



Seventh session
Agenda item 38

QUESTION OF SOUTH WEST AFRICA

REPORT OF THE AD HOC COMMITTEE ON SOUTH WEST AFRICA
TO THE GENERAL ASSEMBLY

I. GENERAL

1. The General Assembly, at its 362nd plenary meeting on 19 January 1952, adopted resolution 570 (VI) on the question of South West Africa whereby it re-constituted the Ad Hoc Committee on South-West Africa, consisting of the representatives of Norway, Syria, Thailand, the United States of America and Uruguay, which was to "confer with the Government of the Union of South Africa concerning means of implementing the advisory opinion of the International Court of Justice". The Committee was further authorized, "as an interim measure, and pending the completion of the negotiations with the Government of the Union of South Africa, and as far as possible in accordance with the procedure of the former Mandates System, to examine reports on the administration of the Territory of South West Africa as well as petitions and any other matters relating to the Territory that may be transmitted to the Secretary-General".

2. The Secretary-General, by letters dated 6 March 1952, invited the Governments of the States named in the resolution to designate representatives to the Ad Hoc Committee on South West Africa. The following representatives were appointed:

Norway	Mr. Jacob S. Worm-Muller (representative) Mr. Hans Engen (alternate)
Syria	Mr. Farid Zeineddine (representative) Mr. Najmuddin Rifai (alternate)
Thailand	Prince Wan Waithayakon (representative) Mom Chao Dilokrit Kridakon (representative) Mr. Thanat Khoman (representative)

United States of
America

Mr. Benjamin Gerig (representative)

Uruguay

Mr. Enrique Rodriguez Fabregat
(representative)

Mr. Francisco A. Forteza (alternate)

3. At its 19th meeting, on 26 March 1952, the Ad Hoc Committee elected Prince Wan Waithayakon (Thailand) as Chairman.

At its 20th meeting, on 23 April, the Committee was informed of the resignation of Prince Wan Waithayakon from the chairmanship and elected Mom Chao Dilokrit Kridakon (Thailand) as Chairman.

At its 24th meeting, on 30 September, the Committee was informed of the resignation of Mr. Kridakon from the chairmanship and elected Mr. Thanat Khoman (Thailand) as Chairman.

4. Since the adoption by the General Assembly of resolution 570 (VI) which reconstituted the Ad Hoc Committee on South West Africa, the Committee has held sixteen meetings. All but the first three of these were held in private. The Committee's decision to hold private meetings was prompted by the same considerations which had prevailed during its first year of existence, namely, that in negotiations with the Union of South Africa, its task would be facilitated by holding private meetings. In addition to these public and private meetings, the Committee held three informal meetings on 27 May, 2 June and 13 October 1952. The representative of the Union of South Africa met with the Committee at its meetings held on 10 and 18 September, 1 and 29 October, and 6 November 1952. At its 34th and last meeting, on 18 November the Committee decided not to release the summary records before 25 November 1952.

5. At the request of the Committee, and in conformity with General Assembly resolution 570 (VI), the Chairman, by a letter dated 26 March 1952, informed the Government of the Union of South Africa that the Ad Hoc Committee was prepared to continue to confer with it concerning means of implementing the advisory opinion of the International Court of Justice and invited the Government of the Union of South Africa to designate a representative to confer with the Committee. Furthermore, the Committee expressed its earnest hope that through full discussion and negotiation with the Union of South Africa satisfactory and positive results might be attained.

6. At its 20th meeting, on 25 April 1952, the Committee was informed by a letter dated 9 April addressed to the Chairman of the Committee from the Deputy Permanent Representative of the Union of South Africa to the United Nations that the considered reply of the Union Government to the Committee's invitation to appoint a representative would be communicated in due course.
7. At the request of the Deputy Permanent Representative of the Union of South Africa the Committee met informally on 27 May and 2 June 1952. The Deputy Permanent Representative of the Union of South Africa, before initiating discussion and negotiations with the Committee, wished to ascertain whether the present Ad Hoc Committee on South West Africa felt itself bound by the same terms of reference as the previous Committee, or whether it would be prepared to consider any reasonable proposals for a solution of the problem of South West Africa which might be forwarded by the Government of the Union of South Africa. To the informal inquiry of the representative of the Union of South Africa, the Committee decided to reply informally to the effect that, in its view, its own terms of reference were such as to allow it to discuss any reasonable proposal concerning South West Africa. On 3 June, the Committee's informal reply was communicated orally to the representative of the Union of South Africa.
8. By a letter dated 5 September 1952, the Deputy Permanent Representative of the Union of South Africa informed the Chairman of the Committee that the Government of the Union of South Africa had designated H.E. Mr. J.P. Jooste, Ambassador Extraordinary and Plenipotentiary of the Union of South Africa to the United States and Permanent Representative of the Union of South Africa to the United Nations, and Mr. J.R. Jordaan, Deputy Permanent Representative of the Union of South Africa to the United Nations, as their representatives to confer with the Committee on the question of South West Africa. By a further letter, dated 10 September, Mr. M.I. Botha and Mr. C. Norton were designated as assistants to the South African delegation.
9. At its 34th meeting, on 18 November, the Committee adopted its report to the General Assembly and decided to release the report on 25 November 1952.

II. ACTIVITIES OF THE AD HOC COMMITTEE WITH REGARD TO
PARAGRAPH 5 OF GENERAL ASSEMBLY RESOLUTION 570 (VI)

10. At the 21st meeting, on 10 September 1952, the representative of the Union of South Africa attributed the failure of the 1951 negotiations concerning South West Africa largely to the Committee's restrictive interpretation of its terms of reference. He suggested that the not inconsiderable common ground which, in his view, had been found during the negotiations in 1951 could now be revived and could serve as a basis for further fruitful discussion and negotiation. He maintained that the Union of South Africa, in a spirit of compromise, had already made a number of concessions, and he expressed the hope that the Committee, with its wider terms of reference, would now find it possible to meet the point of view of the Union of South Africa in what the latter regarded as essential requirements.

11. At the Committee's request, the representative of the Union of South Africa, at the 23rd meeting, on 18 September, elaborated what, in his view, was the common ground found in 1951. He premised his statement by reaffirming that his Government, despite the opinion of the International Court of Justice, still maintained that the Mandate for South West Africa had lapsed with the demise of the League of Nations, and that consequently South Africa, again despite the opinion of the International Court of Justice, no longer had any international responsibility with regard to its administration of South West Africa. He recalled that, in deference to the wishes of the United Nations on the one hand, and having regard to the opinion of the International Court of Justice on the other, the Union of South Africa was prepared to revive the "sacred trust" which was the essence of the Mandate, and was further prepared to revive its international responsibility for that trust by accepting the compulsory jurisdiction of the International Court of Justice with regard to the Administration of South West Africa. To that end, the Union of South Africa had suggested that a new instrument should be concluded and had proposed the three remaining Principal Allied and Associated Powers - namely, France, the United Kingdom and the United States of America - as the other party to the instrument. Finally, the Union of South Africa had agreed that the proposed instrument should be concluded under the aegis of the United Nations.

12. In re-submitting to the Committee the proposal made by his Government in 1951 as a basis for further consideration, the representative of the Union of

South Africa observed that the Union of South Africa had been prepared to revive the basic principles of the Mandate, with the sole exception of the question of reporting, and contended that agreement between the Union of South Africa and the Committee had been reached in principle with regard to the revival of the clauses of the Mandate dealing with the "sacred trust". Moreover, the Union of South Africa had agreed on the major part of the fundamental principles which the Committee regarded as essential^{1/}, the only exclusion being on the matter of the handling of annual reports and petitions. The representative of the Union of South Africa informed the Committee that, if the negotiations on the proposals made by the Union of South Africa in 1951 progressed satisfactorily, his Government would be prepared to go somewhat further than the position it had taken in 1951 on the one outstanding point of difference; namely, that the Union of South Africa would make available information on its administration of South West Africa to those with whom a new instrument would be concluded. As a preliminary to the negotiations, the representative of the Union of South Africa requested the Committee to express its views on the merits of the proposal submitted by the Union of South Africa in 1951, which were once again before it.

13. The representative of the Union of South Africa explained the motives which had induced his Government to select France, the United Kingdom and the United States of America as the Powers with whom the new international instrument should be negotiated and concluded. The suggestion originated from his Government's desire to find a way out of the stalemate in which it and the United Nations had found themselves on the question of South West Africa. The three above-mentioned Powers were the only remaining Powers of those which had originally conferred the original Mandate on the Union of South Africa and which were Members of the United Nations. They were also great Powers, were permanent members of the Security Council, and had a recognized position in international affairs; their selection should be an assurance to the world of the effective implementation of the sacred trust placed in the hands of the Union of South Africa. It should further be noted that the three Powers with which the new instrument would be negotiated would act as principals and not as agents, and that the obligations which the Union of

1/ A/1901, paragraph 19, Official Records of the General Assembly, Sixth Session, Annexes, Agenda item 38, page 4.

South Africa would assume towards them would not stem either from the original Mandate or from their former status of Principal Allied and Associated Powers of the First World War, but from the new instrument and it alone. In suggesting the three Powers concerned as the second party to the proposed instrument, there was no intention on the part of the Union of South Africa to by-pass the United Nations; before negotiations between the Union of South Africa and the three Powers would be opened, the general principles of the instrument would have to be approved by that Organization. If the United Nations found the principles of the proposed agreement acceptable, it would ascertain whether the three Powers in question were prepared to act as the second party. If they were, the Government of the Union of South Africa would negotiate the new instrument with them. Before it could come into force, the United Nations would have to approve it. The United Nations would thus have a double opportunity to examine the instrument.

14. The Committee took note of the proposal mentioned in paragraphs 11 and 12 above and, at its 25th meeting on 1 October 1952, informed the representative of the Union of South Africa orally that, in its opinion, the proposal laid before it was very similar to that which it had discussed in 1951. At the same time, it noted that the representative of the Union of South Africa had held out the possibility that further negotiations might bring about certain changes in the position of the Union Government. As regards the proposal of the Union of South Africa, the Committee's position was generally identical to that adopted in 1951, as outlined in paragraph 19 of its report to the General Assembly. It was the Committee's opinion that it could not accept any proposal which did not give adequate effect to the principle of international accountability by the Government of the Union of South Africa for its administration of South West Africa. Wishing, however, to explore the matter further, the Committee, as a first step, enquired whether the Government of the Union of South Africa would be willing to make information on the Territory available annually, and whether such information would be as complete as that furnished to the League of Nations. In addition, the Committee enquired whether the Union Government was prepared to recognize the principle of international supervision under a procedure as nearly as possible analogous to that which had existed under the League of Nations.

15. The representative of the Union of South Africa reiterated his earlier request to the Committee to state its position on the principles contained in the proposal which he had already submitted. He pointed out that, although those principles

were in essence the same as those which were before it in 1951, the Committee, owing to the restrictive interpretation given to its terms of reference had been unable, in 1951, to consider them on their merits. He further contended that the Committee's terms of reference in 1952 were somewhat more elastic and observed that the Committee itself had indicated its willingness to consider reasonable proposals. In this connexion he pointed out that, in his view, under the resolution adopted by the General Assembly at its sixth session, the Committee was not bound to apply the opinion of the International Court of Justice in every detail and that a certain amount of "give and take" was therefore possible. He maintained that, if the opinion of the International Court of Justice were to be implemented in full there would be no room for negotiations, since the Government of the Union of South Africa could not undertake anything which would meet that opinion in toto. It was the view of his Government that to reach agreement on the important problem of South West Africa, each side must make concessions in order to meet the essential requirements of the other side. He emphasized that the Government of the Union of South Africa had reduced its own essential requirements to the very minimum.

16. As regards the specific questions put to him by the Committee (paragraph 14), the representative of the Union of South Africa stated that it was his Government's intention to supply information concerning South West Africa annually to the three Powers concerned, adding that the information would be as complete as that furnished to the League of Nations on the basis of the Permanent Mandates Commission questionnaire. Furthermore, the Government of the Union of South Africa contemplated giving accountability to the second party of the proposed instrument, namely, the three Powers concerned, provided that the underlying principles of the new instrument were approved by the United Nations, that the three Powers themselves were prepared to act as the second party, and that the instrument would be approved by the United Nations. He was unable to give, at that stage, any further elucidation concerning the principle of international supervision. The attitude of the Union of South Africa on the matter would depend on the progress of negotiations on all the other points. In his view, that was a point which should be discussed only after the Committee had expressed its views on the merits of the South African proposal, and after a decision had been reached as to whether a new instrument was to be concluded and whether the

three suggested Powers were acceptable to the Committee as the second party to the instrument. In order to facilitate agreement, the Government of the Union of South Africa had made considerable concessions and had indicated its readiness, under certain conditions, to make further proposals.

17. At its 27th meeting, on 20 October 1952, the Committee authorized its Chairman to request the representative of the Union of South Africa to submit in writing his proposal for the solution of the South West African question. It was the view of the Committee that such a proposal should be complete and should cover all the aspects of the problem of South West Africa, including the handling of reports and petitions. In the opinion of the Committee, such a proposal would better enable it to state its own views regarding the conclusion of an agreement as well as other issues of the problem. The Chairman's letter to the representative of the Union of South Africa was transmitted the same day.

18. On 23 October, the representative of the Union of South Africa replied to the communication referred to in the preceding paragraph. He pointed out that the proposals of his Government had already been fully outlined to the Committee, and observed that it would be regrettable and not conducive to an early solution of the South West Africa problem if negotiations were to be continued by an exchange of written statements. He added that if that type of negotiation were to be resorted to, it would not have been necessary for the Governments represented on the Committee and for the Government of the Union of South Africa to appoint delegations to confer with one another, since a written exchange of views between governments would have served the same purpose. He expressed his readiness to give to the Committee any further elucidation on the South African proposal. At the same time, he repeated his request for an indication of the Committee's views as regards the acceptability or otherwise of that proposal. If the proposal were not acceptable in its present form, the Committee should state the reasons why it was not acceptable, and in what respects it should be modified in order to render it acceptable, taking into account the wishes of the United Nations on the one hand and the essential requirements of the Union of South Africa on the other hand.

19. At its 28th meeting, on 27 October, the Committee examined the reply of the representative of the Union of South Africa to its communication of 20 October (paragraph 17), and authorized its Chairman to communicate the Committee's views on the South African proposal concerning South West Africa to the representative of the Union of South Africa.

20. At its 29th meeting, on 29 October, the Chairman informed the representative of the Union of South Africa orally that the Committee had taken note of the South African proposal (paragraphs 11 and 12) and was appreciative of the efforts made by the Government of the Union of South Africa. The Committee had further noted that the Union Government had extended, to some degree, the proposal submitted to it in 1951. The Chairman stated that, with regard to the request of the representative of the Union of South Africa that he be informed of the Committee's attitude to the South African proposal, the Committee had four observations to make:

- (i) The Committee stated that, under its terms of reference requesting it "to continue to confer with the Government of the Union of South Africa concerning means of implementing the advisory opinion of the International Court of Justice", it could not accept, as a basis for detailed discussions, any proposal which did not recognize the principle of supervision of the administration of the Territory of South West Africa by the United Nations, as envisaged in the advisory opinion of the International Court, particularly on question (a). In this connexion, the Committee recalled the advisory opinion of the International Court that this supervision should be to a degree and by a procedure conforming as far as possible to those existing under the Mandates System of the League of Nations.
- (ii) The Committee, subject to the principles stated in the first observation, agreed with the representative of the Union of South Africa that the "sacred trust" provisions of the Mandate, suitably modified, could be embodied in an agreement.
- (iii) The Committee was unable to reconcile the proposal of the Union Government to negotiate a new agreement with the three remaining Principal Allied and Associated Powers with the principle stated in the first observation. In addition, the Committee found obscure the legal grounds on which powers could be delegated to the remaining Principal Allied and Associated Powers for the negotiation of such an agreement, particularly in view of the statement of the representative of the Union of South Africa that the Union Government did not recognize any special obligation either to the remaining Principal Allied and Associated Powers or to the former members of the League of Nations.

(iv) The Committee finally stated that, in its opinion, negotiations for an agreement could only be undertaken by the United Nations through an agency appointed by and responsible to the United Nations.

21. At its 29th and 30th meetings, on 29 October and 6 November 1952 respectively, the Committee gave further elucidation concerning its observations contained in paragraph 20 above to the representative of the Union of South Africa and the latter made certain remarks on the above-mentioned observations. The representative of the Union of South Africa noted that, in the last sentence of sub-paragraph (i) of the Committee's observations, which reads: "In this connexion, the Committee recalled the advisory opinion of the International Court that this supervision should be to a degree and by a procedure conforming as far as possible to those existing under the Mandates System of the League of Nations", the Committee had given an incorrect rendering of the advisory opinion of the International Court of Justice. The Court, he stated, had never said that the degree of supervision to be exercised by the General Assembly should conform as far as possible to that prevailing under the Mandates System, as the Committee was now asserting, but merely that the degree of supervision should not exceed that existing under the Mandates System. Since, in his view, the Committee had based its observations on an incorrect premise, he wondered whether it still maintained the view that, under its terms of reference, it was unable to accept a proposal which did not provide for the same degree of supervision. On this particular point the Chairman stated that the Committee felt that it had not given an incorrect version of the Court's opinion; it had merely attempted to summarize it, and, in any case, it had never intended to deviate from the opinion of the International Court of Justice, nor could it have done so under its terms of reference. That opinion stated, inter alia: "... The degree of supervision to be exercised by the General Assembly should not ... exceed that which applied under the Mandates System, and should conform as far as possible to the procedure followed in this respect by the Council of the League of Nations."^{1/} It was precisely on that opinion, the Chairman added, that the Committee had based its observations.

^{1/} International Status of South West Africa, Advisory Opinion, I.C.J. Reports 1950, page 138.

In the course of the exchange of views between the Committee and the representative of the Union of South Africa on the Committee's observations, the possibility was envisaged that the Committee might address questions to the representative of the Union of South Africa. At the same time, in order not to delay further the Committee's report to the General Assembly until the answers of the Government of the Union of South Africa to any questions submitted had been received, it was suggested that an interim report should be submitted to the General Assembly recording the negotiations to date and stating that any questions eventually submitted by the Committee to the Government of the Union of South Africa might be answered by the representative of the Union of South Africa in the Fourth Committee. At its 30th meeting, on 6 November 1952, however, the Committee, having reconsidered whether or not any questions should be addressed to the Government of the Union of South Africa, came to the conclusion that it did not wish to put any further questions at that stage, and that the Committee should submit its report to the General Assembly giving a full account of the negotiations that had taken place with the Government of the Union of South Africa.

22. As at the date of the present report, 18 November 1952, consultations between the Committee and the representative of the Government of the Union of South Africa have been inconclusive and have not brought about an agreement concerning means of implementing the advisory opinion of the International Court of Justice, as required by the resolution of the General Assembly. The consultations, however, have revealed, on the one hand, that there was agreement on several points between the Committee and the representative of the Union of South Africa, and that, on the other hand, the gulf which in 1951 had divided the two parties concerned had not been bridged in 1952 and that the same fundamental divergences which precluded an agreement in 1951 still remain unresolved.

23. Agreement in principle between the Committee and the representative of the Union of South Africa was reached on the following points:

- (i) That a new instrument, replacing the former Mandate for South West Africa, should be concluded;
- (ii) That the new instrument should revive the "sacred trust" contained in articles 2 to 5 of the Mandate, with minor modifications

necessitated by the changed circumstances but which would not affect in any way the principle of the "sacred trust";

- (iii) That, under certain conditions, the Government of the Union of South Africa would make available information on its administration of South West Africa;
- (iv) That such information would be as full as that once supplied by the Government of the Union of South Africa under the Mandates System, and
- (v) That there should be some form of supervision, on the administration of South West Africa by the Union of South Africa.

24. The points of difference between the Committee and the representative of the Union of South Africa were the following:

- (i) There was fundamental disagreement on how supervision of the administration of South West Africa by the Government of the Union of South Africa should be carried out. The Committee was of the opinion that such supervision, even though it should not exceed that which applied under the Mandates System, should be exercised by the United Nations. It considered that the form of judicial supervision by the International Court of Justice, which the Government of the Union of South Africa was prepared to accept, failed to meet the requirements laid down in the opinion of the Court which had been accepted by the General Assembly. On the other hand, the representative of the Government of the Union of South Africa was of the opinion that, from a practical point of view, supervision exercised by the United Nations would be for the Union of South Africa more onerous than that existing under the Mandates System. Before submitting its proposal, the Government of the Union of South Africa had examined the question of supervision in all its aspects, and had come to the conclusion that any obligation it would assume, which would carry with it supervision by the United Nations, would go beyond the obligations undertaken under the Mandates System. This point of difference remains unresolved.

(ii) The Committee and the representative of the Government of the Union of South Africa did not agree on who the second party to the agreement should be. The representative of the Government of the Union of South Africa stated unequivocally that his Government did not contemplate concluding an agreement on South West Africa directly with the United Nations, although the agreement which it was prepared to negotiate and conclude with France, the United Kingdom and the United States of America would have to be approved by the United Nations. Moreover, the Union of South Africa would be responsible only to the second party to the agreement and would supply information concerning South West Africa only to that party. The Committee considered that the agreement should be concluded either with the United Nations or with an agency appointed by and responsible to the United Nations.

25. The Committee regrets that agreement has not yet been reached on these points of difference, and holds itself ready to make further efforts during the present session should the General Assembly request it to do so.

26. The representative of Uruguay stated that, since he could not endorse some of the points mentioned in the report, he reserved his Government's right to refer to these discrepancies before the General Assembly. He further observed that some of these discrepancies were reflected in the summary records of the Committee's meetings, but they were not sufficient to clarify fully the above-mentioned discrepancies.

III. ACTIVITIES OF THE AD HOC COMMITTEE WITH REGARD TO PARAGRAPH 6
OF GENERAL ASSEMBLY RESOLUTION 570 (VI)

27. In the course of its 19th, 20th and 31st meetings on 26 March, 25 April and 7 November 1952 respectively, the Committee considered its responsibilities with regard to paragraph 6 of General Assembly resolution 570 (VI).

28. With regard to the authorization given by the General Assembly to the Committee to examine reports on the administration of the Territory of South West Africa, the Committee was unable to comply with the General Assembly's instructions because no such report was submitted by the Government of the Union of South Africa.

A. Communications received in 1951

29. With regard to the authorization given by the General Assembly to examine petitions and any other matters relating to the Territory that might be transmitted to the Secretary-General, the Committee recalls that, in 1951, it had received and examined ten communications relating to South West Africa.^{1/} In accordance with General Assembly resolution 449 (V), of 13 December 1950 the Committee decided to accept these communications as petitions and to transmit them to the Government of the Union of South Africa for comment. It should be noted in this connexion that all the above-mentioned ten petitions came from individuals, groups or associations from outside the Territory of South West Africa.

30. By a letter dated 8 April 1952, the Deputy Permanent Representative of the Union of South Africa to the United Nations informed the Chairman of the Committee that "...the Union Government do not consider that they can take official cognizance of these communications (the communications referred to in paragraph 29) as petitions or indeed offer comment or consider them in any way as long as no basic agreement has been reached on the larger questions arising from the recommendations of the General Assembly on the South West African question. The Government of the Union of South Africa feel convinced that the Committee will readily appreciate that the "petitions" aspect cannot be considered in isolation as a separate issue..."

^{1/} A/1901 and Add.1 to 3, Official Records of the General Assembly, Sixth Session, Annexes, agenda item 38, pages 10 to 16.

31. By a letter dated 25 April 1952, the Chairman of the Committee informed the Deputy Permanent Representative of the Union of South Africa that the Committee had taken note of his letter dated 8 April 1952 and had decided to reserve its position with regard to the views which had been expressed by the Government of the Union of South Africa.

32. With regard to these petitions, the Committee felt that non-co-operation on the part of the Government of the Union of South Africa would not prevent the Committee from examining them. The Committee, in the light of the political aspects involved, decided that it was for the General Assembly to recommend any practical steps which could be taken.

B. Communications Received in 1952 from Sources Outside the Territory of South West Africa

33. In 1952, the Committee received and examined six communications relating to South West Africa. The communications were:

- (i) A communication dated 6 March 1952 from the Reverend Michael Scott to the Chairman of the Ad Hoc Committee, together with a petition from the Convention People's Party of the Gold Coast;
- (ii) A communication dated 17 September 1952 from the Reverend Michael Scott to the Chairman of the Ad Hoc Committee, together with a memorandum on the subject of South West Africa;
- (iii) A communication dated 20 October 1952 from the Reverend Michael Scott to the Secretary-General, together with a memorandum on the subject of South West Africa;
- (iv) A communication dated 23 October 1952 from Lord Hemingford, Chairman of the Africa Bureau, London, to the Chairman of the Ad Hoc Committee, together with a report published by the South African Institute of Race Relations on the welfare of the indigenous inhabitants of South West Africa;
- (v) Communications dated 26 and 29 October 1952 from the Reverend Michael Scott to the Chairman of the Fourth Committee on the subject of legislation enacted in South Africa in connexion with its policy of apartheid, together with a statement by the Dutch Reformed Federated and Mission Churches of South Africa in connexion with the Native question; and

(vi) A communication dated 5 November 1952 from the Reverend Michael Scott to the Chairman of the Committee, together with seven documents relating to South West Africa and the South African policy of apartheid.

34. In the case of each of these six communications, the Committee decided:

- (a) To accept the communications, as far as they relate to the Territory of South West Africa as petitions;
- (b) In accordance with the procedure of the former Mandates System, to transmit the petitions to the Government of the Union of South Africa for comment, and
- (c) To include the petitions in the report to the General Assembly (see appendices I, II, III, IV, V and VI).

35. By a letter dated 20 April 1952, the Committee transmitted the first of the six communications listed in paragraph 33 above to the Government of the Union of South Africa for comment. By a letter dated 9 June 1952, the Deputy Permanent Representative of the Union of South Africa informed the Chairman of the Committee that "... as in the case of similar communications transmitted in the past, the Union Government do not consider that they can take official cognizance of the communication from the Convention People's Party as a "petition" or offer comment on it or consider it in any way as long as no basic agreement has been reached on the larger questions arising from the recommendations of the General Assembly on the question of South West Africa."

36. By a letter dated 19 November 1952, the Committee transmitted the remaining five petitions listed in paragraph 33 to the Government of the Union of South Africa for comment.

37. In addition to the petitions listed in paragraph 33, the Committee received a further communication which, however, was anonymous. In accordance with the procedure of the former Mandates System, anonymous communications or petitions were regarded as inadmissible.

C. Communications Received in 1952 From Sources Within the Territory of South West Africa

38. In 1952, the Committee received and examined three communications relating to South West Africa from the Territory itself. They were:

(i) Two communications, dated 7 February and 7 March 1952 respectively, from Chief Hosea Kutako addressed to the Secretary-General;

(ii) A communication, undated, from Messrs. Beukes, Diegaard and Van Wyk addressed to the Chairman of the Ad Hoc Committee.

39. At its twentieth meeting on 25 April 1952, the Committee agreed to defer a final decision concerning the three communications referred to in the preceding paragraph until the Government of the Union of South Africa had made its position clear. It further decided that, in the meantime, it should acknowledge receipt of the two communications addressed to the Committee by Chief Hosea Kutako and of the communication signed jointly by Messrs. Beukes, Diegaard and van Wyk, informing them at the same time that their communications were being considered by the Committee.

40. The Committee reconsidered the above-mentioned communications at its 31st meeting on 7 November 1952. The Committee realized on the one hand that, in accordance with the procedure of the Permanent Mandates Commission, petitions sent through any channel other than the Mandatory Government were returned to the signatories with the request that they should re-submit them in accordance with established procedure. On the other hand, the Committee being aware of the attitude of the Government of the Union of South Africa, expressed in the letters dated 8 and 25 April 1952 (see paragraphs 30 and 31 above), decided to transmit these communications to the General Assembly (see appendices VII and VIII) and also to the Government of the Union of South Africa. By a letter dated 19 November 1952, the Committee transmitted the communications listed in paragraph 38 to the Government of the Union of South Africa.

18 November 1952.

APPENDIX I

32 Tavistock Square,
London, W.C. 1.,
6 March 1952

The Chairman,
Ad Hoc Committee on South West Africa
United Nations,
New York

Dear Sir,

I have received from the Convention People's Party of the Gold Coast a petition signed by the Prime Minister, Dr. Kwamé Nkrumah, and seven others, together with a covering letter expressing support. They requested that this should be forwarded to the Ad Hoc Committee on South-West Africa and I therefore enclose it herewith.

It would be much appreciated if you would convey this petition to the members of the Committee when it meets.

Yours faithfully,

(Signed) Michael SCOTT
Reverend Michael Scott

CONVENTION PEOPLE'S PARTY (CPP)
SUPPORTING SIGNATORIES TO THE SOUTH WEST AFRICA PETITION

1. (Signed) Kojo BOTSIO
Hon. Kojo Botsio
Former General Secretary
2. (Signed) K. A. GHEDEMAH
Hon. K.A. Ghedemah
Former National Vice-Chairman,
National Executive Member
3. (Signed) N. A. WELBECK
N.A. Welbeck
National Propaganda Secretary
4. (Signed) Nee Boi DOKU
Nee Boi Doku
Assistant National Propaganda Secretary
5. (Signed) Kofi BAAKO
Kofi Baako
Organizing Secretary,
Information Bureau Chairman

6. (Signed) E.C. TURKSON-OCRAN
E.C. Turkson-Ocran
Secretary to CPP Assemblyman
7. (Signed) K.A. AFRIYIE
K.A. Afriyie
Acting General Secretary
8. (Signed) Kwame NKRUMAH
Hon. Dr. Kwame Nkrumah
Life Chairman, Convention People's Party
Gold Coast

PETITION

To the Chairman,
Ad Hoc Committee on South West Africa,
United Nations,
New York

We, the undersigned Africans, desire to express, through the procedure provided by the General Assembly in appointing an Ad Hoc Committee on South West Africa, our increasing apprehension at the defiance by the Union of South Africa of the United Nations Charter and the five resolutions of the General Assembly on the subject of the future of the Mandated Territory of South West Africa and its inhabitants.

The attention of the civilized world should be called to the policies which are being enacted by the South African state and to the fact that, according to the advice of the International Court of Justice, this Territory was and is "a sacred trust of civilization". The destiny of its inhabitants is a matter of vital concern for all Africans: in expressing our apprehension we wish to call upon the United Nations to prevent the incorporation of this or any other African territories, such as the Protectorates of Basutoland, Bechuanaland and Swaziland, into the Union of South Africa, and to establish once and for all the right of international supervision for South West Africa, and the right of the inhabitants and others interested in their welfare, to petition the United Nations.

The expansionist policy of the Union is arousing all Africa to the dangers of racial domination, and we wish to emphasize the importance of United Nations responsibility in deciding the fate of these and other African people. It is very much to be hoped that effective steps - by means if necessary of sanctions - will be taken at the forthcoming General Assembly to implement the decision of successive resolutions of the United Nations.

APPENDIX II

THE AFRICA BUREAU

69 Great Peter Street
London, S.W.1
17 September 1952

To the Chairman of the Fourth Committee,
United Nations
New York.

Dear Sir,

I am enclosing a memorandum on the subject of South West Africa which I should be glad if you would convey to members of the Fourth Committee.

I should like also, if I may, to call your attention to the fact that I applied to the United State Embassy in London on 30 July for a visa to attend the coming session of the United Nations in New York, but that I have not yet received a visa. I am an accredited representative of the International League for the Rights of Man, which enjoys category B consultative status with the United Nations, and Mr. Hogan of the Non-Governmental Organizations Section has informed me that he has intimated this officially to the United States Mission to the United Nations in connexion with my application for a visa.

I should be grateful for anything you may be able to do to assist me to attend the forthcoming session in New York at which the question of South West Africa will be of special interest to me.

Yours faithfully,

(Signed) Michael SCOTT
Reverend Michael Scott

MEMORANDUM

SOUTH WEST AFRICA, SOUTH AFRICA AND
THE UNITED NATIONS - 1952

In the next few months, this matter is due to come before the General Assembly for the seventh year in succession. It has become charged with all the greater importance on account of the internal disorder in the Union which is affecting race relations in other parts of Africa. As you will recall, the South African Government has ignored the advisory opinion of the International Court of Justice, has declined to recognize the jurisdiction of the United Nations and has refused to submit reports and petitions to the Ad Hoc Committee on South West Africa which was established by the General Assembly following the advisory opinion of the Court.

Furthermore, when the Ad Hoc Committee submitted petitions from a number of public bodies regarding the territory to the South African Government for its comments the latter replied:

"The Union Government do not consider that they can take official cognisance of these communications as petitions or indeed offer comment or consider them in any way as long as no basic agreement has been reached on the larger questions arising from the recommendations of the General Assembly on the South West Africa question". (UN Press Release GA/S57 - 25 April 1952)

The South African Government has passed the South West Africa Act giving representation to the white one-tenths of the population while denying any form of elected representation to the non-European nine-tenths of the population. It has also passed a "High Court of Parliament Act" purporting by a simple majority in Parliament to supersede the authority of the South African Supreme Court on certain constitutional issues which otherwise would require a two-thirds majority. Again there has been publicly expressed the intention of the Prime Minister of the Union to demand the incorporation of other African territories into the Union, namely the British Protectorates of Bechuanaland, Basutoland and Swaziland.

South Africa's mounting crisis

In South Africa itself a civil disobedience movement has arisen in which between two and three thousand "non-European" men and women have gone to gaol, preferring to accept the penalties of unjust laws rather than acquiesce in their injustice and indignity. The South African courts are now resorting to caning and threaten more severe penalties for this non-violent resistance.

Furthermore there have recently been enacted in South Africa a number of increasingly repressive laws such as the Group Areas Act, the Suppression of Communism Act and an act requiring flogging as a penalty for certain offences. There has also been, as mentioned above, a violation of one of the entrenched clauses of the South African Constitution, and the breaking of a solemn pledge given to the coloured people at the time of the Act of Union.

South-West Africa not a "domestic" matter, but an international responsibility

It has been suggested by the Secretary of the Anti-Slavery Society of Britain, Mr. C.W.W. Greenidge, that the remaining Principal Allied and Associated Powers who entrusted the Mandate to South Africa should now be asked to exert their initiative and influence with South Africa to secure an honourable settlement of the question. Hitherto Britain and some other Commonwealth countries have either abstained from voting or by their voting and lobbying at the United Nations have supported South Africa. This is having very serious effects on the prestige of Britain in the Commonwealth and in the world, and especially amongst the people of Africa and the self-governing Dominions of India, Pakistan and Ceylon. (The Gold Coast Convention People's Party headed by the Prime Minister, Dr. Kwame Nkrumah, has petitioned the United Nations in connexion with South West Africa.)

It is therefore hoped that you will regard the issue of South West Africa at the Assembly's seventh session as one of the first importance, requiring redoubled vigour in dealing with it if the decisions of the United Nations are not to be set at nought there.

The question has clearly become a reproach to those western Powers which created the Mandate of South West Africa as a "sacred trust of civilization". It must be recalled that this territory's history is, in itself, a chapter in the history of colonial development. It was mainly on account of the treatment which the African inhabitants of this area suffered at the hands of German rule that the principle of international accountability was established under the aegis of the League of Nations Permanent Mandates Commission.

This question, therefore, besides being a test of good faith for the West and for Christendom, threatens to become a stumbling block to the United Nations and to those who have maintained their faith in it as an instrument of world order.

The right of petition was one which the indigenous inhabitants had acquired under the League Mandate, and is one which the International Court considers should be continued. As you will remember, when at its last session in Paris the United Nations agreed to grant a hearing to the Herero and other chiefs who had petitioned it in the Fourth Committee, Chief Hosea Kutako was prevented from attending the United Nations and I was requested to appear before the Fourth Committee and made three oral submissions.

In a letter which I subsequently received from Chief Hosea Kutako, he informed me that the Government's reasons for refusing him permission to leave the country and attend the United Nations were that "the granting of passport facilities would be a condonation of action taken by the Fourth Committee of the United Nations which they say they regard as illegal and outside the competence of the Committee."

Invitation to Chief Hosea Kutako

Since then this African chief has been invited to come to Britain to give an address at St. Paul's Cathedral in London on the subject of his understanding of the Christian Gospel - of how it was brought to his people in Africa and of its present and future tasks amongst his people. A number of other Christian missionary bodies have also expressed a desire to hear him through the Bishop of Chichester, the Dean of Manchester and the Secretary of the Norwich Diocesan Missionary Council. This was conveyed in a letter which I wrote to Chief Hosea on 8 July 1952, enclosing the invitation from the Reverend Canon J. Collins on behalf of the Dean and Chapter of St. Paul's and of Christian Action. The tribe in South West Africa, Hosea informed me, has itself raised the amount necessary for his journey and a trust fund held by the Episcopal Church of America would augment this if necessary.

Attached is a copy of a letter to Dr. Malan appealing to him as a Christian Minister, as well as the Prime Minister of the country, to allow Hosea Kutako and his interpreter to come to Britain for the fulfilling of this invitation.

The Prime Minister's reply, in which he declines to allow Chief Hosea to come, and declines to rescind the prohibition order against my returning to South Africa, is also attached.

How the United Nations can help South West Africa

The subjects on which attention most urgently requires to be focussed are land, health, housing and education. In calling for a just and honourable settlement of the question constitutionally, there should, therefore, also be an appeal for the drawing up of a practical programme whereby the peoples of South West Africa could be assisted by the United Nations through its technical aid programme, its specialized agencies - in particular the World Health Organization, the Food and Agriculture Organization, the fundamental education programme of the United Nations Educational, Scientific and Cultural Organization and the World Bank. Such a practical programme would impress upon the peoples of South Africa the advantages of recognizing the jurisdiction of the United Nations and of the continuance of their mandatory obligations.

At present there are in South West Africa no secondary schools or higher educational facilities or technical training colleges. There are consequently increasing applications from Africans wishing to further their studies elsewhere. The only two Africans from the territory who have matriculated did so, I am informed, through correspondence courses at their own expense.

In the matter of health there is urgent need for the provision of health services in South West Africa. While there are Government hospitals at several places outside the Reserves, there are no organized health services within the Native Reserves. Mr. Rheinallt Jones of the South African Institute of Race Relations, commenting on this when he visited South West Africa in 1951, remarked: "Welfare officers and missionaries and traders do what they can for simple ailments and the district surgeon visits once a year or half year if patients are too ill to go to the town. There was no ambulance in any of the Reserves visited by me... Headmen and other Africans as well as welfare officers plead for the establishment of at least one in-clinic in each Reserve, with, if possible, accommodation for emergency cases..." (S.A. Institute of Race Relations 81A/51.14 Nov.51).

As regards housing, the deplorable condition of agricultural labourers has been the subject of strong criticism by the Government-appointed Native Labour

Commission as well as by the Africans themselves. Writing of conditions in the Non-European Location at Windhoek, a local Minister, the Reverend J.L.B. Taylor, stated in the Windhoek Advertiser of 25 April 1952:

"My work as a minister of religion takes me to all parts of this great territory, and not a little of my time is spent in the Windhoek Location. I have been associated with non-European affairs in large cities and in small towns, but in my experience I have never seen such utterly deplorable living conditions as those which exist in our Location. To expect men, women and children to live in such filth and squalour, with no sanitation or water laid on, is not only to call forth racial hatred, but is a first step towards a degeneration in local health. We employ the non-European for a mere pittance, keep him suppressed as much as possible, and yet we expect a spirit of mutual harmony and concord to prevail and cannot understand why there are threatened riots and strikes. Does the fault lie with our municipality or with us? Has the lethargy and apathy so prevalent in most South West citizens warped and twisted their thinking?...

For twenty-five years there has been talk about a new Location with proper housing schemes. Have these dire necessities been sacrificed for the sake of the estimated £25,000 contribution to the Van Riebeeck Festival, or is the root of the matter that we need a new Council, endowed with vision that sees beyond self and looks to the desperate needs of others?"

It is becoming increasingly clear that the United Nations is today facing one of its most crucial tests in this part of Africa and that the civilized world cannot tolerate a failure there. The present disorders in South Africa and that Government's defiance of the United Nations on the question of South West Africa surely constitute a threat to peace which, if persisted in, should be effectively dealt with by the Security Council.

.....

Since I have not yet been able to obtain a visa to attend the forthcoming session of the United Nations in New York, I have especially requested the attention to the subject of South West Africa of organizations having consultative status at the United Nations.

The Africans of South West Africa are grateful for the sympathy and support shown them by many in their difficulties, and they are confident that one day justice will prevail and that their lands and rights will be restored.

(Signed) Michael SCOTT
Reverend Michael Scott

Enclosures: Appendix A - copies of letters
Appendix B - bibliography

ENCLOSURE A

Copy of a letter sent to the Prime Minister
of South Africa on 23 July 1952

The Right Hon. Dr. D.F. Malan,
Prime Minister's Office,
Union Buildings, Pretoria.

Dear Mr. Malan,

I am writing to inform you that there are many Christian people in Britain who would like to have an opportunity of meeting Chief Hosea Kutako of South West Africa. He has been invited to give an address in St. Paul's Cathedral London, by the Dean and Chapter through the Chancellor, Canon Collins, who is Chairman of an organization known as Christian Action. There have also been invitations to him and his interpreter by the Bishop of Chichester, the Dean of Manchester and the Missionary Council of the Diocese of Norwich. These invitations are not inspired by politics but by a desire to hear the views of this African on the coming of Christianity to Africa and its future tasks, and I do hope, therefore, that it will be possible for him to obtain passport and other travelling facilities to enable him to accept these invitations.

May I also ask whether it would not now be possible for the prohibition order on my returning to South Africa to be rescinded. I have addressed this letter to you as a Christian minister as well as the Prime Minister of the country, and I do hope and pray you will give the matter your deepest consideration.

Yours sincerely,

(Signed) Michael SCOTT
Reverend Michael Scott

Copy of the Prime Minister's reply to the above letter,
dated 7 August 1952

Reverend Michael Scott,
69 Great Peter Street
London S.W.1

Reverend Sir,

In reply to your letter of 23 July, I am directed by Dr. Malan to inform you that the Government unfortunately is unable to accede to your request to allow Chief Hosea Kutako to visit Britain for the purpose stated, nor can it at this juncture rescind the prohibition on your return to the Union.

Yours faithfully,
(Signed) M. AUCAMP
Private Secretary

Copy of letter received from Chief Hosea
dated 28 August 1952

My dear Reverend Scott,

Thank you very much for your letter dated 8 July 1952.

I am touched to learn that many Christians have heard the prayer which was uttered at a lonely spot, when we were deliberating on how to let the world know of the sufferings of the people in South West Africa.

I have accepted the invitation from the Chancellor of St. Paul's Cathedral.

Applications for passport and visa facilities have been sent to the Secretary for South West Africa to be transmitted to the Prime Minister of the Union Government. Today, 28 August, I have passed to Okahandja to meet Chief Frederick Maharero,

Greetings to you and to all friends overseas and especially to Miss Mary Benson.

Yours truly,
(Signed) Hosea KUTAKO
Chief Hosea Kutako

ENCLOSURE B

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APPENDIX III

General Theological Seminary,
175 Ninth Avenue,
New York

20 October 1952

Secretary-General,
United Nations,
New York

Dear Mr. Trygve Lie,

I am obliged to call to your attention the fact that Herero, Nama and Berg Damara tribesmen of South West Africa who for the past five years have been petitioning the United Nations for the return of their traditional lands and the re-unification of their tribes are being prevented by the South African Government from attending the United Nations in spite of the resolution of the Fourth Committee acceding to their request for a hearing.

Chief Hosea Kutako of the Hereros has even been refused a passport to enable him to give an address at St. Paul's Cathedral, London, at the invitation of the Dean and Chapter and to accept invitations from the Bishop of Chichester and the Dean of Manchester.

It is therefore because of the arbitrary restrictions placed upon the freedom of movement of your African petitioners that I appeal to you that no final settlement of the question of South West Africa should be reached until the African inhabitants have been consulted themselves by the United Nations. Before any constitutional changes that may have been proposed to the Ad Hoc Committee on South West Africa can be considered by the Fourth Committee, steps should be taken to ascertain their views on these proposals. If your petitioners continue to be prevented from attending the United Nations to express their views themselves in accordance with the request acceded to by a resolution of the Fourth Committee I would respectfully urge the consideration of sending a commission which could visit the territory in order to verify the opinions of the inhabitants and to consult them about its future. As long as your petitioners are prevented from attending, I shall endeavour to be available for any information I may be able to supply to the Committee.

It is hoped very much, however, that every effort will be made to secure the attendance of your South West African petitioners themselves and especially of

Chief Hosea Kutako this year before he becomes too aged and infirm to undertake the journey. Only a few weeks ago I received a letter from him dated 28 August saying that he had applied again for a passport to fulfil the engagement referred to above and reaffirming that he is ready to leave if permission can be obtained. The cost of his journey and that of his interpreter has been raised by his own people. In South Africa the situation has been rapidly deteriorating, and this inevitably affects the peoples of South West Africa. The position is now very grave and calls for some bold and determined initiative by the United Nations which could retrieve that situation not only by restraining the Government from its present disastrous course but also by making the positive offer of a constructive programme of social, educational and economic assistance by its specialized agencies.

Very truly yours,

(Signed) Michael SCOTT
Reverend Michael Scott

Enclosure: Memorandum on the subject of South West Africa. (Note by the Secretariat: This memorandum is identical with that transmitted by the petitioner on 17 September 1952 - see appendix II).

APPENDIX IV

THE AFRICA BUREAU

69 Great Peter Street,
London S.W.1.

23 October 1952

The Chairman,
Ad Hoc Committee on South-West Africa,
United Nations,
New York

Dear Sir,

I am writing on behalf of the Executive Committee of the Africa Bureau to request that your Committee should consider the recommendations and comments in the enclosed report published by the South African Institute of Race Relations, as a result of Mr. J.D. Rheinallt Jones's investigations in South West Africa. (R.R.81A/51 of 14 November 1951.)

We are greatly concerned at South Africa's failure to comply with the advice of the International Court of Justice, and trust that your Committee will continue to do all it can to ensure that international supervision over the welfare of the inhabitants (particularly the indigenous inhabitants) of South West Africa be made effective, and that constructive measures on their behalf be undertaken. We also trust that no final decision be reached with regard to the future of South West Africa without some form of consultation with the indigenous peoples themselves.

We should be grateful if you and your Committee would give due consideration to this, our petition, and to its enclosure,

I am,;

Yours faithfully,

(Signed) HEMINGFORD,
Chairman

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (INC.)

ADMINISTRATION OF SOUTH WEST AFRICA -
WELFARE OF THE INDIGENOUS POPULATION

The opinion of the International Court of Justice should be regarded as imposing upon the Union the obligation to administer the territory in the spirit and letter of the Mandate under which the territory was handed by the League of Nations to the Union.

The relevant portions of the Mandate are:

Article 2. The Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral part of his territory.....

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

Article 3. The Mandatory shall see that the slave trade is prohibited, and that no forced labour is used except for essential public works and services, and then only for adequate remuneration.

The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with the principles analogous to those laid down in the Convention relating to the control of arms traffic.....

The supply of intoxicating spirits and beverages to the Natives shall be prohibited.

Article 4. The military training of the Natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

Article 5. Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of public worship, and shall allow all missionaries, nationals of any State of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

I suggest that the Institute make a study of the existing conditions in South West Africa and of the measures which should be taken to carry out these requirements of the Mandate.

I submit below the main headings of the matters which should be inquired into, and offer my brief observations on them, based upon study of reports and other publications on the territory over many years, and upon a recent brief visit to South West Africa, including visits to five Non-European Reserves.

ALLOCATION OF LAND

According to the annual report of the Administration for 1937, the area of the territory had been allocated at that time as follows:

(1) Area of the territory

	<u>Hectares</u> ^{1/}	<u>Hectares</u>
(a) Outside the Police Zone	30,101,000	
(b) Inside the Police Zone, Nemib (desert lands)	7,164,860	
Other Lands	<u>45,025,000</u>	<u>82,290,860</u>

(2) Non-European (Native and Coloured) lands

(a) Proclaimed Native Reserves (outside and inside Police zone)	11,887,557	
(b) Areas reserved for extension of Native Reserves (inside and outside Police Zone)	4,255,800	
Rehoboth (mixed race) Gebiet	1,356,200	17,499,557

(3) European farm land

(a) Farms in private ownership	14,708,692	
(b) Farms leased to settlers	8,828,187	
(c) Land held by companies	<u>2,077,331</u>	25,614,210

(4) Urban areas

437,100

(5) Game reserves - (Inside and outside Police Zone)

9,593,600

^{1/} 1 hectare = 1.1675 morgen (approx.), or 2.4711 acres (approx.).

	<u>Hectares</u>	<u>Hectares</u>
(6) <u>Area of unalienated crown lands</u>		
(a) In Police Zone	11,600,000	
(b) Outside Police Zone	<u>9,500,000</u>	<u>21,100,000</u>
Total -		<u>74,244,467</u>

The extents in different areas do not sum up to the total area of the territory, because the Game Reserves overlap the Namib and Native Reserves. The above figures do not include Walvis Bay.

According to a reply given by the Prime Minister to Senator E.H. Brookes in the Union Senate on 15 March, 1951, areas have been allocated as follows:

	<u>Hectares</u>
Allocated for European settlement	24,403,902
Crown land leased to Europeans	4,714,564
Allocated for Native and Coloured occupation;	
(1) Inside the Police Zone	12,301,839
(2) Outside the Police Zone	14,728,640
Allocated for Game Reserves	8,526,250
Leased for mining purposes, mostly in Namib Desert ...	5,949,400
Reserved for government purposes	33,102
Set aside for urban areas	474,684
Held as Crown land other than land for Government purposes	<u>11,215,460</u>
	<u>82,347,841</u>

The South West Africa Administration has very kindly supplied the following details as being the latest (31 August 1951) in respect of the areas occupied by non-Europeans:

NATIVE RESERVES

(a) Land occupied by Natives under German treaties

DISTRICT	RESERVE	EXTENT (Hectares)
Keetmanshoop	Berseba	596,992
Warmbad	Bondels	174,505
Omaruru	Okombahe	172,780
Kaokoveld	Zessfontein	31,416
Outjo	Franzfontein	36,188
Bethanie	Soromas	16,830
		<u>1,028,711</u>

(b) Reserves established or additions made by the South West Africa Administration

DISTRICT	RESERVE	EXTENT (Hectares)
Gobabis	Epukiro	997,840
Maltahöhe	Neuhof	20,034
Keetmanshoop	Tses	254,587
Okahandja	Ovitoto	61,194
Grootfontein	Otjitua	411,024
Gobabis	Aminuis	554,800
Otjiwarongo	Waterberg East	463,872
Gibeon	Gibeon Reserve	39,192
Omaruru	Otjohorongo	360,000
Karibib	Otjimbingwe	91,021
Windhoek	Aukeigas	13,837
Grootfontein	Okavango Native Territory	3,256,832
Ovamboland	Ovamboland	4,200,000
Outjo	Franzfontein Ext:	21,000
Omaruru	Okombahe Ext: I	116,000
	Okombahe Ext: II	14,384
Gobabis	Eastern Native Reserve	1,287,680
Kaokoveld	Kaokoveld	5,498,056
Grootfontein	Western Caprivi Zipfel	581,120
Warmbad	Warmbad Native Reserve	14,500k
	TOTAL	<u>18,386,973</u>

To these should be added:

Rehoboth	Hoachanas (temporary)	14,253
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Under control of the Union Government:

Eastern Caprivi Zipfel	Eastern Caprivi Zipfel	<u>1,161,216</u>
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GRAND TOTAL 20,591,153

In the Rehoboth district the Rehoboth Gebiet is reserved for the Rehoboth Coloured Community 1,244,400^{1/}

In addition to the above an area of approximately 5,000,000 hectares have been tentatively set aside for occupation by Bushmen.

1/ This does not include the Townlands of Rehoboth, in extent 59,000 hectares.

There is nothing in law to prevent non-Europeans from acquiring land outside the areas reserved for their occupation.

The Long-Term Agricultural Policy Commission of 1948 expressed the view that "judging from the use of the land for production purposes in the past, it appears that ample provision has been made for the needs of the present non-European population with reasonable allowance for increase.....
 Region for region good land has been selected for these reserves. Your Commission considers that the Administration has acted wisely by ensuring that sufficient land was earmarked for the requirements of non-Europeans before the still available Crown land was disposed of and it commends the policy already adopted to get this land into full production, consistent with proper conservation, before extending the reserves further".(Paragraphs 213-214).

Several of the Reserves however, are already full to their carrying capacity in respect of livestock and human populations, and in some areas (at least) it has been found necessary to prohibit non-Europeans who work outside from bringing in stock.

The maximum number of stock which can be kept by the head of a family is the equivalent of 100 large stock and 300 small stock, except where smaller numbers have been voluntarily agreed to by the residents of certain Reserves. I found that in one of the Reserves I visited the average number was 15 large and 40 small stock.

According to the 1946 report, the livestock population of the Police Zone of the territory was in 1943 distributed between the Europeans, Natives and Bastard (mixed) populations as follows:

	<u>Sheep and Goats</u>	<u>Cattle</u>	<u>Horses</u>	<u>Donkeys</u>	<u>Mules</u>	<u>Pigs</u>
Europeans	3,923,401	1,085,185	25,545	60,428	3,153	10,606
Bastards	118,018	14,783	1,730	3,553	7	22
Natives	<u>550,435</u>	<u>292,263</u>	<u>8,123</u>	<u>158,120</u>	<u>43</u>	<u>155</u>
	<u>4,591,854</u>	<u>1,392,231</u>	<u>35,398</u>	<u>222,101</u>	<u>3,203</u>	<u>10,783</u>

In 1946, severe drought greatly depleted the livestock in the territory, but the Long-Term Agricultural Policy Commission reported that "for Europeans, saturation point is in sight for human as well as stock populations on farms....." (paragraph 643) and there is every possibility that the Administration will be

pressed more and more to open up new land for European settlements, more especially as the territory's agrarian economy is mainly pastoral, cattle and karakul being the chief income producers.

The tribes complain that even their reserves are being encroached upon by white farmers hungry for land. It is possible that some of the Crown land (which includes unsurveyed land in the Kaokoveld and in the north-west, and a strip south of Ovamboland and Okavango Native areas) may be found suitable for European settlement and will therefore be demanded for white settlers.

The fair distribution of land as between Europeans and non-Europeans should now be considered.

In this connexion the possibility and desirability of bringing the Herero together into a single or at most two integrated areas should also be considered. For this was also a point in the Hereros' appeal to the United Nations. Their hereditary leader is Frederick Maherero, whose father Samuel Maherero took refuge among the Bamangwato in Bechuanaland Protectorate when his forces were destroyed by the Germans in 1906. At present, the Herero in South West Africa are scattered over eight Reserves and are divided in their loyalty between two headmen, although Hosea Kutako is regarded as Senior Headman. They are united in their desire to have Frederick Maherero among them to be their common leader, and he is anxious to go back, but will not do so until the people are united and there is adequate land for himself and his immediate followers in Bechuanaland, who number about 15,000. The Administration has been favourable to the return of Chief Frederick and his people and to the territorial unification of the Herero, but will not accede to the Hereros' claim to the lost "valleys".

Consideration should be given to the great disparity between the number of livestock held by Europeans and those held by the non-Europeans. The European population of the Police Zone in 1946 was 38,020, the Coloureds 44,592 and the Natives 94,568. While allowance must be made for the superior economy of the Europeans, the fact that it has been found necessary to restrict the livestock in some reserves suggests that there may be truth in the allegation of the Hereros and other tribes that the best lands have been made over to the Europeans. A comparative study of the carrying capacities of European and non-European land would show how far this is true. It will be remembered

that the Herero in their appeal to the United Nations alleged that they had been forced to leave the well-watered areas of Orumbo and adjacent districts, allotted to them after the First World War, and to settle in comparatively waterless areas (Epukiro and Aminuis), the former areas being used by the Administration to settle Boers brought from Angola. The Administration, however, holds that there is ample evidence to show that the Herero were merely permitted to reside temporarily in the Orumbo and adjacent farms until adequate water supplies could be opened up in the Epukiro and Aminuis reserves, and that it would have been contrary to Native policy to create a small "black island" in a large "white sea".

As regards a division of the territory between Europeans and non-Europeans, it would be well to keep in mind a statement made before the Administrator of South West Africa on 6 March 1946 by Festus Kandjo, boardman belonging to Headman Hosea Kutako of the Aminuis Reserve. He held that before 1904 this country belonged to five African tribes - the Herero, the Hottentot, the Berg Damaras, the Ovambo and the Bushman. The Ovambo inhabited the northern part of South West Africa; the Berg Damaras and the Hereros the central portion, (the central portion stretched northwards as far as Onguma and southwards it stretched down to Krib and Rehoboth; westwards it stretched as far as Swakopmund and Walvis Bay, and eastwards as far as the Kalahari desert, the border between Bechuanaland and South West Africa; the Bushmen people inhabited north of Onguma to Okavango and the district called Kaokoveld; the Hottentot people, or Nama, to give them their full name, inhabited the area from Kun to the Orange River. The Germans had been dispossessing the Berg Damaras (who were a serf people under the Hereros and Nama), the Herero and Nama of their best lands and cattle and this, together with their systematic disarmament, led to the Herero rebellion of 1904, which ended in the defeat of the Herero and the reduction of their number from about 80,000 to about 15,000. Thereafter the German Government set about settling Germans in the best of the areas which had been occupied by the tribes, and the Hereros, in particular, were left without land of their own.

After World War I, the Union Government's Administration set about reserving areas for the non-Europeans. The Herero leaders claimed that their paramount chief Frederick Maherero had been promised, if his people helped the Union forces

to defeat the Germans, that their lands would be restored to them. The Administration denied this and said, moreover, that it was not possible to dispossess the Germans and others who were settled on land taken from them during German occupation.

The Herero claim their "traditional lands" and the restoration of tribal unity and authority. This claim should be examined in the light of equity as well as of present circumstances, and no effort should be spared to secure as fair a settlement of the problem as the circumstances permit.

But the Herero are not alone in claiming restoration of lands, and the other tribes and communities should receive just consideration. There can be no denying that the breaking up of the Native tribes and Coloured communities has been largely responsible for a degeneration of these peoples, but perhaps it is not too late to make the attempt to reunite the groups and to strengthen tribal or community authority.

I draw special attention to three of the areas visited by me:

Otjohoronggo Reserve: Land on the west side of this Reserve, which was potentially an area for the extension of the Reserve, has been allocated to European settlers from the south.

Okombane Reserve: An area of 116,000 hectares was added to this Reserve in 1947 to accommodate Damaras from the Aukeigas Reserve. A further area of 144,384 hectares beyond the Uis River, south of Ugab, bordering on the Namib desert is to be added to accommodate Damaras who are being removed from among Europeans in the Kaokoveld. I do not know the number to be removed, but I understand that about 7,000 head of small stock and 400 head of large have to be accommodated. The carrying capacity of the Reserve varies as it goes westwards from 10 hectares per beast to 15. The most westward area is populated by springbok, ostrich and zebra.

Aukeigas Reserve: Pressure on this Reserve has been relieved by the transfer of Damaras to Okombane Reserve as mentioned above. The remaining residents are comfortably placed, and there is a large dam and three smaller dams, together with a windmill and reservoir for the watering of cattle. But as the Reserve was officially closed some years ago under an Act of Parliament with the consent of the residents, there is the likelihood that they too will be removed.

European hunger for land is bound to increase not only because, as has been pointed out, the livestock population on land held by Europeans has reached saturation point, but also, judging by present indications, animal husbandry will continue to be the foundation of the territory's economy. Diamond mining, agriculture and fishing will be the main economic activities for a long time to come. Advancement in the territory's economy will be dependent upon advancement in animal husbandry and for this more land will be required. There is every reason why the non-Europeans, pastoralists by tradition as they are, should make their fair contribution to this advancement and be given their share of the land required.

A just apportionment of the land is a fundamental necessity both for the economic development of the territory and for racial peace.

This will not be an easy task, and highly charged emotional thinking on either side of the colour line will make no contribution to it. There must be some authority strong enough to withstand the pressure of political votes - the monopoly of Europeans in South West Africa - and its insistence that the interests of the white man over-ride all others. On the other hand, the non-European peoples must be brought to realize that their rise in civilization must have a sound economic foundation and that land can only be held in trust for future generations and that this trust can only be fulfilled by those who give their minds and energy to its care. Economic development and soil conservation demand intelligence and dynamic energy and, so far, the non-European peoples have shown a lamentable lack of both in their attitude towards development and conservation schemes. How their intelligence is to be awakened and their energy aroused must be the concern not only of the Administration and the well-wishers of the non-Europeans, but also of those non-European leaders who can be won over to active co-operation in these matters.

In considering the allocation of land, attention must be given to the recommendations of the Commission on Minimum Area of Farms (1946) that legislation be introduced to fix the minimum area of farms in the territory, that the minimum area in the most favourable districts should be 3,000 hectares and 20,000 hectares in the least favourable, and that, generally speaking, the minimum area in a moderately good district should be 5,000 hectares.

ECONOMIC DEVELOPMENT OF NATIVE AREAS

In the Reserves visited by me, I got the impression that the people are less pressed economically than the inhabitants of the Native Reserves in the Union. As indicated earlier, the average family holding of livestock is 15 large and 40 small. The average family cash income is also higher. The African tribes of South West Africa sell their cattle more easily than do the Union Africans, and their cattle were in much better condition (after a very good year) than I have found in most Union Reserves. The average price obtained is £15 per beast, mostly three-year-olds. In the northern Reserves the Administration has encouraged and organized the people's participation in the cream industry, the cream being carried by licensed African transport from depots in the reserves to the nearest European centre. In the Otjohorongo Reserve, the total of stock and cream sales in 1949 was £28,000. Divided among the 900 families of the reserve, this yields a little over £31 per family per annum. Actually, only about 200 participated in the cream industry and consequently their income was very much higher. The sales of cream amounted to about £7,000 so that the 200 participants earned on an average £35 per annum each from cream. The stock sales amounted to about £21,000, yielding an average of £23.3 per annum spread over 900 families. The average cream participant therefore earned over £58 per annum for sale of stock and cream. The level of living in the Reserve is much lower than in the Union Reserves so that this income earned within the Reserve, is, comparatively, a fairly high one. Considerable income is also derived from money or goods sent into the reserve by sons and daughters working outside the Reserve. The income per individual obtainable in the Reserve is however not enough to give a satisfying living to young men, except perhaps in a very good rain year (such as 1950). It is just enough to make them "choosy" about the work they will do. The young men's average stay in the Reserve is six months, but the period is becoming less.

In the southern Reserves, karakul sheep and goats are the major interests. In 1949 karakul wool sold at 20d a lb.; karakul skins went up to 49/-, an ordinary sheep fetched £2 and a beast £16. The relative importance of large and small stock in the southern Reserves is seen from the fact that in the Berseba Reserve there were, in December 1950, 1,952 large stock and 48,214 small stock.

There is no doubt that there is a considerable margin for higher cash income in the Reserves if intelligence and energy are applied by the people to their traditional occupation of animal husbandry. But these qualities are sadly lacking, and the welfare officers have an almost impossible task in persuading the people to care for their animals. The level of living is still so low that it is not much affected by either adverse conditions or by higher cash income. There is suspicion of efforts made to help them to advancement, due partly to ignorance and partly to bitter experiences in the past. Welfare officers and others interested in the welfare of these people were unanimous in urging the education of the children as the swiftest means of overcoming ignorance, inertia and suspicion. Undoubtedly, the migration of the young people into the European areas is having an educative effect in many ways (some unwholesome) and the result will be felt in the Reserves later on. But there is urgent need for the advancement of the people in the Reserves and this must be done in several ways. The pattern of economic advancement must be created for them no less than the pattern of civilized thought and life. What should this economic pattern be? The Long-Term Agricultural Policy Commission summed up farming in the Native Reserves as follows:

"The Policy that the Reserves should be developed by the occupants for their benefit consistent with proper methods of conservation is commended. They should produce all food for their subsistence in animal and agricultural products and they should be assisted to produce a surplus for consumption in the territory or for export. For the attainment of these objects they should be given the same guidance and facilities as regards production and marketing as farmers outside the Reserves.

"On several reserves inside the Police Zone the limit of production has been reached pending augmentation of water supplied in outlying areas. On parts of these Reserves the limit has been exceeded and the application of suitable measures for the amelioration of the soil and pasture by the reduction of stock in general and stringent exclusion of stock from parts subjected to continuous overgrazing are now unavoidable". (Paragraphs 697-698).

The foregoing emphasizes the view expressed by me earlier in these notes that the land situation must be reviewed since some Reserves are already overloaded. But both land apportionment and agrarian development must be related to the issue: what part are the non-Europeans to play in the general economic development of the territory? Already the demand for farm, mine and other industrial labour is heavy, and it may well be that in the near future it will be found that the sound development of the economy of the territory and "the moral well-being and social progress" of the non-Europeans require that occupation of the land shall be reserved for those who want to be full-time farmers, and the remainder, who may in the long run be the majority, encouraged to become full-time workers in other occupations.

Some of these other occupations may well be in the Reserves, for the areas contain mineral deposits and there are mines in both the Okombahe and Otjohorong Reserves.

Agriculture in the Reserves is of the most primitive and limited character, except in a few cases where riverside land can be flooded during the rains. In the Okombahe Reserve, an average of 300 bags of wheat - a maximum of 1,250 bags - is grown in river sand. Kraal manure is used but cultivators have to travel up to fifteen miles to get it. European farms have more manure than they use but transport is too difficult and costly to get it into the Reserve. About 100 families participate in wheat cultivation but do not sell the wheat except when in great need of other food. Then they get 3d. a lb. for the wheat.

Usually the family cultivation is in a small circular garden, and there, in the rainy season, maize, tomatoes, peas, cabbages and tobacco are grown.

Food production is quite inadequate for sustaining the population and it would require a high degree of competence to make the land produce the food required.

The basis of the economy of the Reserves must be livestock. For this, adequate water supply is essential. Open water all the year round is rare and it is necessary to build dams and to sink boreholes. The Administration has been active in both respects. In the Aukeigas Reserve, a wall eighty feet high holds up a considerable volume of water all the year round. In the Orjohorong Reserve, there are four earth dams, two of which are perennial, but the other two are defective. Eight boreholes have been sunk and diesel-engine pumps and

windmills erected on them. At least six more are needed. The more widely and adequately distributed the water supply the less soil erosion is created by the gathering of stock at watering places. In the Okombahe Reserve, eighteen boreholes have been sunk and pumps or windmills erected. There is open water in the Omaruru river, and seven more boreholes will be sunk in the near future. In the Berseba and Tses Reserves (Keetmanshoop district), five earth dams and twenty boreholes have been provided and the water supply is considered to be adequate for present needs even in drought years.

These instances will show that the Administration has not been inactive in providing the essential water supply for the Reserves. But, as in other respects, the rate at which essential development works are carried out is not fast enough for the needs of the Reserves.

The Long-Term Agricultural Policy Commission, quoted earlier, urged that the Reserves should be helped to "produce all food for their subsistence in animal and agricultural products, and they should be assisted to produce a surplus for consumption in the territory or for export. For the attainment of these objects they should be given the same guidance and facilities as regards production and marketing as farmers outside the Reserves" (paragraph 1). The italics are the Commission's and the words sum up the agrarian programme for the Reserves which should be pressed on the Administration.

There are, however, other economic activities which may be possible in the Reserves and which, if possible, would hasten the economic advancement of the Reserves and their rise in civilized ways.

In the Union, the exploitation of the mineral resources of the Native Reserves has been made impossible, partly from a desire to protect the Native inhabitants from the intrusion of Europeans, and partly from the fear that mines and works in Native areas would hold back Native labour from the European farms and industries. There are signs of a change in the policy and it is possible that in the near future considerable mining and industrial developments will take place in the Union's Native areas.

The economy of South West Africa no less than that of the territory's non-European areas would be more broadly based and greatly strengthened if in these areas, mineral and other natural resources could be exploited. A systematic survey of the Reserves seems to be the first requirement.

Health in Native areas

Before the European occupation of South West Africa, the tribes depended for fruit and vegetables upon veld trees, plants and roots, for protein upon game, rats, mice, birds and other veld wild life, fish, and occasionally an ox or goat, and milk (more especially the Herero). Today, game is rare and the veld is being denuded of plants and roots. The small gardens yield for a portion of the year a small supply of maize, peas, cabbage and tomatoes, for the rest the inhabitants buy cereals, bread, sugar and other carbohydrates at the stores. The Herero live mainly on sour milk, and the other tribes seem to be relying heavily on milk too, either goats' or cows' milk. The diet was a delicately balanced one and did not allow of much reserve against times of drought. Today, the diet is one-sided and more and more dependent upon the refined foods of European civilization.

Close contact with Europeans is resulting in increasing adoption of European diet, white meal being preferred to yellow, white bread to brown, and tea and coffee being drunk.

Where non-Europeans are labourers on European farms their diet varies according to the character of the farmer. A Health Commission reporting in 1946 said: "Some farmers feed their natives adequately, others do not. The latter are sufficiently numerous to justify the laying down of improved official standard scales of rations for native labourers on farms". A Commission on the Native Labour Problem in South West Africa reported in 1940 in similar terms, and both recommended standard diet scales being imposed on employers. This has been done, but I have no evidence as to its effectiveness.

The Health Commission reported: "There is considerable malnutrition amongst the Native children of the Police Zone. This is undermining their future health and increasing their susceptibility to disease. We are therefore satisfied that the Administration should expand its school feeding arrangements to cover those of pre-school age."

School feeding takes place in most of the Reserves, the meal consisting variously of 8 oz. mealie meal per day, beans, or sweet potato, venison (game where it can be shot), sugar, milk, vitamin oil. School feeding is also in operation in all non-European schools (mission and private) in both urban and rural areas in the southern portion of the territory (i.e. south of Windhoek).

Kaffircorn meal beer is a traditional drink amongst the tribes, and is light and wholesome. Marulu beer and Embe spirit are strongly alcoholic. In recent years a concoction of several kinds of fermentable substances, called Kari, with methylated spirits or tobacco and yeast added has taken hold of the people. It is not a food and the Health Commission said of it: "It is a crude alcoholic poison, a cause of degeneration of many Natives in locations and in the Reserves, a matter of great public concern to decent Europeans and to decent self-respecting Natives because its effects are such as to render those who partake of it quite unemployable. Kari causes physical degeneration and complete unreliability in addition to serious mental and moral deterioration". (paragraph 27.)

A Commission on Native Labour (1945/1946) recommended that European beer be made available to non-Europeans to counteract their addiction to these noxious types of drink.

The Administration employs part-time district surgeons in the Police Zone - there were sixteen in 1946 - and two full-time ones outside the Police Zone. Sick indigent Natives are treated free by district surgeons and in hospitals. But there are no hospitals or district surgeons in the Reserves of the Police Zone. There is one large government Native hospital in Windhoek and there are government hospitals also in Keetmanshoop, Grootfontein, Omaruru, Otjiwarongo and Walvis Bay, and elsewhere there are mission hospitals, in all of which Natives are cared for. Welfare officers and missionaries and traders do what they can for simple ailments and the district surgeon visits once a year or half-year if patients are too ill to go to the town. There was no ambulance in any of the Reserves visited by me. The welfare officers and their wives and some of the missions do what they can for the sick, but there are no organized medical services. Headmen and other Africans, as well as welfare officers, plead for the establishment of at least one in-clinic in each Reserve, with, if possible, accommodation for emergency cases, the attendance of a trained nurse and weekly or fortnightly visits by the district surgeon. The Health Commission urged that steps be taken to provide nursing training in the territory for non-European women and that bursaries be provided to help and encourage them to go in for the training. A beginning has been made and two non-European girls are being trained in the Union at the expense of the Administration.

The following figures of births and deaths extracted from registers in welfare offices should be noted:

	<u>September 1949</u>	<u>September 1950</u>	<u>January-August 1950</u>
<u>Otjohoronggo Reserve</u>			
Births	39	4	23
Deaths	51	12	24
	<u>1949 (year)</u>	<u>January-June 1950</u>	
<u>Okombahe Reserve</u>			
Births	33	37	
Deaths	47	35	
<u>Berseba Reserve</u>			
Births	25		
Deaths	16		
<u>Tses Reserve</u>			
Births	9		
Deaths	9		

In 10 of the 47 cases recorded in the Okombahe Reserve, tuberculosis was given as the cause of death, and, in the northern Reserves of the Police Zone, tuberculosis and venereal diseases seem to be rife. The Health Commission said that "the situation regarding venereal diseases amongst Natives is a tragedy of the greatest magnitude".

A demographic study of the various races is an urgent necessity and a prime requirement for any consideration of a social and economic programme for the welfare of these people.

The Health Commission said: "The State should accept entire responsibility for a complete health service to Natives and Coloureds. This should be under the direction of the Chief Medical Officer to the Administration. Owing to the poverty of the indigenous people they cannot be taxed heavily, if at all. The Commission is of the opinion that direct taxation of Natives and Coloureds for health services rendered to them cannot fairly exceed 5/- per annum per family and 5/- per annum per unmarried person over the age of eighteen years. The balance of the money expended should come from general revenue" (Paragraph 264).

While I favour some contribution being required from non-Europeans, as well as Europeans, towards medical services (as do the non-Europeans themselves according to the Health Commission) I consider the sum suggested is too high, having regard to the wages paid and to the lack of medical services existing. I suggest that it will be soon enough to tax the people when they can see medical services being developed, and then the initial amount should not exceed 2/6d. Later as the services are developed the amount could fairly be raised.

During 1950, the total State expenditure on the medical treatment of Natives was E61,755,15.10d. including grants to mission hospitals of E5,014 out of a total State expenditure on health services of E155,040.

It is clear from the report of the Health Commission, as well as from the facts gleaned from personal observation within the restricted period of my visit to the territory, that the planning and putting into effect of a comprehensive programme of health and medical services are urgent and prime necessities.

EDUCATION

In earlier years, education was dependent upon the missions, but more recently the Administration has increasingly assumed responsibility, and a teacher-training institution, the Augustinum Training Institution at Okahandja, has been taken over from the Rhenish Mission. In the mission schools, the Administration pays the salaries of those teachers whose appointments have been approved and grants are made for books, equipment and upkeep of schools, the missions providing the buildings, which are often used as churches as well. Most schools go no further than standard III and the older teachers are of poor standard.

In the Police Zone, the total enrolment of Coloured pupils in 1950 was 2,528 in 28 schools, and the total enrolment of Natives was 6,633 in 78 schools. Outside the Police Zone, the total enrolment of Natives was 16,605 in 151 schools. The Administration's report for 1946 said that the people have in the past held back from education, and that they have not disciplined their children to apply themselves to school work and to continue long enough in school. The people in the Police Zone, however, complain that the missions have never been anxious for their children to be educated, and that schools are too few and far apart. The mission schools I saw were small and unattractive. On the other hand, the Government School at Omatjotte was well built, had good latrines and shower rooms in good condition and well used. The Headman urged that a boarding house be provided as the parents want to send their children to the school but want them to be under suitable supervision and control. He wanted two such schools in the Reserve. I was assured by all welfare officers and headmen that the people are now very eager to have education for their children. Welfare officers and traders expressed the view that little progress can be secured in animal husbandry and agriculture until the people have been educated to understand better the reasons for better farming methods. Centralized schools would make it possible to have better buildings, equipment and teachers, and also - a point emphasized by headmen as well as welfare officers - better discipline of the children, as they get little or no discipline in their homes. It is claimed that those who have been to school are more mannerly and more temperate in their habits.

Teachers' salaries have been increased of late and the salary grants from the government were doubled in 1946. A head teacher (not all) of a government school receives £114 rising by £8 per annum to £186 per annum with a cost of living allowance of £104 per annum, and a principal's allowance of £15 per annum. The salary rises also as the enrolment increases.^{1/} There is a shortage of candidates for training as teachers and no doubt the low salaries of the past has been a factor in this. It is important that the teachers shall be well educated and well trained so that they shall have the necessary influence upon the community as well as upon the pupils in the school.

The correlation of teacher training as well as of the school curriculum with the pattern of social and economic life which it is desired to develop among the people is a matter which requires close attention, as it does in the Union. And, as in the Union, uncertainty as to what this pattern should be will paralyse educational progress. And unless the aim is to raise the standard of living of the people and to offer them wider opportunities for economic advance, the people will be suspicious of and hostile to any modification of the stereotyped school of curriculum.

Very noticeable features of missionary influence are the dress of the Herero women (now copied by the Damara and Nama women) and their skill in needlework. The dress is a copy of mid-XIXth Century German woman's dress worn by the wives of early German missionaries, who also taught the Herero women highly skilled needlework and dress-making. There are indications that the men could show similar aptitude in skilled work if trained and given opportunities to apply their skills. European opinions differ in their estimate of the Herero men as workers but the prevailing opinion is that they are difficult to handle and "aristocratic" in their attitude. But they too must learn to work.

Education, like health, is a prime necessity for the non-European peoples of South West Africa, and calls for planning and organization to an extent not so far evident, but it must be closely related to the question of the place which the non-European races are to occupy in the developing economy of the territory. That is to say, until the kind of life and the kind of society for which the children are to be prepared are clearly visualized, education in the schools will

^{1/} The highest scale (depending upon suitable qualifications) is £144 x 10 - £214.

be purposeless and ineffective or else lead to a sense of frustration in after-school life. For example, to give vocational training, when there is no prospect of that training being economically satisfying to the pupil, must result in lack of interest during school life or to bitter resentment thereafter.

EMPLOYMENT

There is an over-all shortage of labour available for employment within the Police Zone, where economic activities have increased considerably since the end of the recent World War. The European population (38,020 in 1946) is increasing but is fully occupied in farming or in the more skilled occupations in commerce and industry. The non-European population within the Police Zone consists of 44,592 Coloureds and 94,568 Natives. The Commission which enquired into South West Africa's Native labour in 1945-1946 found, contrary to the complaints of European farmers and others, that "there is no foundation for the complaint that the Reserves and locations abound with unemployed local Natives. Not only do the local Natives appear to be fully employed at present, but vital statistics indicate that the local population is not increasing to any marked extent and that it could be more correct to describe it as just maintaining its present strength. That being so, there is little prospect of increase in the local labour supply. Any considerable expansion in the demand for native male labour can, accordingly, not be satisfied by the local Native population ..." (paragraphs 21-22).

The Commission found that in the urban locations a considerable number of females were engaged in part-time employment, mainly laundry work, but that in the Reserves there is a larger percentage of unemployed women, but it must be borne in mind that in the Reserves the women care for the livestock and do the milking as well as carrying out of household duties.

For years past, the Police Zone has been drawing upon the areas outside for Native male labour. These areas are:

Ovamboland	- population in 1946	147,886
Kaukoveld	- population in 1946	6,011
Okavango	- population in 1946	18,744
	TOTAL	<u>172,641</u>

There are some 5,500 Bushmen in Ovamboland and in areas within districts of the Police Zone that are outside police control; also 14,000 Natives live in Caprivi Zipfel - most of them too far away for work in the Police Zone. Few of the Kaukoveid Natives have in the past gone out to work, but are now being recruited. Some labour (about 6,000 a year) also comes voluntarily from Angola (Portuguese West Africa) as the Natives in the southern portion are ethnically related to those in Ovamboland and Okavango. The total number of Natives recruited in 1946 in Ovamboland and Okavango for work in the Police Zone was 13,500, of whom about 7,500 were Natives of Ovamboland and Okavango. This number comprised 4.5 per cent of the total population of these areas. In addition, a certain number of Natives from these areas (at least 3,000 a year) travel to Bechuanaland in order to engage for work on the gold mines of the Union. The Native Labour Commission estimated that South West Africa should be receiving 3,000 more from these areas. The main reason given for the shortage, apart from the flow into the Union, is the fact that active recruitment has not been taking place in the areas.

The Native male labourers employed in South West Africa were distributed in 1946 as follows:

Employed in Urban areas	11,722
Employed on mines	2,992
Employed on roads	915
Employed on railways	2,507
Employed on farms	<u>33,967</u>
	<u>52,103</u>

Since 1946 there has been considerable expansion in the economic activities of the territory, and even the Commissioner's estimate of Native labour requirements of from 60,000 - 65,000 is probably short of the needs.

The immigrant labour is used mostly on farms and on mines and is subject to a minimum contract period of eighteen months on farms and two years on one of the mines. Until 1950 the contract period for farms was twelve months, with possibility of re-engagement for another year. This extension is the result of pressure on the Administration by farmers, despite the testimony of the South West Africa Native Labour Organization before the Native Labour Commission that "for the last nine months it had not found a single recruit who is prepared to contract outright for a two-year period on a farm" and despite the fact that the Commission said it could not recommend an extension of the period (paragraph 80).

The period should not exceed one year, for even within this period family and tribal life in the Reserves is adversely affected, as experience has shown in the Union and other African territories.

Farm labour in South West Africa is even more unpopular amongst Africans than in the Union. "Undoubtedly the most serious complaint", said the Native Labour Commission, "made by all extra-territorial and northern Natives against employment in the territory is the inadequacy of the wages paid by farmers. This complaint, as has already been pointed out, is confirmed by the local Natives, who also testified that wages paid in towns were not sufficient for the purpose of supporting themselves and their dependents. There were no serious complaints against the wage-rate obtaining on the mines in the territory" (paragraph 170). The Commission found that cost of food for Natives in towns had risen by at least 50 per cent since 1939. While the increase for Natives on farms was not so great, the wages were very much lower.

The wages paid to locally employed farm labourers ranged from 9/6 to £2 or even (in a few cases) £3 per month. In the northern portion of South West Africa the usual wage was £1.10/- to £2.

Native farm labourers recruited by the South West Africa Native Labour Association (SWANIA) were paid on wage scales based on the "class" of labourer, determined by the physical condition of the worker. "Class A" consists of those who are fit for underground mine labour; "Class B" for heavy farm labour or mine surface work; "Class C" for farm or general labour. Sixty-six per cent of labour recruited by SWANIA in 1947 was recruited for farm work and eighty-four per cent of these labourers were of the "C" class. The wages of class "C" were as follows:

FARM LABOUR - CLASS C

	RAW			EXPERIENCED		
	For 4 months periods; per month in shillings.					
	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>1st</u>	<u>2nd</u>	<u>3rd</u>
First Year	9	10	11	13	12	13
Second Year	13	14	15	15	16	17

Half of the forward bus fare, Ondangua to Grootfontein, of 5/6d (of which the Administration paid 2/9d) and the whole of the return bus fare of 13/9d, were deducted from the wage. The employer deducted 2/9 from the first month's wages and 13/9d from the last month's wages. The employer paid the forward and return railway fares between Grootfontein and the place of employment, ranging from 30/- to £5.14.6d, cost of recruitment 12/-, clothing £1.6/-, food 5/-, sundries, say 1/6d.

The Commission reported that "there has been no more fruitful source of trouble and misunderstanding between employer and employee than the withholding of the last month's wages (to pay for the return bus journey). The employee is in most cases unable to understand why his wage has been withheld and invariably leaves his employer with a genuine feeling that his employer has done him down. Even though the matter is explained to him, he still feels that he has worked a month without any compensation" (paragraph 131). In fact, the labourer had to work thirteen months on a year's contract.

The Commission recommended that all the transport costs - forward and return - be made payable by the employer and no deduction made from the labourer's wages; also that the contract period be kept to the twelve or twenty-four months and not thirteen or twenty-five months (paragraphs 131-134).

Since 1 August 1949, the employer has been responsible for the full forward and return rail and bus fares.

It costs a farmer in the midlands from £7.13/- to £7.19/- to secure one immigrant labourer for one year, and the year's cash wage amounted to £3.6/-. To this amount must be added an uncertain amount for food and something or nothing for housing.

The Native Labour Commission recommended new wage scales as follows:

Farm work	(a) Shepherding:	25/- per month for first year.
		30/- per month for second year, if with same employer.
(b) General:	20/- per month for first year.	
	25/- per month for second year, if with same employer.	

The same rates payable to both recruited and local labourers.

(c) Light labour: 5/8ths of wages of the able-bodied labourer.

The actual rates which have become payable since May 1951 are as follows:

FARMS

	General	Farm labourers	
	First 12 months	Remaining 6 months of contract or if recontracted to another employer for further 6 months after completion of first contract	If contracted to previous employer for further 6 months after completion of first contract
	per month	per month	per month
"C" CLASS			
(1) Raw picannins	15/-	17/6	20/-
(2) Raw adults	18/-	20/6	23/-
(3) Experienced picannins and adults	20/6	23/-	25/6
(4) Experienced if returning to previous employer at latter's request	21/6	24/-	26/6
"B" CLASS			
(1) Raw	20/6	23/-	25/6
(2) Experienced	23/-	25/6	28/-
(3) Experienced if returning to previous employer at latter's request	24/-	26/6	29/-
"A" CLASS			
(1) Ordinarily	30/-	45/-	47/6
(2) Experienced if returning to previous employer at latter's request	35/-	45/-	47/6

SHEPHERDS
 (including general farm work)

<u>"C" CLASS</u>			
(1) Raw picannins	20/-	22/6	25/-
(2) Raw adults	23/-	25/6	28/-
(3) Experienced picannins and adults	25/6	28/-	30/6
(4) Experienced if returning to previous employer at latter's request	26/6	29/-	31/6
<u>"B" CLASS</u>			
(1) Raw	25/6	28/-	30/6
(2) Experienced	28/-	30/6	33/-
(3) Experienced if returning to previous employer at latter's request	29/-	31/6	34/-
<u>"A" CLASS</u>			
(1) Ordinarily	35/-	45/-	47/6
(2) Experienced if returning to previous employer at latter's request	40/-	47/6	50/-

Where a Class "C" recruit on re-examination is raised to the Class "B" category and returns to previous employer at the latter's request he shall be paid at the special rate for returning employees of Class "B", but this does not apply to Class "B" recruits promoted to Class "A".

The Commission heard a "chorus of complaints" from chiefs, headmen and individual labourers about the food and housing as well as the wages on farms, and it found that it had become necessary to lay down a basic ration scale as follows:

<u>Essential:</u>	Mealie meal	- 12 lbs. per week
	Meat	- 1-1/2 lbs. per week or 3 lbs. per 14 days
	Sugar	- 1-1/2 lbs. per week
	Beans	- 1 lb. per week
	Salt	- As required
<u>Optional:</u>	(recommended)	
	Milk	- 1/2 pt of whole or 1 pint separated milk during the season or otherwise goat's milk per day
	Vegetables or fruit	- 2 lbs. per week
	Fat	- 1/2 lb. per week

The Commission found that it was a regrettable fact that, with isolated exceptions, housing for Natives on farms in the territory is primitive and unsatisfactory, and in some cases non-existent. It is recommended that it be made a penal offence to employ Natives on farms unless satisfactory housing is provided for them and that the minimum requirements be laid down (paragraphs 159, 165 and 168).

Conditions for Native labour on the mines provide a great contrast to both those on the farms and in the towns. The Commission reported that, in respect of the mines, "the Native witnesses without exception said that the wages, food, housing and clothing on the mines were good, though some considered that the work was hard. And those comments applied to the Union of South West Africa mines, though in regard to the latter the witnesses were not as satisfied as proved to be the case with the Union mines. Such complaints as there were about our mines were not of a serious nature, and they were certainly not general" (paragraph 136). The diamond mines have reconstructed the living quarters on the most modern lines.

There have been many complaints about the transport arrangements from the northern territories (Ovamboland and Okavongo) to the Police Zone, but such inquiries as I was able to make showed that the S.A.R. and H. Administration

has made substantial improvements, but this is a matter which calls for constant vigilance, especially in regard to sanitation and drinking water, the provision of rest houses, etc.

Living conditions of urban Native workers are also deplorable, and call for drastic action by the Administration. Even allowing for the inertness of the Natives in regard to betterment of their own housing, the conditions are a serious reflection upon the Administration and the local authorities.

An increasing number of Ovambo and Okavango Natives is now to be found in domestic and other employment in the urban areas. They are not, however, permitted to bring their women-folk with them. The Police Zone Non-Europeans are deserting the farms for the towns and taking their families with them. Those from the reserves are also more and more taking their families into the towns. Wages must, therefore, be adequate for family life in the towns.

In Windhoek, a building contractor was offering Native labourers 6/- per working day, i.e. five days at 6/- and one day at 3/-, yielding 33/- a week. Rail fare to Windhoek was paid and the return fare was paid if the labourer completed his contract of six, nine or twelve months. Rent of 2/7d a month was paid by the firm.

The Native Labour Commission recommended a minimum wage scale for:-

Mines, works and industries	- 1/- per shift for first year. 1/6 per shift for second year, if with the same employer.
Town work (other than above)	- 20/- per month for first year.
(Extra Police Zone Natives)	- 25/- per month for second year, if with the same employer.
Local Natives	35/- per month for first year plus food and accommodation.
	70/- per month for first year - no food and accommodation.
	45/- per month for first year - plus food only.
	40/- 75/- and 50/- respectively for second year with the same employer.

The actual scales applicable since 1 May 1951 are as follows:-

SERVANTS IN URBAN AREAS

	First 12 months per month	Remaining 6 months of contract per month	If recontracted to previous employer for further 6 months after completion of first contract per month
<u>"B" CLASS</u>			
(1) Ordinarily	23/-	25/6	28/-
(2) If returning to previous employer at latter's request	24/-	26/6	29/-

MINE LABOURERS "A" CLASS

1/- per shift for the first 309 shifts.

1/6 per shift thereafter.

NOTE:- Special higher rates are in operation in respect of boys returning to previous employer and for skilled work.

LABOURERS IN WORKS AND INDUSTRIES

1/- per shift (or day of 8 hours) for first 12 months.

1/6 per shift (or day of 8 hours) thereafter.

NOTE:- Overtime remuneration to be at the rate of 6d, per hour to a maximum of 30 hours per week.

No careful study of the cost of living for Africans in urban areas has been made, and this should be done to ascertain how far the minimum wage scales are adequate.

In concluding this brief survey of the employment of non-Europeans in the Territory, I draw attention to the following remarks of the Native Labour Commission:

"In regard to industries, other than mining, the Commission feels that the employment of migratory labour, either in the form of extra-territorial and northern labourers or of seasonal recruits from the local Native Reserves in the territory, makes for inefficiency because of the temporary nature of such employment and the consequent difficulty in building up a skilled labour force, is uneconomic in view of the distances which such recruits have to travel every year, is unsettling in that it leads to employees leaving their existing employment in order to go to the more lucrative seasonal employment, and is undesirable from the social and moral points of view. The Commission, therefore, suggests that the Administration should encourage the local authorities in whose areas industries are carried on and the industrialists themselves, to aim at a state of affairs where their employees will be permanently resident and properly housed in the areas in question" (paragraph 86).

GOVERNMENT

In most of the Reserves of the Police Zone, a European Welfare Officer is stationed in the Reserve, who serves under the Native Commissioner stationed at the district administrative centre - a European town or village. The Welfare Officer "is responsible for the administration of the reserve regulations, allots residential sites, sees that pumping plants, buildings, fences and roads are kept in order, and he brands the stock. In his work of general development of the Reserve he is assisted by a Native Reserve Board of which he is chairman and which consists of the Headman and up to six additional Native members elected by the Natives. This affords the Natives direct participation in the management of their affairs, and is basic in the Mandatory's Native policy both in the Union and in the territory" (Administration's report for 1946). The Board members operate on a ward system and travel by horse or donkey cart and even by motor car. They help with the agricultural census, registration of births, and deaths, care of fences and dams, issue and record of passes and, in one Reserve at least, deal with domestic troubles, including the disciplining of children. They are paid £1 per month; the Headman receiving £2 per month.

For each Reserve, a trust fund has been set up into which all revenue is paid and the Board is consulted on the expenditure. The following is an example of trust fund estimates for one year:

1950/1951 - Revenue:	
Grazing fee	£1,000
Rentals	60
Trust revenue	18
Dog tax	20
Dairy fees	15
Sundry: Vaccine, sale of cement, etc.	60
Levies	-
	<hr/>
	£1,173

1950/1951 - Revenue:

	B/fwd.....	£1,173
Balance from 1949/1950		<u>830</u>
		£2,003

Expenditure:

Administration	£300	
Capital - water supply	150	
Maintenance " "	350	
New construction	70	
Maintenance - roads and fences	60	
Purchase of livestock (bulls)	250	
Purchase of vaccine	50	
Purchase of agricultural equipment	40	
Sundry	<u>30</u>	
		<u>£1,300</u>
		<u>£ 703</u>

Headmen appear to have little influence and would not be capable of exercising judicial functions. The Herero are divided in their loyalty; the Damara cannot agree upon a chief; and the Nama chiefs were abolished long since; headmen and boardmen, appointed by the Administration after election by tribesmen, do, however, exercise a certain amount of tribal authority.

In only one of the Reserves did I find a ward committee assisting the Board member, and here, apparently, the Board member and the committee together exercised discipline in domestic matters. The absence of so many of the able-bodied men in employment outside the Reserves makes the developments of tribal authority a hopeless business. It is only where the bulk of the men of the tribe can be full-time residents in a Reserve is it possible to have effective tribal authority.

In Ovamboland, Okavango and Kaokoveld, there are chiefs and headmen who exercise greater authority, having judicial functions. Tribal councils of headmen hear appeals from headmen's courts, while the Native Commissioner's

court hears appeals from these latter. All cases, except murder and rape, are dealt with under Native law and custom. Trust funds are operated in these areas also.

In the urban areas, Native advisory boards with European chairmen function as in the Union.

As in the Union, the participation of the non-Europeans in local government in the Police Zone is rudimentary, and it is by no means easy to see how it can be made more extensive and effective unless and until their social and economic life has been integrated into a stabilized society.

The non-European population of South West Africa generally is under the care and control of the Chief Native Commissioner (who is also the Secretary of the South West Africa Administration) and, under him, the hierarchy of Native Affairs officials. There is no doubt that all take their duties seriously and carry them out with conscientious care. But there are limiting factors. The first is the indifference, if not the hostility, of the non-Europeans towards schemes for the improvement of land and livestock. Their inertia is difficult to overcome, more especially because the most energetic and ambitious have gone out of the Reserves. The second is the inadequacy of the funds available for development - for men and materials. The Administration in the past has been handicapped by the inadequacy of its financial resources and there have been times when it has been seriously embarrassed financially. The third has been the lack of a policy and programme related to the general economic and social changes taking place and likely to take place in the territory. The fourth is the lack of a strong public opinion favourable to the social and economic advancement of the non-Europeans and to the expenditure of money on this object and of agencies independent of political control able to voice the needs of the people.

The Union now faces a world that is highly critical of the attitude adopted by her Government towards her mandate and of her treatment of the

indigenous population of the territory. It has been the purpose of these notes to divert attention from international disputations to the practical measures that can and should be taken for the more effective carrying out of the trust which the Union has assumed, and to ask that citizens of the Union and the Mandatory territory shall together accept responsibility for the discharge of the obligations of the trust.

J. D. RHEINALLT JONES

14 November 1951,
Johannesburg.

APPENDIX V^{1/}

THE AFRICA BUREAU

69 Great Peter Street
London, S.W.1

c/o International League for the
Rights of Man
756 Seventh Avenue
New York, N. Y.

26 October 1952

To the Chairman of the
Fourth Committee,
Copy to the Chairman of the Ad Hoc Committee on South West Africa
United Nations
New York.

Dear Sir,

In connexion, firstly with the question of what matters may properly be considered as subjects of petition concerning South West Africa, and having regard to the terms of reference of your Committee whereby it is authorized by the General Assembly to examine petitions "as far as possible in accordance with the procedure of the former Mandates System", it may be appropriate to recall the following extract from the "Summary of the procedure to be followed in the matter of petitions concerning mandated territories". (Permanent Mandates Commission Minutes XII (1927. pages 176 - 178 L. N. Document C.P.M. 558 (1).) :

"The Permanent Mandates Commission is also guided by the following principles in determining its competence in regard to petitions....

"(c) It may happen that in a legal action the plaintiff against whom the decision has been given may be only entitled to appeal to the Commission to ask it to determine, not whether the Courts whose decision has gone against him have correctly interpreted the legislation of the Mandatory Power, but whether this legislation itself is in conformity with the principles of the Covenant and of the Mandate.

1/ The Ad Hoc Committee on South West Africa is bringing to the notice of the General Assembly only those parts of this communication which relate to South West Africa.

"(d) It is also possible that the absence of legislation on a given matter may render a petition admissible if the principles of the Covenant and of the Mandate called for such legislation and if the Mandatory's failure to legislate on this point may have the result of depriving a petitioner of rights which he could legitimately claim under the terms of the Covenant or the Mandate".

(Minutes of the Sixth Session of the Permanent Mandates Commission pages 168-169. C.386. M.132.1925.)

The principles here set forth appear to make it competent for your Committee to examine legislation enacted in **South** Africa in recent years and applicable in South West Africa in accordance with its policy of apartheid. I should therefore like to submit, for the examination of your Committee the provisions of a number of recently enacted laws affecting the status, sovereignty and constitution of South Africa and South West Africa and the absence, on the other hand, of provisions, e.g. in South West Africa Act, for continuing the obligations of the Mandate and the right of petition of the inhabitants. There is the absence of any provision for international supervision and for safeguarding the inhabitants of South West Africa from the application to their territory of discriminatory laws enacted by the South African Parliament; there is also the absence of adequate provision for their social and economic well being. There is the current controversy regarding the High Court of Parliament Act which is designed to make certain constitutional questions effecting South Africa and South West Africa subject to the jurisdiction of a "High Court of Parliament" to be appointed by Parliament, as opposed to that of the Supreme Court of South Africa whose jurisdiction in constitutional issues has hitherto been unquestioned. There is the Group Areas Act designed to control ownership and occupation of property in specified areas according to "ethnic group" membership, the Native Authorities Act and a number of other measures relating to the registration of populations, franchise and freedom of movement which have the effect of discriminating against sections of the population on grounds of their race in pursuance of the policy of apartheid.

Lord Hemingford who is now chairman of the Africa Bureau, which I represent in addition to the International League for the Rights of Man, has petitioned that your Committee examine a report of the South African Institute of Race Relations on the "Administration of South West Africa and the Welfare of the Indigenous population". This has been forwarded to the Director of the Division of

Trusteeship. Further to this, I would request your permission to submit for the examination of your Committee the text of the measures referred to above so that your Committee may ascertain whether these are in conformity with the principles of the Mandate and whether any modifications are thereby implied in the status of the inhabitants and the territory of South West Africa.

It may be that a Commission should be appointed by the United Nations to examine ~~the~~ the whole structure of apartheid into which the mandated territory of South West Africa is now being drawn and also to clarify at this important moment in Africa's history the theological and philosophical as well as the political and sociological implications of apartheid.

It would also constructively assist the inhabitants of the territory and the Government if your Committee could examine or recommend positive proposals whereby the evils of racial discrimination could be progressively eliminated, and could suggest ways and means by which the specialized agencies of the United Nations and the World Bank could assist in the formulation of practical projects towards social and economic betterment and the realisation of the purpose of the Mandate.

I should be glad to forward, also, other factual material including a statement by the Dutch Reformed Federated and Mission Churches of South Africa.

Yours truly,

(Signed) Reverend Michael SCOTT

Enclosures: To be forwarded under separate cover.

A/2261
English
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THE AFRICA BUREAU

69 Great Peter Street
London, S.W.I.

October 29th, 1952

The Chairman
Fourth Committee
Copy to Chairman Ad Hoc Committee on South West Africa
United Nations
New York, N. Y.

Dear Sir,

Enclosed herewith is the statement referred to as one of the enclosures in my letter yesterday "The Native Question: The Conclusions of the Church Congress of the Dutch Reformed Federated and Mission Churches in connection with The Native Question, held in Bloemfontein, April 4-6, 1950".

Yours truly,

(Signed) Reverend Michael SCOTT

THE NATIVE QUESTION

The Conclusions of the Church Congress
of the
Dutch Reformed Federated and Mission Churches
in connection with
The Native Question,
held in Bloemfontein, April 4 - 6, 1950.

Translator's note

This book "The Native Question" consists of six different approaches to the racial policy in South Africa, which are all reasoned out in various articles.

The six aspects in order of presentation are:

(1) Ecclesiastical	page 18
(2) Educational	" 42
(3) Social	" 81
(4) Economic	" 116
(5) Political, with appendix on communism and the native	" 150
(6) Medical	" 167
General Conclusions	" 170

The book concludes by a radio talk by Professor Dr. G.B.A. Gardener, which was a greetings message to all people attending the Ecclesiastical Congress of the Dutch Reformed Church in South Africa.

A condensed translation of the pages above-mentioned follows, but it is felt that the explanation given under each of these six headings should be read to arrive at a fair appreciation of the point of view of the Dutch Reformed Church.

(Signed) Gordon HOWARD

1. ECCLESIASTICAL (page 18.)

The spreading of the Gospel and its practice in all departments of life must be the first aim in our missionary work. Education, social welfare must always keep this in view, also the way we deal with our racial programme. The application of the word of God must be according to rule and purposeful, and the spreading of this word and deed must be undertaken by every believer, now, more than ever, with the utmost vigour.

When dealing with our colour policy we must keep in mind our history, including the decision to start separate churches and schools for white and non-white population.

The Church issues an appeal to its sons and daughters to offer themselves for service in great numbers to be trained as leaders of their own racial groups.

As far as a scriptural basis of the intention of a separate and independent development is concerned, the Congress is of the opinion that there are basic ideals in our present ecclesiastical evolution, especially the ideals of being different yet united, and those of vocation and destiny. The last-mentioned applies to being oneself as well as to being one with the struggle to lead

cultural and religious lower species to their own destination, according to their own needs and capabilities. Since the Congress realises that it is everybody's duty to explore the holy Scriptures, and also to pray constantly for a lasting settlement in our social conflict, it declares that we all must start in our own hearts, houses and neighbourhood to exercise the principles of righteousness, Christian love and tolerance (Ref. Mat. VII:12). After all, self development is nothing more than a road along which we go to bring each population group to its full right; the right of all of us to be children of God's Kingdom and respected citizens of our country. When our aims and willingness are right, our means and methods, although differently applied, will be more efficient.

The right of no man may be denied to him, and in no walk of life can there be a question of perpetual servitude. In the text of Rom. XV: 1, and of Cor. VIII: 9-13 the stronger man has a duty towards his weaker brother. The Holy Scriptures, however, also show that the lesser man has a duty towards his master (as a child towards its parent or guardian). The rights of men must keep in step with their growth and their feeling for responsibility and duty, with a view to ultimate self-rule.

With the help of the Holy Scriptures we have the duty to pass on the Gospel to our servants and manual workers, by work and deed through the medium of prayers in the home, in daily life, through the passing on of the Holy Word and the supporting of missionary work. Especially in farming communities, the missionary work can have great value and bear rich fruits.

The Congress expresses its concern at the great amount of separatist movements that exist among the Bantu and mentioned this fact to the Federal Missionary Council for their special study.

The baptism of the heathen with which we are concerned must take into account the special characteristics of races and peoples, especially the language and mental capabilities of those amongst whom we are called to pass on the word.

The behaviour of the Christian, of whatever race he may be, may have no place for hate towards other races. Even though this may ask for high demands on his tolerance and good-will, it must be applied with a wish to understand each other and to help each other to do away with all feelings of suspicion. The Federal Missionary Council has been asked, together with the Government, to find the best ways and means to further a spirit of mutual trust and respect between the white people and the Bantu.

As regards unwanted and frictional attitudes between the races, as aforementioned, the Congress requests all Christians, whites and non-whites, to act in the spirit of Christian responsibility, self-restraint and courtesy.

The unity of all believers in Christ is a reality and not just a saying. This must be altered in a deed of mutual respect and mutual trust. We must try to practise to live in a real religious community. No individual, no individual people, live for their own benefit.

The belief in the development of each individual section which we want, and which also is the basis of our constitution as laid down in 1936, is not a static thing but a dynamic one in its own special development. This denotes a process of development which each group of peoples seeks to bring them under God's merciful reign in the surest and quickest way. This is a means to the goal of self-governing status. This takes into account the eradication of clashes and friction, of unequal and unhealthy competition between more or less educated peoples. Only when the less educated man, also in ecclesiastical matters, has found his feet and has accepted his lot, can we really extend to each other the hand of spiritual unity; when everyone has pooled what nature and God has given to him, to mutual enrichment, then we will all become adult and a symbol of the greatness of Christ (Eph. IV: 13). On the way to this goal we must learn to believe in each other because we believe in God and his personification in Jesus Christ.

The Congress requests the Federal Missionary Council to do everything in its power to persuade the Protestant Churches in South Africa to see that in future there is no overlapping in the setting up of new congregations amongst the Bantus.

Since the small Dutch Reformed Church of Natal is not in a position to undertake missionary work amongst Indians, Coloureds and Zulus, the Congress requests earnestly that all three African Churches in South Africa shall start a great missionary movement to convert Natal, so that we can take especial responsibility for the mighty Zulu nation. (This must serve as the lasting fruit of this historical Congress.) For this purpose there might even be formed a joint missionary council, to look after the interests of all Churches.

This point is passed on to the Federal Missionary Council.

The Congress takes notice of the fact that our Bantu communities consist of 70 per cent of women members. Men and sons stand aside, and they are the people who influence the Bantus. Why is this and what can be done to change the situation? This information has been passed on to the Federal Missionary Council.

The Federal Missionary Council has been requested to formulate precisely and concretely what there is in the spiritual possession of the Bantu in the Union of South Africa which the Christian missionary can approve; also what can be kept so as to preserve the racial characteristics of the Bantu, and even to promote these.

As only the future can tell whether or not the younger Bantu Churches in South Africa must be formed according to ethnological or etymological distinctions, the Congress requests the Federal Missionary Council to find a way, especially with a view to issuing suitable literature for Church and school.

The Congress issues an appeal to all churches with the same doctrine to form a united front for the conversion of all heathen in our country and instruct the Federal Missionary Council to take the necessary steps to arrive at this idea.

THE SOUTH AFRICAN BUREAU FOR RACE RELATIONS (SABRA)

In view of:

- (a) The seriousness of our race question, in particular the Native race, and the deep-felt need for positive leadership and a code of behaviour on this race question;
- (b) The need that there should be a permanent organization fully occupied with studying the above-mentioned problems, with the issuing of information and of definite action, to the advantage of whites and non-whites;
- (c) The fact that SABRA, as is shown from its act of foundation, has been called into being to fulfil a deep-felt need and has already done useful work for this cause, and that it has offered its help to the Congress with its decisions;

The Congress now wishes to express its trust in and to give its help to SABRA, and issues an urgent appeal to all Congress delegates and our people to help SABRA in every possible way.

2. EDUCATION (page 42.)

1. The Congress accepts the axiom that the education of our Natives in accordance with their own capabilities is to be wished for not only as necessary for themselves, but so that, in the great need of the country, they can fulfil their role as a civilized community in the economic structure of the country as a whole.
2. The Congress is informed that in South Africa, as in most colonial countries, education to the Natives has been given by the Church and it praises all the missionary workers who with unselfishness, have done this duty, of elevating the South African Native, and of promoting good race relations between white and non-white.
3. The Congress is, however, also informed that the education of Natives, as done by several missionary churches, will lead more readily to the disunity than to the unity of Native societies and, therefore, is in contradiction to the guardianship which for many years has been accepted in South Africa.
4. The Congress agrees that a Native educational programme which has been evolved under colonial conditions has no right to existence within the sovereign Union of South Africa and that the Union therefore owes it to itself to replace it by a system which is in line with the country's position, and which will serve the real advantage of our Natives.
5. The Congress therefore recommends that, since the costs of Native education are nearly completely borne by the State, the State should also accept complete responsibility.
6. The Congress recommends therefore that, since:
 - (a) This is the wish of the vast majority of the Natives;
 - (b) Unity of political direction and educational direction is impossible in any other way; and
 - (c) That this, in view of our current financial commitments, will make no essential change;it requests the Government to take over the direction of Native education from the various churches to which it has been entrusted.
7. The Congress also recommends that the change over of church schools to State schools should take place as smoothly as possible, but with the proviso that to no denomination and to no single category of school shall be given exception of submission. (?)

8. The Congress recommends that the State should give reasonable compensation for school buildings to the several churches which have schools and educational institutions.
9. The Congress reasserts that the education for Natives should be built on Christian foundations which have been laid down by the Church and that satisfactory arrangements should be made to keep its Christian character and even to extend it.
10. The Congress asks that in Native education there should be ample possibilities to make useful citizens of the pupils so that they can build with their hands and their intellects a healthy economic position in their own circle and in the country as a whole.
11. The Congress desires also that, especially in Native settlements, there should be instituted educational facilities which will improve progressive Native communities.
12. The Congress is of the opinion that Native education can only reach its goal when it is in conjunction with proved principles of education, and in conjunction with the practice that has been followed by the white population through the means of their mother tongue.
13. The Congress therefore recommends that Native education, since:
 - (a) It has to be built on the Native's own character;
 - (b) It naturally has to be in an organic link with the wider Native policy of our country;
 - (c) The financing of this takes place directly from the Union exchequer and not from provincial funds;should not any longer be a provincial problem but should be under Union direction.
14. The Congress therefore requests that the various bodies serving the Natives should be co-ordinated and that expenditure on these should be more equal than is now the case.
15. The Congress states as its view that the education of the Native through primary, secondary, trade, technical and university channels should be large and sufficient to prepare him completely for the service of his people.

16. In agreement with the Government policy of separate, uninterrupted and independent education of the Bantu, which leaders in every walk of Bantu life considers is a sine qua non for the realization of the ideal, the Congress respectfully requests the Government to create separate, though complete, university facilities for the Nguni and Sotho groups in their different racial communities. We therefore ask the Government to take the initiative and, as far as possible, the financial responsibilities, since:

- (a) The Government as guardian of the Bantu has a special duty towards them;
- (b) The Bantu himself has not the capacity to do it;
- (c) It is not in favour of our policy that otherwise this very important matter should be left to private initiative.

17. On the ground of the two following principles, namely:

- (a) The ethnical principle or the principle of guardianship of the white man towards the Native; and
- (b) The psychological-educational principle, or the principle of counter-balance of the Native to sharpen his wish for independence and sense of responsibility;

we want to state that the more independent and wealthy the Native becomes, the white man's financial responsibility will become less and will eventually be the burden of the Native, as far as education is concerned. We accept the fact that there are so many needs which have to be fulfilled that the white man's financial responsibility, as far as concerns the spreading of a constructive policy of apartheid, will in the beginning be more likely to increase than to diminish. We certainly will not have reached the optimum yet and must therefore not shrink back. However, we want to stress that all possibilities of making the Native pay, as far as he can, for his education must be tapped. Therefore, we must use his possibility of labour to the utmost - he will only appreciate this when he has earned it, either by payment or by work.

18. The Congress suggests that the whole question of Bantu taxes should be investigated in order that they may give more services for themselves.

19. With a view to better understanding and greater co-operation between the different races in our country, the Congress would suggest to our youths at university and school to give more thought to the study of the Bantu languages

and the ways of life of the Bantu. This suggestion has been passed on to the Federal Missionary Committee for action.

20. The Congress appreciates the coming of representatives of Southern Rhodesia and other areas outside the Union and assures them of their moral support.

3. SOCIAL (page 81.)

1. A great measure of disintegration in the social order of the Bantu has already started, very often because of ignorance on the part of the whites with whom the Bantu comes into contact. The whole idea was to disintegrate and to sever the Bantu from his own way of life and habits.

2. This disintegration process has resulted in the loss of moral values and norms and because of this we get confusion through which very serious problems arise. These will become greater in the future if there is not a sound graft between elements of culture of the Bantu which are worth keeping and of western culture. A new social order must arise which will have greater stability for the individual and the family.

3. As our goal we must maintain Bantu life as far as possible, and realize and develop what has already been lost. Where their practices are sound and can be kept, we should build and extend. Where a new graft is needed, this should be done with authority and as carefully as possible.

4. Consideration has to be given to the factors that bring disintegration, and in the light of these we must make our future policy. One of the most important trends in this case is undoubtedly the movement towards the towns by the Natives and the fact that a united people will have great difficulties in developing under present economic conditions.

5. Because of the strong link between economic life and social life, a sound social life is only possible when we give to the Native in the Reserves full economic powers by developing the Reserves on a large scale.

6. The Reserves must be made so that they really belong to the Natives. Conditions must be fostered that should be especially favourable for the development of a sound family and social life. The Reserves must be made desirable so that the Natives will not be enticed to the towns. Conditions

must be so that he will be happy and content there, and will be in a position to live his own life fully. Therefore, in the Reserves we should have all conveniences and services, also the possibility for trained Natives to serve amongst their own people.

7. With a view to the Natives who live in places where white men live, the Congress wants to state its appreciation to the farmers who supply lodging facilities for their workmen; and it requests those farmers who have not done this yet, to do so.

8. With a view to the natives living in towns, it must be remarked that there is such an unbalanced influx of Natives there that the problem is nearly insoluble. It is essential that, as a guiding principle, the present town communities should as far as possible be kept white. This axiom is the essential opposite to the point of view that the Reserves should be the national homes of the Natives.

9. The first necessity therefore is to set up the necessary machinery for a better control of Native movement into the towns. Without that, the problem cannot be solved. Labour exchanges, such as, for instance, the law regulating Native labour which has been promised, must be called to life so that we can get a good idea of the demand for labour in the country and can couple this with the influx and exodus. Surplus Natives must be given work in their own districts.

10. We must give thought to a decent housing system for Natives living in town communities. Two aspects of the housing problem must especially be viewed, i.e. the necessity to find a cheaper method of housing, and that the employer should carry part of the financial burden.

11. We must also give thought to the housing of ethnical groups in separate areas and, as far as this is practically possible, we must try to make the Natives responsible for the maintenance of order in their own communities.

12. Social services must be made available to Natives in town communities. In this case we must give particular attention to the use of leisure, to youth clubs, to the fighting of crime (especially juvenile delinquency), as well as to the employment of Natives as social workers in the health services and nurseries for small children etc.

13. The Congress stresses the necessity of the rehabilitation of the individual as an integral part in the building of the people.

14. Beer gardens. The Congress hears with horror of the evil practices which have come into being in some towns in beer gardens for Natives on Sundays, and it requests municipalities concerned to close these beer gardens on Sundays, as this contributes to the disregard of Sunday and the break up of family life; and to start a thorough search into the possible root of drunkenness on Sundays as well as on weekdays.

15. Generally speaking, we must do everything to make racial inter-mingling impossible in all walks of life.

16. Finally, the Congress contends that it is the duty of the Church to spread the word of God and to extend this in all walks of life, reforming and uplifting (as has been done in educational services and hospital services) and to work for a sound home and social life amongst the Natives.

4. ECONOMIC (page 116)

I. The Congress has come to the following conclusions:

IA. The present economic position

1. The economic life of the Bantu which, in the early days, gave him an adequate livelihood has been shattered because of:
 - (a) The segregation of Bantu Reserves (the nomadic economy can no longer be practised);
 - (b) The intimate contact of the Bantu with the white economy during the past 150 years, especially in the last sixty years;
 - (c) The westernizing influence on the Bantu, which has been given to them through education.
2. Contact with whites has moulded a western way of life for the Native; it has developed western needs, and his economic system has nearly completely been westernized.
3. Therefore, the Natives' economic system has changed from a primitive land economy in the direction of western capitalism.
4. They have therefore the same ideals on economic grounds as the whites.

IB. The industry of the whites

1. The industry of the whites is founded on great amounts of unskilled native labour.
2. The whites defend themselves by means of a legal and conventional colour bar.
3. The colour bar is a serious obstacle to the economic development of the Natives; doing away with it will make serious dangers for the white worker and for the future life of the white race.
4. The integration of Natives in our industry will bring about a process of growing together of white and black in this country and this will develop so that the whites will become the white aristocracy and the Native the black proletariat of the new mixed people in South Africa.
5. Such a development would bring serious dangers for whites as well as non-whites in this country and the healthy relationship between these two races will turn to strife, clashes and bloody fights on one side and a biological coming together (blood mixing) on the other side.

II. The Congress stresses as its opinion that the only lasting solution for the race problem as far as white and black is concerned (also on economic questions) is in a final, complete segregation of white and non-white and a differentiating economic development for the Native in his areas.

In order to start with the principle of segregation; the Congress asks, the Government to nominate a commission of inquiry, comprising experts on several aspects of the problem (clerical, educational, social, economic, political, legal and medical), in order to collect facts about, to investigate, and to make recommendations on, all aspects which refer to the planning and passing of such a policy of separate development.

The Congress consider the following principles should be the basis for the investigation of the above-mentioned commission:

IIA. Reorientation of white economy

1. Future employment of the floating Native labour by whites must be kept to a minimum and must be regulated by a system of labour exchanges, so that the supply and demand of labour is regulated.
2. The settled Native labour must gradually, and according to good planning, be locked out from the industry of the whites, and then made productive in their own native industries.
3. The process of locking out native labour must go hand in hand with a process of letting in white labour which can be done by the following means:
 - (a) Increase of white population by stimulating the birth rate and by employing immigrants who have been vetted;
 - (b) Employment of youth in national service, so that they may learn the nobility of labour;
 - (c) The productive use of the poor whites, who are at the moment living miserably on the dole;
 - (d) The further mechanization of all types of work, including farming in South Africa, in order to boost production;
 - (e) Education of white workers in order to get greater productivity now and in the future;
 - (f) The use of labour on a co-operative basis in agricultural work and the organization of white labour groups.

IIB. Reorientation of Native economy

1. The distribution of ample land for the development of the various national Bantu groups as self-sufficient economic units. (The quota of ground which the 1936 law promised to them must be given to them according to their circumstances and so much additional ground as is deemed necessary for their future healthy development. This is the sacrifice that the white man must make in order to reach racial peace and the continuation of both groups).
2. The best possible use of the available ground by developing Native areas on a large scale.
3. The institution of area development corporations connected with the Department of Native Affairs, (like the scheme of the Tennessee Valley Authority in America), so that territories can be quickly developed.
4. Opposing the primitive farming methods of the Bantu, and the rehabilitation of the damaged areas under supervision and leadership.
5. The institution and vigorous development of suitable industries in Native areas and the giving of the chance to the Natives to reach the top in these industries in accordance with their ability.
6. The supplying of education to the skilled Native labourers in order to make them more skilful and to increase their productivity.
7. No non-Natives should be allowed to take up a profit-making industry in Native settlements, except when, by decree of the State, their presence is wanted for the development of the Natives.
8. The Congress also feels that the speedy union of the British Protectorates with South Africa is absolutely necessary in order to make full use of the plan above, because it would be a pity if the Natives of the Protectorates were not able to share the benefits of this new positive programme for their development.

5. POLITICAL (page 130)

1. The Congress is of the opinion that political equality will have a healing influence on the moral and religious life of the Bantu; furthermore, that self-help and ultimate freedom could be helpful allies to a self-ruling, self-sufficient and expanding Church. Some communal accent in the policy of government of the Bantus could help to counteract all exaggerated individualism in the western idea of Christianity and to stress the social aspects of this religion. On the other hand, all artificial and slavelike acceptance of the white form of government could have a bad influence on the natural growth of the young churches.

2. The Congress states as its opinion that the Native problem should be kept above party politics.

3. The political future and social and economic organization of each race - also the Bantu - is most important.

4. An uncertain, ill-considered policy on this aspect is a wall of foment and hate between races. This is fertile ground for all sorts of evil thoughts, for communism and for agitators.

5. The present situation is not only misleading, but dangerous; because most Natives do not know where they will eventually be led on political matters and therefore have a good deal of false hope.

6. There are two main policies:

- (a) Separate development;
- (b) Eventual intermingling;

as explained in the book of the Referat on page 121.

7. The policy of eventual intermingling is rejected because it will lead to unnecessary clashes between the two races, will dig the grave for the future of the white race, and will therefore be of a great disadvantage to the Christian culture in Africa. Therefore, this would have a bad influence on the healthy growth of the Bantu.

8. The policy of separate development is accepted as being a healthy basis on which white and Bantu can live happily together without the interests of one clashing with those of the other, and without the one looking upon the development of the other as something dangerous to themselves.

9. The political future of the Bantu should be clearly and lucidly pointed out as a long-term policy.
10. In his own territory the Bantu must be led to his full national status according to his own national background, backed by Christian culture.
11. We should make certain that the Bantu in his territories develops in accordance with Christian principles and that the organization, in all ways of life, should be in accordance with the Christian ideas of freedom, righteousness and fairness. We should especially watch freedom of religion and conscience.
12. The Bantu should be taught that he cannot ask for political rights in white territories, just as the white will have no political rights in Bantu territories.
13. The Christian guardianship should be maintained for as long as is necessary for the happiness of whites and Bantus.
14. The whole administration of Native affairs should be reviewed and re-organized on the best possible basis. The Congress is of the opinion that the Natives should be increasingly employed in the administration of Native affairs in their own territories.
15. We should immediately make a start with the forming of a permanent planning committee which could give positive leadership for the planned development of the Native territories.
16. The Congress hears with misgiving that there is a growing tendency in large parts of our country to buy farms and land and to leave them empty under the care of Native families who are posted there; the Congress passes this point on to the Federal Missionary Council and asks it to give its point of view.
17. The Congress requests the Government, when rehabilitating the existing Bantu Reserves or expanding them, to give land for Church buildings to the recognized churches if they need it for the care of their communities.
18. The African Church on this point has also a very important task and mission. With its principles of right and fairness it should do its very best to lead the way toward happiness for all races and to glorify the Almighty.

5A COMMUNISM: ITS DANGER (page 150)

1. The Congress states that communism is harmful to the people because:
 - (a). Communism is an atheist deviation which not only is in contradiction with the Holy Scriptures but also with the law of the Union, which definitely rests on Christian principles and accepts the leading hand of God in all State affairs.
 - (b) The Communist Party is a party which shows loyalty towards a foreign Power; it is in the land but not of the land.
 - (c) The Communist Party is a trouble-maker not only between classes but between races. Through its work of inflammation and hate it undermines the fundamentals of Church and State.
2. The Congress denounces the policy of social equality, assimilation and blood-mixing between whites and non-whites, since this is done to destroy racial purity and racial difference which God has made. This will mean death to the Christian culture of South Africa and will also destroy the good and racial characteristics of Bantu life.
3. The Congress requests the Government to outlaw communist propaganda.
4. The Congress requests the Government to decree that a person in employment of the Government or in an educational position who is spreading communism is contravening the law.
5. The Congress requests that the present law on the agitation of the non-white population against the white should be strengthened.
6. The Congress issues an appeal to the Government and the people of South Africa to better the social and economic position of the non-white workers, and so take away the grievances which are the breeding ground for communism.
7. The Congress is of the opinion that an active and positive policy of development of the Bantu in their separate national institutions will form a strong obstacle against the spreading of communism and therefore requests the Government to accept such a policy and to go ahead with it.
8. The Congress is also of the opinion that the spreading of the gospel, including rigorous missionary work and country-wide missionary action, will be the mightiest obstacle to communism.

9. The Congress demands of the Federal Missionary Council that, in order to start counteraction against communism and to propagate our work, it should ask:

- (a) The SAUK to allow radio broadcasts for this purpose and to improve transmission for the Bantus, especially on religious matters;
- (b) The churches concerned to start as soon as possible a wide and active financial appeal.

6. MEDICAL (page 167)

1. The Congress advises the Government to give thought to an extension of health services for the Natives, with special thought to the following two problems:

- (a) Ample distribution of nutritive kinds of food to all Natives, especially for the youth now growing up, thus helping the Native to be in this matter as far as possible self-sufficient;
- (b) Introducing healthy recreations for the Natives in those parts where it is necessary for their health and well-being.

2. The Congress advises that the churches in conjunction with the Government should enlarge their organization against social evils - prostitution, drunkenness and general lowering of morals, which are responsible for the spreading of venereal diseases and for the huge increase of these diseases among the Natives.

3. The Congress advises that the Government should propagate health instruction to the adult Native as well as to the school-attending population.

4. The Congress learns of the laudable steps being taken for the training of personnel in non-white, medical and health services, but, since the first condition for these services is trained personnel, the Congress requests the Government immediately to make these services available so that the most pressing needs can be fulfilled as soon as possible. These services should take into account the nature and situation of the Native and must eventually be founded in an adequately equipped Native university.

5. The Congress learns the startling fact that Natives who suffer from silicosis and tuberculosis are sent back by the mining companies to their homes. Since this way of treating them is the reason for the spreading of tuberculosis in Native territories, the Congress wants to request the Government to stop this immediately and to take adequate steps for the separation and treatment of these tubercular infected Natives.
6. The Congress requests the Government to take stronger measures in counteracting tuberculosis and venereal diseases.
7. The Congress advises that the present system of district physicians should be made into a permanent service and that this service should eventually lead to an organized health centre.
8. The Congress instructs the Federal Missionary Committee to ask the Government to make a serious attempt to fill the gap in children's birth and death registrations.
9. The Congress advises that institutions for Native blind, deaf and disabled should be started.
10. The Congress advises that universities with a medical faculty should be instituted in Native territories.

Note: Congress passes No. 11 (Government Control, (a), (b) and (c) to the Federal Missionary Committee for consideration and action.

11. Government control: The Congress wants to thank the Churches, missionaries, doctors, nurses and State departments for what they have already done to improve the health of the Bantus.

The Congress comes to the conclusion, that although the Church up till now has looked upon this as one of its special tasks, to give medical help to the Natives, this task under present conditions and especially under a progressive policy of development for the Natives, is too large. It therefore advocates the following:

- (a) Since it is the duty of the State to look after the medical, health and hospital services of the Bantu in South Africa, the Government is requested to take this up vigorously;
- (b) That all services amongst the Bantu should be placed under a separate branch of the Union Department of Native Affairs in order to consolidate and co-ordinate them;

(c) That it is the duty of the Church to work together with the State and work out the principles of this service.

GENERAL CONCLUSIONS

1. In the deep realization that the only true and lasting solution to the race problem must rest on a Christian basis, the Congress earnestly requests the people of South Africa to pray for the politicians who must give the leadership and to dedicate their cause to the Almighty.
2. The Congress strongly holds the opinion that to reach a right racial relationship can best be done by missionary work amongst the Bantus, and that it is the holy call to every South African to take part in the task that God has put upon us.
3. The Congress has taken note of the terrible situation amongst the Bantus in their ecclesiastical, social, economic and moral life, and the threatening danger inherent in this situation; it has again come to the conclusion that the only saving possibility is the cross of Christ and the tidings of freedom through the blood of Christ. It wants to put a call upon all churches present and through them the Afrikaners to start a renewed vigorous, unselfish, missionary activity, through which every member of the Church and population will do everything to bring the message of evangelism to every heathen heart. We order the Federal Mission Committee to make this decision known to Church and people.
4. Knowing the serious situation existing within the borders of the Union as well as the Protectorates (because a great number of the Bantus are still completely unevangelized, or are under the pressure of people who are hostile towards our ideals and also in some measure, towards the Protestant teaching) the Congress appeals strongly to the Federal Missionary Committee to start immediately the necessary investigation amongst Natives and to put a programme for action before the African churches.
5. Since this Congress has been called together by the Federal Missionary Committee to propagate the benefits of the missionary churches, it wants to state as its opinion that, in having a parallel evolution of European

and Bantu culture, it is the duty of the guardian to see to it that the benefits of the Bantu are never lost sight of. Here the Congress wants to state its appreciation of sections of our missionary Church which, in the midst of undermining trends of thought, have kept faithful to God and his word, and to assure them that it will always have the interest of the Bantu population at heart. May the Lord help them with his spirit so that they more and more may be the salt of the earth.

6. The Congress issues an appeal to the African churches to help the Federal Missionary Committee financially so that they will be able to finish this work as soon as possible.

7. In order to enable the Federal Missionary Committee to fulfil its purpose, the Congress requests the Committee to start immediately employing a full-time Federal Missionary Secretary, who will specialize in making propaganda for our cause abroad. Delegates when returning to their homes are requested to ask their missionary secretaries to make a special collection so that a full-time secretary for the Federal Missionary Committee can be employed.

APPENDIX VI 1/

THE AFRICA BUREAU

69 Great Peter Street,
LONDON, S.W.1

5 November 1952

The Chairman,
Ad Hoc Committee on South West Africa,
United Nations,
New York

Dear Sir,

Further to the petition concerning South West Africa and the documents referred to in my letter of 26 October and that of Lord Hemingford, Chairman of the Africa Bureau, of 23 October, I am enclosing herewith these documents for examination by your committee or by a special commission as requested.

In asking for this commission I would like to remind you of a letter from Chief Hosea Kutako of South West Africa to the Chairman of the Ad Hoc Committee on South West Africa following the refusal of the Union Government to allow him to leave the country to be heard by the Fourth Committee in Paris and which stated:

"We are very much worried by the attitude of the Union Government in connexion with the case of South West Africa. We humbly ask the United Nations to send us an impartial commission so that we may meet the Government of the Union of South Africa and then furnish the commission with undoubtful facts as to the conditions and wishes of the indigenous people. Because we have nothing to hide we leave it to the Union Government to choose the place where we may meet provided that the United Nations Commission is present and that the Reverend Michael Scott is also present so that his credentials may be verified by our statements.

"We are very much worried because false and foul means are being resorted to in order to try and persuade the United Nations that the other African tribesmen are satisfied with the treatment of the Government of the Union of South Africa as it was evidenced by the statement read by Dr. Donges, the leader of the delegation of the Union of South Africa".

1/ The Ad Hoc Committee on South West Africa is bringing to the notice of the General Assembly only those parts of this communication which relate to South West Africa.

Since I have been prohibited from returning to South Africa and these Chiefs have been prevented from coming to the United Nations many charges have been made by Dr. Malan and other Ministers of the South African Government both against me personally and against your petitioners without the possibility of any fair trial. We, therefore, request a verification of the facts by confrontation before an independent commission of inquiry.

By means of the South West Africa Act (copy, as amended 1951, enclosed) the inhabitants are denied the protection of any form of international supervision. While the white inhabitants numbering one-tenth of the whole population are given six representatives in the House of Assembly, the non-European nine-tenths of the population are given no representation at all in the House of Assembly. They are represented by one Senator in the Upper House who is appointed by the Government and who must be white.

It is because the Parliament of South Africa now claims the sovereign right to apply its laws to South West Africa without reference to the international community that we ask for a commission to investigate the whole truth regarding its apartheid legislation and the social and economic situation that is being created there. The documents, therefore, that are being submitted for the examination of your committee now include the following:

1. "Administration of South West Africa, Welfare of the Indigenous Population," South African Institute of Race Relations (RR 810/51 of 11 November 1951)
2. "The Native Question, the Conclusions of the Church Congress of the Dutch Reformed Federated and Mission Churches in connexion with The Native Question, held in Bloemfontein, 4 - 6 April 1950"
3. (a) "The Group Areas Act" (United Nations document A/AC.38/L.34 of 15 November 1950)
(b) "The Group Areas Act" by Kenneth Kirkwood, South African Institute of Race Relations
(c) "The Group Areas Act of The Union of South Africa, What it means." Government of India, Ministry of External Affairs
4. Bantu Authorities Act No. 68 of 1951
5. "South Africa on the Nazi Path" by India Overseas Central Association

6. Note on Crimes and the Pass Laws in South Africa from "The Dilemma of South Africa" by John Hatch, and from South African Institute of Race Relations
7. (a) South West Africa Act 1949 (United Nations document A/929 (page 7) Annex, summary record of Fourth Committee of 1949)
(b) Note on Constitutional Changes per South West Africa Acts 1919, 1925, 1931 and 1949
(c) South West Africa Act Amendment No. 55, 1951

Yours truly,

(Signed) Michael SCOTT

Reverend Michael Scott

Note by the Secretariat: The documents referred to above are in the files of the Secretariat and may be examined upon request.

APPENDIX VII

1.

Chief Hosea Kutako,
P.O. Box 1034,
Windhoek.

7 February 1952

The Secretary-General,
United Nations Organization,
Palais de Chaillot
Paris

Sir,

We are very much worried by the attitude of the Union Government towards the United Nations in connexion with the case of South West Africa.

We humbly ask the United Nations to send us an impartial commission to come to South West Africa so that we may meet the Government of the Union of South Africa and thus furnish the commission with undoubtful facts as to the conditions and wishes of the indigenous people.

Because we have nothing to hide we leave it to the Union Government to choose the place where we may meet, provided that the United Nations commission is present and that Reverend Michael Scott is also present so that his credentials be verified by our statements.

By having the Union Government present and the United Nations commission the ambiguity which is in the minds of some of the delegates at the United Nations will be cleared up and justice will be done to the United Nations as well as to the Government of the Union of South Africa and to the indigenous people of South West Africa.

We are very much worried because false and foul means are being resorted to in order to try and persuade the United Nations that the other African tribes are satisfied with the treatment of the Government of the Union of South Africa as it was evidenced by the statement read by Dr. Donges, the leader of the delegations of the Union of South Africa.

The concerned party in the mentioned statement, namely the Berg Damaras openly repudiated the statement read by Dr. Donges and in order that such occurrences should not take place in future we ask for an impartial commission.

The International Court of Justice maintained that South West Africa is a Mandated Territory and that the Union Government cannot change the international status of South West Africa but on the contrary the Union Government has changed the international status of South West Africa because:

1. The Union Government does not govern this territory in the interest of the indigenous people.
2. The Union Government recently issued a declaration that our spokesman Reverend Michael Scott is a "prohibited immigrant" in the Union of South Africa and in South West Africa although South West Africa is on international territory.

We ask the United Nations to intervene, because an iron curtain has been placed between our spokesman and us.

The United Nations acknowledges the Reverend Michael Scott as our spokesman, thus he has full right to report back to us what took place at the United Nations because this territory is not a Province of the Union but it is a Mandatory Territory and the United Nations inherited the right of the League of Nations.

He, Reverend Michael Scott, should thus be declared as not a "prohibited immigrant". He should have free access to South West Africa.

Please circulate this document to all the delegates at the United Nations and to the Five-Man Commission.

I remain, yours in expectation,

(Signed) Chief Hosea KUTAKO

Chief Stephanus HOVEKA

2.

Chief Hosea Kutako,
P.O. Box 1034,
Windhoek

7 March 1952

Secretary-General,
United Nations Organization,
Palais de Chaillot,
Paris

Sir,

My tribe and I are very grateful for the repeated attempts of the United Nations to pass resolutions that South West Africa be placed under International Trusteeship System.

By doing so the United Nations want to restore peace and happiness to the indigenous people of South West Africa who have no say in the affairs of the land in which God put them.

We are looking forward with hope that the right might triumph over injustices and therefore our confidence in the United Nations will remain unaltered.

Let the nations that assist the Union Government of South Africa realize that they are prolonging justice and peace to dawn over this part of Africa where brotherhood and equality are unknown and therefore they are hindering peace for which the United Nations was founded.

Because passports were refused us and no written explanation was given me; we are now returning to the Reserve where we have been placed, but shall always keep on trying to have our men present when our case is being discussed again this year.

The Reverend Michael Scott will remain our spokesman at the United Nations.

I have sent you some communications about one month ago and I have not as yet received any acknowledgment.

May God bless the work of the United Nations and thus to enable the champions of peace to conquer the champions of oppression.

Yours truly,

(Signed) Chief Hosea KUTAKO

APPENDIX VIII

TO THE CHAIRMAN OF THE COMMITTEE OF THE UNITED NATIONS ORGANIZATION
INVESTIGATING THE QUESTION OF SOUTH WEST AFRICA

Mr. Chairman and members,

In brief our earnest appeal is as follows:

The Rehoboth Settlement was bought and further secured by the labour and sacrifices of our people. Since 1868, 1870 - 1874 we have the right to govern ourselves in accordance with our laws and customs, under the Constitution of the Rehoboth Settlement.

We demand that Proclamations nos. 28 of 1923, 31 of 1924, 9 of 1928, 29 of 1929, 17 of 1932, 5 of 1935, 20 of 1935, 16 of 1938 and 22 of 1941 be declared null and void in the Settlement.

We want the right of self-government restored in accordance with our patriarchal Constitution of 1870-1874. When our forebears took over the Settlement from the late Swartbooi, the frontiers of the settlement were clearly defined and accepted as such by the original chiefs and the German Government.

During the 1914 - 1918 World War there was a dispute between the Rehobothians and the German Government, because the former had refused to fight against the Union of South Africa; they had refused on the grounds that their forebears had originated from the Union of South Africa. Moreover they had felt that their participation in this war would be a violation of their treaty with the German Government that they would remain neutral in the event of any war or dispute between Europeans. The German Government threatened that if they refused, they would abrogate the treaty - as they did.

When General Botha visited Walvis Bay, the late Captain C. van Wyk and other prominent Rehobothians consulted with the Prime Minister there. He recognized the Constitution of 1870 - 1874, as well as the frontiers of the Settlement. Our earnest wish is that the pledges made to the Rehobothians by the now deceased statesmen, should be honoured. We request that the United Nations should, as the League of Nations had done, recognize us as an independent people with a right to self-government. As a people we had governed ourselves for fifty-four years; for the past nineteen years we have been administered under an experiment by the Government of the Union of South Africa.

We earnestly request that some future date we be given the opportunity to discuss with the United Nations the question of the states of our Settlement. It is alleged that, on 5 April 1925 riots had taken place in the Settlement. There were no riots at all. The trouble was entirely domestic in nature and arose because of differences among Rehobothians. The Government of the Union of South Africa immediately interfered in our internal affairs by sending aeroplanes and armed troops into the settlement. Shots were fired by the Union personnel. There was no retaliation by the Rehobothians who were not intent on trouble. Some of our people were arrested and fines ranging from £20 to £60 were imposed on them. Many of our people suffered severe losses of stock.

Subsequently the Government of the Union of South Africa appropriated thirty-three farms belonging to the Settlement, to defray the expenses of having sent aeroplanes and armed forces to bring misery and ruin upon the Rehobothians. Your committee could consult Hansard Vol. 8 of 1946, wherein it would be found that the blame attached to the Union of South Africa.

We, therefore, demand the return to us - the rightful owners - these thirty-three farms, hundreds of miles in extent, which had been wrongfully and unlawfully taken away from us by the Government of the Union of South Africa. In an article in a local magazine "Die Huisgenoot", of 23/10/50, the European writer of the article asserts that the blame for the loss of our land attach to ourselves. But this assertion has no foundation of truth.

During the period of German rule a strip of land to the west of the present Settlement was also taken from us by the then Government. We earnestly request that this land be restored to us as well. We attach letters for further information.

We trust and hope that the United Nations committee and the United Nations itself will not leave us, the Hereros, the Namias and the Damaras in the lurch. We appeal to the whole world for help in our struggle to safeguard our independence and our human rights.

Will it not be possible for the United Nations to send a committee of inquiry to learn the truth of South West Africa?

Yours faithfully,

(Signed) A.J. BEUKES
P. DIEGAARD
A. VAN WYK

Attachment to above letter:

RE: PHILANDER AND TRIBE'S RIGHTS to the Farm 'RIETFONTEIN' GORDONIA

The History of this land, situated north of the Orange River, and its ownership, is very briefly as follows:

1. Prior to 1860 it was no-mans land, undeveloped, and very sparsely occupied by nomads like the Masarwa Bushmen, virtually waterless, and teeming with game and vermin (Lion country).

2. A large trek of Bastards moved up the Orange River about 1860 and then split into two sections, that is the people under the recognized Chief Dirk Philander - the former went in a north-westerly direction from Upington (then known as Veldshoendragers) to what is now Warmbad and Rehoboth in South West Africa, (and the latter northwards from Upington to what is now known as Aroab - Rietfontein (old name "NASS") NOSOP, MOLOPO (WIJDRAAI REGION) and AUOB RIVERS.

They actually after long and arduous campaigns against a warlike tribe called Afrikaners, tamed the country generally, opened waters hunted game and vermin. Chief Philander and Tribe occupied the region, and claimed ownership and actual sovereignty. Rietfontein (Nass) was the central reserve and headquarters of the Chief and Tribe. Its extent was computed to be 35,000 morgen between 1880-1890 the Germans acquired what is now known as S.W. Africa and Surveyors Bosman and later Moorrees (afterwards Surveyor-General of B. Bechuanaland at Vryburg) (fixed the boundary between German and the Philander country roughly as Meridian 20 (longitude) runs owing to the fear of the Bastards) Philanders Tribe) of the Germans. Chief Philander asked the Imperial British Government to take the Tribe and its land under protection - at first the Imperial Government declined to do this (see letter dated 28/3/1892 from Lord Knutsford to the Governor of the Cape) but later, about August 1891, the British Government agreed and the Philander country came under British protection. The 20 meridian actually cut Philander's country in two.

3. Between about 1870 and 1890 Chief Philander granted many farms to some of his own people, and sold to many Europeans under a recognized Deed of Grant (Title). These grants were fully investigated and confirmed by the Moorrees (Commission of 1893) - at this time there is full proof that Chief Philander reserved Rietfontein area 35,000 morgen (comprising Vetrivier, Driaboom Styerkolk, Schopkolk, Maarkolk, etc.) as his own for his Tribe's exclusive

benefit. The Rhenish Missionary Society started its spiritual activities about 30 June 1885 and the Chief sold one of his farms "Gansvlei" to one Nel for £350, and used this money towards the building of the church and parsonage at Rietfontein. The Society was placed in control of the station and administered the Tribe's affairs, finances etc., on the understanding that it would hold the offices in trust for the Tribe only for so long as the Society was operating as missionaries. Without the knowledge, consultation with, or consent of the Tribe, the Cape Government granted Title of Rietfontein (22,000 Morgen) to the RMS (by Deed of Grant dated 30/5/07) Vide 1893 Commission's report. Schepolk was also transferred to the RM Society.

4. In 1944, also without the knowledge or consent of the Tribe, the RM Society sold "Rietfontein" to the Union Government, and took Title, and the Union Government, in its efforts to uplift the people at and around "Rietfontein", has established and intends to expand a land settlement scheme for these people, who have all along, without any interruption, occupied "Rietfontein" and Schopkolk which they still look upon as their very own under their ancestral right. Ever since the outbreak of war in 1939 the RM Society has virtually ceased its missionary work, and the Tribe now claims that under the reservation made by the original Chief Philander the farm Rietfontein and Schopkolk, adjoining (portion of old Reserve) was their property.

26 January 1952.

To: the United Nations Commission,
We request the revert of our land to us.

Chief: W. Philander
Rietfontein,
P.O. Nier Cordonia.
