-Europeans could neither elect nor be elected to the Legislative Assembly, and that only the European population was entitled to vote. Like the Committee on South West Africa, it felt that the Administration's present land policy seemed to favour European interests exclusively. It considered that the restrictions imposed on non-Europeans in matters of housing and the limitations on their right to travel were contrary to the principles of the Mandates System, to the Charter of the United Nations and to the Universal Declaration of Human Rights.

39. His delegation deplored the consistent refusal of the Union Government to assist the Committee on South West Africa and its disregard of the opinions of the International Court of Justice. It shared the concern of the Committee on South West Africa, over the present condition of the Natives and non-Europeans. It hoped that the Union of South Africa, as the Mandatory Power for South West Africa, would do all that it could to improve conditions in the Territory, and *inter alia* to remove the discriminatory measures to which most of its inhabitants, whose moral and material well-being it had undertaken to promote, were subject.

40. The Burmese delegation would accordingly vote in favour of the joint draft resolution (A/C.4/L.442). Moreover, since it had always supported resolutions which sought to place the Territory under the International Trusteeship System, it would vote in favour of the draft resolution presented by Liberia (A/C.4/L.443).

41. Mr. KIANG (China) said that his delegation was completely objective in considering the matters with which the Committee dealt. It thanked the Committee on South West Africa for its report. It regretted the absence of the South African delegation and thanked the petitioners for their assistance.

42. The Chinese delegation noted with much regret that the Union Government continued to maintain that the Mandate had lapsed and that it no longer had any international obligations with respect to the Territory. It believed that the Union of South Africa was bound, by the Charter, to submit to the United Nations a draft trusteeship agreement for the Territory of South West Africa. It noted with misgivings that the Union Government had not replied to the repeated invitations of the Committee on South West Africa which had asked it to co-operate, to submit reports and any petitions it might have received and to enter into negotiations in accordance with the advisory opinion of the International Court of Justice. His delegation hoped that the Union of South Africa would alter its attitude in a spirit of conciliation.

43. It had examined the observations of the Committee on South West Africa on the situation in the Territory with great interest and it felt that the Committee's recommendations should be brought to the Union Government's attention so that it could duly take them into account. It praised the Committee on South West Africa for expressing its regrets and its concern at the unsatisfactory conditions prevailing in the Territory.

44. In regard to the question of oral hearings, the Chinese delegation held the view that the General Assembly, which had set up the Committee on South West Africa, had instructed it to examine reports and petitions. The Fourth Committee should therefore avoid competing with the Committee on South West Africa, particularly now that it had adopted the draft resolution whereby the General Assembly authorized the latter Committee to hear petitioners (A/C.4/L.438/Rev.1). That was one more reason why future requests for hearings relating to the Territory should be addressed to the Committee on South West Africa and that it should be the first to give oral hearings. The Chinese delegation accordingly felt that the Committee on South West Africa, when it examined conditions in the Territory in future, should take into account the statements which the petitioners had just made to the Fourth Committee. It would therefore vote in favour of the Liberian draft resolution (A/C.4/L.444).

The meeting rose at 5.25 p.m.