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FOURTH COMMITTEE
Agenda item 39

QUESTION OF SOUTH WEST AFRICA

Note by the Secretary-General: In accordance with the decision taken by the Fourth Committee at its 749th meeting on 6 October 1958, these communications are circulated to the members of the Committee for their information.

1. Letter dated 5 September 1958 from Mr. T.H. Ja-Toivo and Mr. F.B. Isaacs, Ovamboland Peoples' Congress, Windhoek, South West Africa, to the Secretary of the Committee on South West Africa

Re: PETITION

With the command and authority of my congress, I am writing again with confidence and hope that the United Nations will do its best during this session to end the misery and grievances inflicted upon the indigenous peoples of South West Africa. We are suffering under the tyrant, ruthless and vicious Nationalist Government of South Africa.

With another 5 years outstanding for the Nationalist rule, we are facing more and more inhuman and cruel legislation of our oppressors. Therefore, we humbly request as we have done for the past 12 years, that our territory must be placed under the Trusteeship System.

We are of the opinion that if the United Nations do not solve or settle the question of South West Africa, as soon as possible, it will fail in one of its vital and important tasks. Despite the fact that we have sent you numerous petitions year after year, our petitions have met with disapproval from some christian states. The Union of South Africa has kept and tightened her grips on our country in order to extract our mineral wealth and to exploit our people for the benefit of the white settlers.

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We have carried the yoke of slavery for the past 38 years under the disguise of the mandate system. Time and again our petitioners have expressed our earnest desire that the territory be placed under the Trusteeship system, yet our desires and requests are not responded to.

We are confident that you have all the first hand information and that you know almost better than ourselves of all the harsh treatment imposed upon the Africans by the Government of South Africa. However, we cannot see or understand why this question cannot be settled.

The so called "Problem of South West Africa" has reached its 13th anniversary in the agendas of the United Nations and for the past 12 years, the former "Allied and Associated Powers" who were responsible for the creation of the mandate have either opposed the wishes of the indigenous people of S.W.A. or refrained from discussing the question whenever this question arose. We have no doubt that this is a token of willingness to keep us under the control and slavery of imperialists; yet the "Allied and Associated Powers" claim to be the champions and protectors of human rights and independence.

The failure by the Government of South Africa to comply with the United Nations Charter, the advisory opinion of the International Court of Justice, and to submit annual reports to the World organisation is nothing else but a violation of the United Nations.

We pray that this case must be considered and compared with normal guardian and ward cases. In normal cases when a guardian illtreats his or her ward the authorities see to it that the guardian is replaced by the willing and appropriate guardian who is really interested in looking after the interests of the ward; whether the former guardian agrees or not, the decision of the authorities is a final one.

The case of South West Africa is considered by the indigenous inhabitants in the same way. The responsibility is vested in the United Nations and the International Court of Justice whose decision is a final one, no matter what the Union Government says.

We would like to state that the indigenous peoples are not, and will never be prepared to accept any partition or anything less than the Trusteeship System

of the whole territory and a new mandatory power to be other than the South African Government; nor will we accept the idea advocated by the Government of South Africa to submit annual reports to the former members of the League of Nations, for the simple reason that these three powers do not constitute the International organization.

We hope this year, the United Nations will no longer waste its time but will reach a final decision and place the territory under the Trusteeship Council of the United Nations.

(Signed) T.H. Ja-Toivo

F.B. Isaacs

pp. OVAMBOLAND PEOPLES CONGRESS

2. Letter dated 5 September 1958 from Mr. T.H. Ja-Toivo, Ovamboland Peoples Congress, Windhoek, South West Africa, to the Secretary of the Committee on South West Africa

Mr. Chairman, having been denied the travelling means to New York by the Government of South Africa to address the United Nations personally we have to use all means at our disposal to make ourselves heard.

To start with, on behalf of the indigenous people of South West Africa I respectfully thank our petitioners at the United Nations. I would like to thank Father Michael Scott for his tireless work for the past 12 years at United Nations on behalf of the oppressed people in South West Africa. I would also like to thank most sincerely Mr. Kerina who made it possible for the voice of the indigenous people of South West Africa to be heard before the United Nations.

Mr. Chairman, our patience is exhausted and we feel that the time has come for us to make our position clear before the World.

Before the Fourth Committee of the General Assembly last year, Mr. Kerina stated this among other things:

1. That S.W.A. is not a colony of the Union of South Africa;
2. That the Union of South Africa has not conquered us by means of arms;
3. That the people of South West Africa have the right to appeal to any power for assistance to end the South African Government's inhuman oppression and atrocities in South West Africa.

Our problem in S.W.A. is not against Communism. We have not suffered under Communism yet. All that we hear about Communism is from our White guardians who are presently oppressing us. It should be born in mind that our problem is this: WE ARE POSITIVELY AGAINST THE ADMINISTRATION OF THE SOUTH AFRICAN GOVERNMENT IN SOUTH WEST AFRICA. I repeat once again that for the last 38 years, the Government of South Africa has not done anything to fulfill her international duty which is - "To promote to the utmost the material and moral well being and social progress" of the indigenous people.

The United States, while pretending to be the protector and upholder of the rights of the oppressed peoples, show little concern for the wellbeing of the indigenous people of S.W.A. She must not continue to disregard her international responsibilities because American owned companies are extracting our copper and our vanadium by the sweat and toil of our people.

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What is most striking to the Africans is the fact that we are told a great deal about the evils of Communism which I understand demands equality and justice for all, irrespective of colour or creed. I believe if this is what Communism means, the people who call it an evil will also brand Jesus Christ a communist who gave us the great commandment "Love thy neighbour as thy self and do to all men as you wish they should do unto you."

The countries which are regarded as being under the influence of Communism are not represented by the Russians at the United Nations; they are represented by their own nationals whereas, we, in Southern Africa under the guardianship of the "Christian Civilisation" not only have no representation on the United Nations but are also exposed to the most inhuman treatment by our white paternal guardians under the cloak of "Democracy".

You have been told by our petitioners of the indefinite imprisonment of Rev. Hamtumbangela. I would like to tell you that at the moment he is back in Ovamboland. I'll tell you what happened. Early this year in January a delegation of five men interviewed the Bishop of Damaraland to find out how Rev. Hamtumbangela was imprisoned without a trial, the Bishop told the delegates that this was done by the Government and he could do nothing about it. After the delegation left, he went to see the Chief Native Commissioner and told him that one Herero and three Ovambos had come to see him in connection with the imprisonment of Rev. Hamtumbangela. He urged the Native Commissioner to send Rev. Hamtumbangela back to Ovamboland or else the trouble would start.

The Chief Native Commissioner afterwards called Rev. Hamtumbangela and asked him if he (Rev. Hamtumbangela) wanted to return to Ovamboland. Rev. Hamtumbangela replied that he had had no intention of coming to Windhoek and that it was the Native Commissioner who had brought him there. The Native Commissioner denied this saying that Rev. Hamtumbangela was brought there by his church, and if he wished to return to Ovamboland, he would give him his travelling pass willingly. All he must do is to make an application to his Bishop that he wanted to return to Ovamboland and if the Bishop permits him to go back to Ovamboland, he must fetch his travelling pass.

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Rev. Hamtumbangela did not make any application to the Bishop as suggested by the Native Commissioner but to his surprise he was called by the Native Commissioner and told that he was leaving for Ovamboland. Then the Native Commissioner warned him not to hold any meetings in Ovamboland and not to continue writing letters to the United Nations. Not that Rev. Hamtumbangela was compensated for the unlawful arrest and for the damage done to his property during his absence by the headmen of the responsible Minister of Native Affairs, Dr. Verwoerd.

This is how the people of S.W.A. are oppressed and the World is looking at us without taking any action. We want a peaceful settlement of the question of S.W.A. right now.

The time has come for the people of S.W.A. to exercise their rights as human beings. Having become victims of a vicious totalitarian Govt. of South Africa, we, the people, of S.W.A. humbly request the United Nations to revoke the mandate and to place the territory under the Trusteeship Council of U.N.O. and to end the misery inflicted upon us by the Government of the Union of South Africa. We also request the United Nations to send a commission to South West Africa to study the appalling living conditions of our people on the spot and to report back to the General Assembly.

(Signed) T.H. Ja-Toivo

P.S. The tape-recorded version of this speech has been forwarded to Mr. M. Kerina with the request that it be handed over to you for reproduction in the General Assembly.

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3. Letter dated 6 September 1958 from Mr. F.B. Isaacs and Mr. T.H. Ja-Toivo, Windhoek, South West Africa, to the Secretary-General

It is with great concern that we, the undersigned South West Africans representing the more informed section of our people wish hereby to submit some irrefutable facts to the United Nations Organisation. These are facts which the General Assembly have time and again deliberately evaded in its deliberations on the so-called question of the relationship between the territory of South West Africa and the Union Government.

1. Judging by the attitude taken by both Great Britain and South Africa at the General Assembly deliberations during the past 12 years it is evident that they had never intended to fulfill the mandatory obligations concerning the indigenous peoples of the territory, but that they wanted to exploit the territory and its people for the benefit of the white people only. This contention is supported by the fact that both Great Britain and the Union Government are reluctant even now to have the territory placed under the United Nations Trusteeship Council.
2. The Union Government has thus by means of false pretences and in collusion with Great Britain secured the guardianship or mandate over the indigenous peoples of the territory.
3. The Union Government was supposed to have "accepted" the "responsibility" to "Promote to the utmost the material and moral well-being and social progress of the inhabitants of the territory ...".

We are reluctantly faced with the conclusion that the deliberations concerning South West Africa at the General Assembly are purposely directed towards an irrelevant course which absolutely evades the real point at issue.

The delegates of the Christian countries, notably Great Britain and her satellite states, are behind this move which ensures the indefinite continuance of the status quo.

In order to arrive at an equitable solution, the question the General Assembly has to ask is: Has the Union Government fulfilled her duty in terms of the mandate towards the African peoples, the indigenous inhabitants of the territory?

Taking the long period of 38 years of the mandate and the backwardness of the indigenous peoples into consideration, the answer is a definite NO!

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This fact cannot be refuted by the Union Government or anyone else. Should the Union Government however try to make a mere statement to the contrary, we challenge her or anyone else to bring any impartial member or members of the United Nations to South West Africa in our presence!

There is no doubt that the relationship of the mandatory power and the mandated peoples is, for practical purposes, the same as that of an ordinary guardian and a ward.

The General Assembly has hundreds of decided cases where wards are being grossly illtreated by their guardians which may be referred to. In the present case of South West Africa and the Union Government, the guardian (the Union Government) has grossly neglected and broken her duties towards the ward (the indigenous peoples of South West Africa). We therefore earnestly request that the provisions of Article 7 of the mandate be invoked and the matter be referred to the International Court of Justice on the grounds that the mandatory state has broken her obligations and failed in her duties.

We submit that this is a case in which the breach of duty has been established as far as the indigenous peoples are concerned.

For all the years that we came into contact with the Christian nations, notably Great Britain, we have pinned our hopes and confidence on them. But for the last 12 years our petitions and requests that our territory be placed under the Trusteeship Council of the United Nations seem to have fallen on the deaf ears of the Christian Countries.

Now, we are disillusioned and feel reluctantly compelled to request help from any state other than the so called Christian states. We believe these (non-Christian states) are the ones who are really concerned with the freedom and independence of the oppressed peoples in the World.

(Signed) F.B. Isaacs
T.H. Ja-Toivo

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4. Letter dated 9 September 1958 from Chief Hosea Kutako, Windhoek, South West Africa, to the Secretary-General.

We have the honour to inform you that we are not in favour of the partition of South West Africa which emerged from the negotiations between the Good Offices Committee of UNO and the Union of South Africa.

South West Africa is a Geographical unit and can therefore, not be partitioned without endangering its inhabitants' socially, economically and politically. If it is partitioned, it would not be able to exist as a territory and it would be robbed of its rights as an international territory whose aim is to foster the sacred trust of civilization.

The Native policy of the Union of South Africa is such that it would be morally wrong to bring more non-Europeans under its Administration.

Justice would therefore, not be done to all the inhabitants of South West Africa.

We failed to see the reason why such a responsible international body (the Good Offices Committee) should have proposed that a section of the people of South West Africa should be handed to the oppressive South Africa Government.

The aim of the Mandate over South West Africa was to develop the inhabitants and to grant them independence eventually, but not to present a portion of the country to the Union of South Africa.

We adhere to our proposal that South West Africa be placed under the United Nations immediately.

Yours faithfully,

(Signed) Hosea Kutako

Kindly forward the enclosed letter to the Reverend Michael Scott.

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5. Letter dated 11 September 1958 from Mr. Sam Nujoma and Mr. Louis Nelengani, Windhoek, South West Africa, to the Secretary-General

We have the honour to inform you that we the people of Ovamboland object to the partition of South West Africa as proposed by the Good Offices Committee of the United Nations. While we were looking forward to the appointment of the Good Offices Committee of the United Nations with high hopes, we were shocked to learn that they had proposed the partition of South West Africa, which would leave some of the inhabitants of South West Africa at the mercy of the Union of South Africa.

We believe the Good Offices Committee are aware of the fact that 9 million Africans in the Union of South Africa are landless and voteless in the land of their birth, and this matter has been brought to the notice of the United Nations.

The partition of South West Africa will not only rob the people of South West Africa of their territory and international protection, but would bring some of them under the claws of the undemocratic Union Government from which they will never be extricated.

The majority of the people of South West Africa have time and again asked to be placed under the guardianship of UNO.

There is no truth in the statement made by the Union Government that the people of Ovamboland are satisfied with the Government of the Union of South Africa.

We further ask the United Nations to allow our representative Mr. Mburumba Kerina to speak on our behalf.

(Signed) Sam Nujoma
Louis Nelengani

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6. Letter dated 16 September 1958 from Mr. J.M. Gertze, Mr. E. David Roos, and Mr. N. Gariseb, for Chief Samuel Witbooi, Gibeon, South West Africa, to the Secretary-General

On behalf of the Nama people of South West Africa we would like hereby to inform you Sir, that we are opposed to the proposal of the partition of South West Africa which was proposed by the United Nations' Good Offices Committee.

South West Africa is a Mandated territory which was entrusted to the Union of South Africa by the League of Nations to promote the political, economic, social and educational advancement of the inhabitants, with self-government as the ultimate aim. It is therefore, impossible to be partitioned on mere political expediency which is not the desire of all its inhabitants.

If South West Africa is partitioned, part of it would be deprived of international protection which it would enjoy under the United Nations and would be left at the mercy of the cruel South Africa Government and the result would be oppression, slavery and disease for the non-white population.

The Mandate over South West Africa was to develop the indigenous people and to grant them independence ultimately and that did not mean that a portion of the territory should be presented to the Union of South Africa which instead of fostering the sacred trust of civilization, deprived the indigenous people of their lands and rights.

It is a well-known fact that the 9 million non-whites in the Union of South Africa are slaves in the land of their birth and we wonder whether the Good Offices Committee of UNO was not aware of that fact when they proposed that a portion of S.W. Africa should be incorporated into the Union of South Africa.

How will the Union Government fulfil the aims of the Mandate over South West Africa - that of developing the inhabitants towards self-government if it has failed to fulfil its obligations during the past 38 years?

We really cannot understand how a responsible body, the Good Offices Committee might be goaded by mere political illusory until it proposed such a dangerous proposal of partitioning such a small country like South West Africa which cannot be partitioned without endangering its inhabitants.

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We strongly beg the United Nations not to waste its power in considering the fruitless proposal of partitioning South West Africa but carry on considering other steps which might ensure South West Africa to be placed wholly under the United Nations immediately, such as those proposed by the Committee of South West Africa and to be administered by a country or group of countries appointed by the United Nations.

We further ask the United Nations to grant oral hearings to the Reverend Michael Scott and Mr. Mburumba Kerina on our behalf.

(Signed) J.M. Gertze
E. David Roos
N. Gariseb

For Chief Samuel Witbooi
