

UNITED



NATIONS

**REPORT
OF THE COMMITTEE ON
SOUTH WEST AFRICA**

GENERAL ASSEMBLY

OFFICIAL RECORDS : FOURTEENTH SESSION

SUPPLEMENT No. 12 (A/4191)

NEW YORK

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I. GENERAL

1. By resolution 749 A (VIII) of 28 November 1953, the General Assembly established, "until such time as an agreement is reached between the United Nations and the Union of South Africa", a Committee on South West Africa, and requested this Committee to:

"(a) Examine, within the scope of the Questionnaire adopted by the Permanent Mandates Commission of the League of Nations in 1926, such information and documentation as may be available in respect of the Territory of South West Africa;

"(b) Examine, as far as possible in accordance with the procedure of the former Mandates System, reports and petitions which may be submitted to the Committee or to the Secretary-General;

"(c) Transmit to the General Assembly a report concerning conditions in the Territory taking into account, as far as possible, the scope of the reports of the Permanent Mandates Commission of the League of Nations;

"(d) Prepare, for the consideration of the General Assembly, a procedure for the examination of reports and petitions which should conform as far as possible to the procedure followed in this respect by the Assembly, the Council and the Permanent Mandates Commission of the League of Nations."

Furthermore, the resolution authorized the Committee to continue negotiations with the Union of South Africa, in order to implement fully the advisory opinion of the International Court of Justice of 11 July 1958 regarding the question of South West Africa, and requested the Committee to submit reports on its activities to the General Assembly at its regular sessions.

2. Since the time of its establishment the Committee has held annual sessions, the sixth of which is the subject of the present report.¹

3. As originally established, the Committee consisted of seven members. By resolution 1061 (XI) of 26 February 1957, the General Assembly, considering that the continuing absence of an agreement between the United Nations and the Union of South Africa required that the Committee should remain in existence for the purposes set forth in resolution 749 A (VIII), decided that the composition of the Committee should be increased to nine members appointed by the Assembly on the recommendation of the Fourth Committee, and that one-third of the membership should be renewed by the same procedure annually. On 13 December 1958, the Assembly, on the recommendation of the Fourth Committee, elected three members to replace Mexico, Pakistan, and the United States of America. The following States were elected: Guatemala, Ireland and the Philippines.

4. The composition of the Committee during its sixth session was accordingly as follows: Brazil, Ethiopia, Finland, Guatemala, Indonesia, Ireland, Philippines, United Arab Republic and Uruguay. The following representatives served during the session:

Brazil: Mr. Carlos S. Gomes Pereira
Ethiopia: Mr. Haddis Alemayehou, Mr. Tesfaye Gebre-Egzy, Mr. Girma Abebe
Finland: Mr. Ralph Enckell, Mr. Henrik Blomstedt
Guatemala: Mr. Alberto Herrarte, Mr. Maximiliano Kestler
Indonesia: Mr. Imam Abikusno
Ireland: Mr. Eamonn L. Kennedy, Mr. Paul J. G. Keating
Philippines: Mr. Victorio D. Carpio
United Arab Republic: Mr. Ahmed Osman, Mr. Mostafa Rateb Abdel Wahab
Uruguay: Mr. Enrique Rodriguez Fabregat

5. At its 97th meeting on 22 January 1959, the first meeting of the sixth session, the Committee re-elected Mr. Enrique Rodriguez Fabregat as its Chairman, and elected Mr. Haddis Alemayehou as its Vice-Chairman and Mr. Eamonn L. Kennedy as its Rapporteur.

6. Between 22 January and 24 August 1959, the Committee held twenty-three meetings. The Committee met in closed session during the first part of its 98th and the second part of its 102nd meetings, in order to draw up the texts of two letters (annex I) from the Chairman of the Committee to the Minister of External Affairs of the Union of South Africa (see paras. 22 and 29 below). At its 120th meeting on 24 August it adopted the present report to the General Assembly.

7. The report and observations of the Committee regarding conditions in South West Africa form part II of this report.

8. At its 97th meeting, the Committee on South West Africa decided to undertake further studies of legal action to ensure the fulfilment of the obligations assumed by the Union of South Africa in respect of the Territory of South West Africa. At the same meeting, the Committee established a Sub-Committee on Legal Questions consisting of the Chairman of the Committee, *ex officio*, and the representatives of Finland, Guatemala, Ireland, and the Philippines to carry out this task. The Sub-Committee held seven meetings, on 27 January, 29 April, 14 May, 19 and 30 June and 17 July 1959, under the Chairmanship of the representative of the Philippines, and submitted a report to the Committee. At its 120th meeting, the Committee decided to take note of the report of its Sub-Committee and to bring it to the attention of the General Assembly.² It also decided to keep the matter of legal action

¹ For the reports of the Committee on the work of its first, second, third, fourth and fifth sessions, see *Official Records of the General Assembly, Ninth Session, Supplement No. 14* (A/2666 and Add.1 and Corr.1); *Tenth Session, Supplement No. 12* (A/2913 and Add.1-2); *Eleventh Session, Supplement No. 12* (A/3151); *Twelfth Session, Supplement No. 12* (A/3626); *Thirteenth Session, Supplement No. 12* (A/3906 and Add.1).

² A/AC.73/2.

under review pending further instructions from the General Assembly. In addition, in view of the situation created by the continued failure of the Government of the Union of South Africa to pay due regard to the international status of the Territory or to comply with the repeated recommendations of the General Assembly that the Territory be placed under the International Trusteeship System, and, in particular, by the failure of the Union Government to comply with its obligations under the Mandate in regard to the administration

of the Territory and in regard to the supervision and control of the General Assembly, the Committee feels bound to draw the attention of the General Assembly to its conclusion contained in the last part of paragraph 233 of this report to the effect that the General Assembly should consider means of ensuring the fulfilment by the Union Government of its obligations under the Mandate and the Charter with respect to the Territory of South West Africa.

II. NEGOTIATIONS WITH THE UNION OF SOUTH AFRICA

9. The Committee described in its previous reports the results of the efforts which it had made, within the framework of the authority granted to it by the General Assembly, to carry out negotiations with the Union of South Africa in order to implement fully the advisory opinion of the International Court of Justice. It recalls that these efforts met with no favourable response from the Union Government, which declined also—and has continued during the period of the present report to decline—to co-operate in any way with the Committee in the discharge of its functions.

10. At its 97th meeting on 22 January 1959, the Committee decided, in the absence of any request made to it by the Assembly in this matter, and in the light of the fact that, by resolution 1243 (XIII), the Assembly had requested the Good Offices Committee to renew discussions with the Government of the Union, to withhold any further approach to the Union Government which might be made under the Committee's own authority to negotiate.

III. EXAMINATION OF PETITIONS AND COMMUNICATIONS RELATING TO SOUTH WEST AFRICA

11. From its 97th to 104th meetings and during the course of its examination of conditions in South West Africa, from its 105th to 118th meetings, and at its 119th and 120th meetings, the Committee examined petitions and communications relating to the Territory.

12. At its 101st and 118th meetings, on 23 April and 11 August 1959, it approved the texts of three draft resolutions which it recommends for adoption by the General Assembly with respect to petitions and related communications. These draft resolutions are annexed to this report (annexes II-IV). A more detailed account of the action taken by the Committee in connexion with its examination of petitions and communications is given in sub-section B below.

A. REQUESTS FOR ORAL HEARINGS AND RELATED COMMUNICATIONS

13. The Committee also received requests for oral hearings from two South West Africans, Mr. Fanuel Jarireturdu Kozonguizi, and Mr. Hans Beukes.

14. Mr. Kozonguizi, it will be recalled, had earlier been granted an oral hearing by the Fourth Committee during the twelfth session of the General Assembly, but had been refused a passport by the Union Government to allow him to appear before the Assembly. By a cablegram received on 15 April 1959, Mr. Kozonguizi indicated that he was in Accra on his way to New York and asked to be heard by the Committee. At its 99th meeting, the Committee granted the request of Mr. Kozonguizi, who accordingly addressed the Committee at its 102nd meeting on 1 May 1959. At that meeting, on the oral request of Mr. Kozonguizi, the Committee decided to grant him a further hearing during the course of its examination of conditions in the Territory. By decision taken at its 103rd meeting, on 23 July 1959,

the Committee fixed the date for the hearing for 29 July 1959. On 28 July 1959, however, Mr. Kozonguizi informed the Committee from London that he was unable to appear before it. The text of Mr. Kozonguizi's oral statement before the Committee at the 102nd meeting, as well as the communications from Mr. Kozonguizi relevant to his hearing, and related communications from the Reverend Michael Scott, Chief Hosea Kutako and Mr. J. Dausab and others in the Hoachanas Native reserve, are annexed to this report (annex V).

15. Mr. Hans Beukes, a South West African student, was deprived by the Union Government of a passport which had been granted him to enable him to accept a scholarship at the University of Oslo. By radiogram received on 15 July 1959 from Bechuanaland, he asked to appear before the Committee to testify about conditions in the Rehoboth Community and the withdrawal of passports by the Union Government. At its 103rd meeting, the Committee, taking into account a related communication from the Reverend Michael Scott, granted the request for a hearing to Mr. Beukes and tentatively fixed 31 July 1959 as the date for the hearing. Mr. Beukes subsequently requested that his hearing be postponed, and the Committee, in the absence of further information concerning the whereabouts of Mr. Beukes, had fixed no alternate date for his hearing as of the date of adoption of the present report. The communications received from Mr. Beukes and the related communication from the Reverend Michael Scott are annexed to this report (annex VI).

16. The Committee draws the attention of the General Assembly to a further communication dated 17 March 1959 from Mr. M. Kerina (Getzen) informing the Committee that seven South West Africans listed in that communication wish to be heard before the Fourth

Committee during the fourteenth session of the General Assembly (annex VII).

B. EXAMINATION OF PETITIONS

17. In view of the absence of any change in attitude on the part of the Government of the Union of South Africa with regard to the transmission to the United Nations of petitions received by it from sources within the Territory, the Committee continued to apply the alternative procedure of its rules of procedure in examining petitions relating to the Territory. As provided by rule XXVI (a) of the Committee's rules of procedure, petitioners from inside the Territory are accordingly requested to resubmit their petitions to the United Nations through the Union Government unless they have advised the Committee that they have already done so. The Committee followed this procedure with respect to all petitions from within the Territory during its sixth session. It may be recalled that in the case of Mr. Jacobus Beukes of the Rehoboth Community, who had complained of being threatened by the Magistrate of Rehoboth if he addressed any further letters to the Administrator, the agent of the Union Government in the Territory, the Committee had decided, at its 74th meeting on 18 July 1957, to suspend the above-mentioned requirement. Since Mr. Beukes later informed the Committee that a new Magistrate had been appointed and Mr. Beukes subsequently sent further letters to the Administrator, the Committee decided, at its 97th meeting on 22 January 1959, to resume the application of rule XXVI (a) to petitions from Mr. Jacobus Beukes.

18. In connexion with the application of this procedure, the Committee draws the attention of the General Assembly to annex VIII of this report, containing a petition dated 29 April 1959 from Chief Hosea Kutako. He enclosed with this petition a copy of a letter which he received from the Chief Bantu Affairs Commissioner for South West Africa, returning to him the petition which he had resubmitted in accordance with the Committee's rules. The Union Government official gave as the reason for this act that "the Union of South Africa does not recognize the authority of the United Nations on any matter concerning South West Africa". Chief Kutako therefore asked the Committee to accept petitions direct from the petitioners since the procedure requiring them to give copies of their petitions to the authorities for transmission seemed to be unworkable.

19. The Committee considered this petition at its 103rd and 104th meetings. At the latter meeting, the Committee decided to apply rule XXVI (a) of its rules of procedure to the petition and to record its opinion that the Union Government, by refusing to transmit the petition, was acting contrary to the obligations it had assumed under Article 2, paragraphs 2 and 5, of the Charter. The Committee accordingly cites this as one example of the manner in which the Government of the Union of South Africa is failing to discharge its duties as a Member State. The Committee further draws the attention of the General Assembly in this connexion to the petitions dated 4 May 1959 from the Reverend Michael Scott and dated 24 July 1959 from the Reverend Michael Scott and Mr. Jariretundu Kozonguizi, annexed to this report (annexes IX and X).

20. The Committee took the following petitions and communications into account during its examination of conditions in South West Africa and it approved a draft resolution which it recommends for adoption by the General Assembly in this connexion (annex II).

(a) Petitions relating, *inter alia*, to the Hoachanas Native Reserve:

(1) Petition dated 24 September 1958 from Chief Samuel Wittbooi, Chief Hosea Kutako and others (annex XI);

(2) Petition dated 14 October 1958 from Captain H. S. Witbooi (annex XII);

(3) Petition, by radiogram received on 30 January 1959, from Chief Hosea Kutako (annex XIII);

(4) Petition, by cablegram received on 17 February 1959, from the Reverend Michael Scott (annex XIV);

(5) Petition dated 18 February 1959 from the Reverend Michael Scott (annex XV);

(6) Petition dated 18 February 1959 from Mr. J. Dausab and other residents of Hoachanas (annex XVI);

(7) Petition dated 1 April 1959 from the Reverend Michael Scott (annex XVII);

(8) Petition dated 25 February 1959 from the Reverend Markus Kooper (annex XVIII);

(9) Petition dated 23 April 1959 from Chief Hosea Kutako (annex XIX);

(10) Petition dated 29 April 1959 from the Reverend Markus Kooper (annex XX);

(11) Petition dated 25 May 1959 from Mr. J. Dausab and other residents of Hoachanas (annex XXI).

(b) Petition dated 9 November 1958 and related communications dated 20 February and 27 April 1959 from Chief P. Keharanyo (annex XXII).

(c) Petition dated 30 December 1958 from Mr. Toivo Ja-Toivo and Mr. F. Isaacs and communications relating to Mr. Ja-Toivo (annex XXIII).

(d) Petitions relating, *inter alia*, to the Rehoboth Community:

(1) Petition dated 4 August 1958 from Mr. J. Beukes (annex XXIV);

(2) Petition dated 17 August 1958 from Mr. J. Beukes (annex XXV);

(3) Petition dated 30 September 1958 from Mr. J. G. A. Diergaardt, J. H. Mall, P. Diergaardt and forty-five others (annex XXVI);

(4) Petitions, by radiograms received on 16 December 1958, 26 January 1959 and 29 March 1959, and related communication dated 7 May 1959 from Mr. Jacobus Beukes (annex XXVII);

(5) Petition dated 11 April 1959 and related communication dated 5 May 1959 from Mr. J. Beukes (annex XXVIII).

(e) Petitions relating to the withdrawal of a passport from Mr. Hans Johannes Beukes:

(1) Petition, by radiogram received on 27 June 1959, from Mr. Neville Rubin, President of the National Union of South African Students (annex XXIX);

(2) Petition dated 26 June 1959 from Mr. Neville Rubin (annex XXX);

(3) Petition dated 29 June 1959 from Mr. Hans J. Beukes (annex XXXI);

(4) Petition, by cablegram received on 14 August 1959, from the Tenth International Student Seminar of the International Students Conference (annex XXXII).

(f) Communication dated 16 March 1959 from the Reverend Michael Scott.³

21. At its 98th meeting, the Committee had before it a radiogram received on 30 January 1959 from Chief Hosea Kutako (item (a) (3) above) stating that force had been used against the people of the Hoachanas Native Reserve and that the Reverend Markus Kooper had been removed from the Reserve. It also had before it a radiogram received on 26 January 1959 from Mr. J. Beukes of the Rehoboth Community (item (d) (4) above) stating that drastic administrative action had been taken at a policy meeting. The Committee decided to request the Secretariat to invite the Government of the Union of South Africa to submit its observations with respect to the points raised in these petitions, in accordance with rule XI of its rules of procedure. As of the date of adoption of this report, the Committee has received no observations from the Union Government on the two petitions. The Committee subsequently decided, at its 99th meeting, to seek further clarification from Mr. Beukes of his radiogram received on 26 January 1959 as well as his radiograms received on 16 December 1958 and 29 March 1959, and Mr. Beukes replied by letter dated 7 May 1959 referred to above (item (d) (4)).

22. At its 99th, 100th, and 101st meetings, the Committee considered the situation relating to the forced removal of the Reverend Markus Kooper and his family from the Hoachanas Native Reserve and the threatened removal of other residents of the Reserve. At its 101st meeting on 23 April 1959, the Committee approved the text of a draft resolution which it recommends for adoption by the General Assembly concerning the Hoachanas Native Reserve (annex III). The Committee further decided to transmit the draft resolution to the Union Government. The text of the letter accordingly drafted

³ By this communication, Mr. Scott transmitted to the Committee, at the request of Chief Hosea Kutako, the proposed regulations for the Windhoek Native location, comprising 196 regulations and five schedules. The communication and proposed regulations have accordingly not been annexed to the present report but are available upon request to Members of the General Assembly.

by the Committee at the second part of its 102nd meeting, in closed session, is annexed to this report (annex I, item 2).

23. In connexion with the above-mentioned petitions relating to the withdrawal of a passport from Mr. Hans Johannes Beukes, a South West African student who had been granted a three-year scholarship to study at the University of Oslo, the Committee decided to recommend to the General Assembly for its approval the draft resolution contained in this report as annex IV.

C. OTHER COMMUNICATIONS RELATING TO SOUTH WEST AFRICA

24. In addition to the petitions and communications referred to above, the Committee received three communications which it considered required no further action by the General Assembly.

(a) *Communication dated 2 October 1958 from Mr. Jacobus Beukes*

25. At its 97th meeting, the Committee decided to refer this letter, which related to a question discussed by the General Assembly at its thirteenth session in connexion with the report of the Good Offices Committee, to the General Assembly for its information and to notify Mr. Beukes of this decision (annex XXXIII).

(b) *Communication dated 9 November 1958 from Mr. J. Beukes*

26. At the same meeting, the Committee decided to take note of this communication, which appeared intended only for its information, and to inform Mr. Beukes of this decision (annex XXXIV).

(c) *Communication dated 14 October 1958 from Mr. R. K. Lloyd, Northern Rhodesia*

27. The Committee decided at its 97th meeting to refer this communication, which raised questions outside of its terms of reference, to the General Assembly, and to notify Mr. Lloyd of this decision (annex XXXV).

PART II

REPORT AND OBSERVATIONS OF THE COMMITTEE ON SOUTH WEST AFRICA REGARDING CONDITIONS IN THE TERRITORY

I. INTRODUCTION

28. The Committee on South West Africa is under standing instructions, according to the terms of reference set forth in General Assembly resolution 749 A (VIII), to transmit to the Assembly a report concerning conditions in the Territory taking into account, as far as possible, the scope of the reports of the Permanent Mandates Commission of the League of Nations. For the sixth successive year, the Committee has carried out this task without the assistance or co-operation of the Government of the Union of South Africa, which has again failed to carry out or even to recognize its obligation to report to the United Nations on its administration of the Mandated Territory.

29. At its 97th meeting on 22 January 1959, the Committee decided once more to request the Union Government to render an annual report in reference to the Territory as provided by General Assembly resolutions 749 A (VIII), 851 (IX) and 941 (X), and by rules 1 and 2 of the rules of procedure of the Committee. By letter of 6 February 1959, the Committee accordingly invited the Union Government to co-operate with the Committee and to render such a report (annex I, item 1). In reply, by letter of 15 June 1959, the Permanent Representative of the Union of South Africa to the United Nations, by direction of the Minister of External Affairs, indicated that the attitude

of the Union Government concerning the submission of annual reports on South West Africa remained unchanged (annex I, item 3).

30. At its 97th meeting, the Committee also requested the Secretary-General to submit to it all available recent information relating to South West Africa, pursuant to rule XXII of the Committee's rules of procedure, if no report on the administration of the Territory had been received from the Union Government by 20 May 1959. The Committee draws the attention of the General Assembly to the document⁴ accordingly prepared by the Secretary-General, mainly from official publications of the Union of South Africa and the Territory of South West Africa.

31. At its 105th to 118th meetings, from 27 July to 11 August 1959, the Committee examined conditions in South West Africa. It drew up the present report to the General Assembly on the basis of the official information and documentation made available to it by the Secretariat, and other relevant information, including, in particular, petitions and communications from inhabitants of South West Africa and other sources, and reports in the territorial Press.

32. From its examination of the information at its disposal, the Committee has become increasingly disturbed with regard to recent developments in South West Africa. During 1958 and early 1959 the administration of the Territory has been characterized by a reaffirmation and re-emphasis of *apartheid* and "White supremacy", by plans for mass removals of "Native" inhabitants associated with the possible partitioning of the Territory and with the progressive physical transfer of the Territory to "European" citizens of the Union of South Africa, and by restatements of the aim of the Government in power to secure the eventual annexation of the Territory by the Union of South Africa. At the same time, there have been new defence and security measures, increasing evidence of reprisals against peti-

⁴ A/AC.73/L.13.

tioners and other critics of the administration, and infringements of freedom of the Press and of the free exercise of religion. In succeeding sections of this report, the Committee has given an account of these and other developments in South West Africa and has recorded its observations and conclusions concerning various aspects of the administration of the Mandated Territory.

33. It may again be noted that, throughout the text of its report, the Committee has used such terms as "European", "Non-European", "Coloured" person and "Native" in quotation marks. As explained in its previous reports, it disapproves of the use of such terms and has used them only because they are employed in the laws and other texts of the Mandatory Power and the territorial Administration as a means of distinguishing various sections of the population, and represent differences in the legal as well as in the economic and social status of the inhabitants. Statutory definitions of these terms are not uniform, varying with different laws. Generally, the term "European" denotes a "White" person in the laws of the Territory, although in the Rehoboth Community, a "Coloured" person is for some purposes deemed to be a "European" in relation to "Natives". The term "Non-European" generally refers to all persons not classed as "Europeans", and includes both "Natives" and "Coloured" persons. The term "Coloured" person is generally defined as meaning any person of mixed "European" and "Native" or "Coloured" descent. The term "Native" is in some instances defined as a person belonging to "an aboriginal race or tribe" of Africa, in others as a person one of whose parents belongs to such a race or tribe. For the purposes of certain laws governing "Native" administration in "Native" areas, the term "Natives" also includes any "Coloured" person living in those areas who may at the same time be classed as a "Coloured" person for the purposes of other laws, including, for example, income tax legislation not applicable to "Natives".

II. GENERAL

A. STATUS OF THE TERRITORY

34. The Committee finds it necessary at this time to recall the status of the Territory in international law in view of the continued refusal of the Union of South Africa to respect the General Assembly resolutions recommending, *inter alia*, the placing of the Mandated Territory under the International Trusteeship System, to abide by the advisory opinion of the International Court of Justice of 11 July 1950, to submit reports on its administration of the Territory to the United Nations or even to recognize the supervisory functions of the General Assembly, and in view of the grave repercussions of such refusal on the peoples of the Territory.

35. The status of South West Africa in international law is that of a Territory under the international Mandate assumed by the Union of South Africa on 17 December 1920, and the Union of South Africa is not competent to change the Mandate status without the consent of the United Nations. As stated by the International Court of Justice and confirmed by the General Assembly, the Union of South Africa therefore continues to have the obligations stated in Article 22 of the Covenant of the League of Nations and in the Mandate,

as well as the obligation to transmit reports and petitions and to submit to the supervision of the General Assembly.

36. The International Court reiterated in 1956 that "the obligations of the Mandatory continue unimpaired with this difference, that the supervisory functions exercised by the Council of the League of Nations are now to be exercised by the United Nations". The Court further explained:

"The general purport and meaning of the opinion of the Court of 11 July 1950 is that the paramount purpose underlying the taking over by the General Assembly of the United Nations of the supervisory functions in respect of the Mandate for South West Africa formerly exercised by the Council of the League of Nations was to safeguard the sacred trust of civilization through the maintenance of effective international supervision of the administration of the Mandated Territory."⁵

37. In its advisory opinion in 1956, the International Court also recalled that, in its 1950 opinion in

⁵ ICJ Reports, 1956, pp. 27-28.

discussing the effect of Article 80 (1) of the Charter, preserving the rights of States and peoples under existing international agreements, it had observed: "The purpose must have been to provide a real protection for those rights; but no such rights of the peoples could be effectively safeguarded without international supervision and a duty to render reports to a supervisory organ."⁶

38. Statements made during 1958 by officials of the Union Government, representatives in Parliament from South West Africa, the Press and petitioners reflect uncertainty and insecurity regarding the present and future status of the Territory. Representatives of the "European" population of the Territory appear to be united in their opposition to United Nations supervision, while representatives of "Non-European" groups appear to fear the uncontrolled exercise of authority by the Union Government, and express their desire that the Territory be placed under the International Trusteeship System.

39. The position of the Nationalist Party in power in the Union and South West Africa, a position shared by the Opposition Party in the Union but not by the Opposition Party in South West Africa,⁷ was stated as follows by the Minister of External Affairs on 18 August 1958:

"In regard to the juridical position, as the Hon. Member has correctly put it in his speech, our attitude is the same as that of the previous Government and which has consistently been adopted by South Africa, namely, that the Mandate under the League of Nations has lapsed, and that the United Nations is not the heir either to the rights or obligations of the old League."⁸

40. In refusing to recognize the supervisory authority of the United Nations over the Territory of South West Africa, the Union Government has not invoked the provisions of Article 2, paragraph 7, of the Charter. In this connexion, the Minister of External Affairs explained:

"We have never yet relied—either in the time of the United Party Government or in the time of the present Government—on Article 2 (7) in dealing with the South West Africa issue. That is an entirely different issue."⁹

41. Although representatives of the Union Government in the Union Parliament and in the United Nations have often referred to the "consistent" attitude taken by the Government in regard to the status of South West Africa, the Committee recalls that, in the United Nations, it was not until 1948 that representatives of the Union Government adopted the attitude that the Mandate had lapsed, after the Trusteeship Council had made an examination of conditions in the Territory. In 1947, more than a year after the demise of the League of Nations, the Government continued to refer in the United Nations to the "existing Mandate".¹⁰ As late as 1954, the present Prime Minister, then Minister of Native Affairs, stated in the Union Parliament that the Territory remained a "C" Mandate but interpreted the Mandate as requiring the Union to administer all of the affairs of the Territory as an in-

tegral part of the Union. The position in local law may be indicated by the fact that the High Court of South West Africa in 1948 recognized the status of the Territory as a Mandate after the demise of the League. Moreover, the Treaty of Peace and South West Africa Mandate Act, 1919, the Union law confirming the Mandate, remains in force in the Union and South West Africa.¹¹

42. A more complete understanding of the divergent attitudes prevalent in the Territory with regard to the present and future status of the Territory may be derived from a review of the statements made during 1958 and 1959 by members of the Government and representatives of various sections of the population with respect to the possible integration of the Territory into the Union and the possibility of partitioning the Territory.

43. As in previous years, members of the Union Parliament from South West Africa continued to ask for the integration of the Territory into the Union of South Africa, this being the aim of the Nationalist Party in power. A member of this Party, Senator H. J. Steyn, supported this request by stating:

"South West Africa, seen from a historical point of view, belongs to the Union; we have practically the same history, geographically we are the same, neither the Orange River nor the Kalahari forms any real boundary between the two territories. In the economic sphere we are completely bound up with the Union; ethnologically we are the same races, we are the same Germans, Englishmen, South Africans and Jews which you find in the Union. The Bantu races are also practically the same as those in the Union, and ideologically we are also the same. We have the same ideas on religion, language and culture, also strategically South West Africa belongs to the Union, and South West Africa cannot be excluded from the system of defence of South Africa. We cannot remain neutral in event of war. For all these reasons, we say that there is only one thing for us to do, and that is unification with the Union."

44. Senator Steyn also claimed that 90 per cent of the German population endorsed the policy of the Nationalist Party, including unification with the Union.

45. Dr. Steyn, like other representatives of the "European" population of South West Africa, made it clear, however, that South West Africa, as a fifth province of the Union, should still be allowed to retain control over its own finances, including taxation at a lower rate than in the Union.¹² Another member of Parliament from South West Africa, Mr. J. P. du Plessis Basson, made further reservations, stating that the "European" population of South West Africa "favour a higher constitutional unity with the Union but no enforced uniformity with any of the Union Provinces in educational practices, language policies, liquor and hotel laws and in many other major and minor matters affecting our way of life in the Territory".¹³ The Union Minister of Finance, however, stated that when the Territory becomes a part of the Union, the "comparisons which are drawn between the Union and South West Africa ought then to become a thing of the past".¹⁴

46. The position of the United National South West Party (UNSWP), the Opposition Party in the Terri-

⁶ *Ibid.*

⁷ See para. 46.

⁸ *Union of South Africa, Hansard*, 18 August 1958, No. 7, cols. 2369-70.

⁹ *Ibid.*, col. 2366.

¹⁰ *Official Records of the General Assembly, Second Session, Fourth Committee Summary Records, annex 3 a (A/334)*.

¹¹ See A/AC.73/L.7, question 2, paras. 24-25; A/AC.73/L.12, para. 17.

¹² *Senate Debates*, 23 September 1958, cols. 1826-32.

¹³ *The Windhoek Advertiser*, 24 March 1959.

¹⁴ *Senate Debates*, 23 September 1958, cols. 1914-15.

tory, is that the Mandate remains in force even though it does not recognize the right of the United Nations to supervise the administration. It recognizes United Nations authority over the Territory to the extent of desiring the Organization to terminate the Mandate and recognize the independence of the Territory. *Die Suidwes-Afrikaner*, considered the organ of the UNSWP, expressed the attitude of that Party towards United Nations supervision and towards the integration of the Territory in an editorial opposing the partitioning of South West Africa.

It stated:

"The crown of South West, the future food-barn of the land in the north, as well as our labour-fountain, must be cut off and be placed under a body which was described by the Nationalists themselves as a body where the non-whites are dominant and whose policy would enforce equality between blacks and whites as well as total equality of political rights for all living creatures. This organization, which was used to win elections for the Nationalist Party, and is often presented as the greatest bogey (vermin), will now be allowed within the borders of South West Africa.

"South West is a unit and it is unthinkable that the territory might be partitioned for the reasons outlined above and that we should lose all our sovereignty over a large part of the territory. The plan for the Union to absorb the southern portion where the whites are concentrated, is unacceptable for anyone who has chosen to make a home in South West. Not only will the heavier taxation of the Union apply to the inhabitants of South West, but we will lose the advantage of using our own revenue in South West and we will be incorporated into the more developed parts of the Union. A forgotten Cinderella and merely a handy projection of the hinterland of the Union."¹⁵

47. While the Opposition Party in the Territory, which had not been consulted in the matter, objected to the partitioning of the Territory, leaders of the Nationalist Party from South West Africa gave the plan their support. Dr. Steyn, who, together with other members of the Union Parliament from South West Africa, the Administrator and members of the Executive Committee of the Territory, had been frequently consulted on the subject by the Minister of External Affairs, found it necessary to point out, however, that since the Union Government rather than South West Africa already had control of the "Native" areas the status of the Territory would not be appreciably altered if the plan were implemented.

48. The Committee cannot fail to draw the attention of the General Assembly to the implications of the partition plan under consideration by the Union Government, as described by Dr. Steyn on 23 September 1958, following his discussions with the Minister of External Affairs:

". . . that the Natives be removed to a territory east of Ovamboland to the Indian Ocean, and one in the west with the Okavango River as boundary. In this territory there are no Europeans, and at present there are in this Native area approximately 5,000 Natives. This is a territory in area greater than the reserves which the Natives in South West Africa inhabit at present. The Okavango River also affords better opportunity for irrigation. Bordering on these areas there are already 250,000 Ovambos and the

number of Natives who will have to be moved is approximately 40,000, consisting of 30,000 Hereros and approximately 10,000 Damaras . . . At the moment South West Africa is virtually cut up into nine different reserves, and if we could remove those reserves, and gather the Natives together in one locality, unity could be brought about. The Europeans would also not suffer damage through this because no Europeans live in those territories to which the Natives will be removed. These territories have not been developed. They are of great importance, great irrigation schemes could be constructed there. The Okavango River has more water than the Orange River and the Vaal River together. It has water throughout the year. Much can therefore be done by irrigation. As regards South West Africa itself, I believe that its status would not undergo much change through this, because the control of the Native areas are under the Union."¹⁶

49. This may be compared with the following statement later made by the Minister of External Affairs in the Fourth Committee on 29 September 1958:

". . . It is a big question, it is a matter which would require very thorough investigation as to all sorts of aspects of the matter, and therefore all that the Committee could do at this stage would be to invite, say, the Union Government to make that investigation, to see whether the proposition is a feasible one, namely, to have in the northern part of the Territory, which incidentally is far away the best as regards rainfall, type of country which at present is very sparsely populated, to move to that part of the Territory the four or five other reserves which are now scattered in the rest of the Territory. That in short is the idea, but obviously a matter of that kind has to be most carefully investigated. Obviously the wishes of both sections of the population would have to be considered and that would take time."¹⁷

50. Many inferences may be drawn from these brief descriptions of the proposal. The Committee wonders, for example, whether it may have been linked with the Bantustan programme of the Union Government announced early in 1959, for criticism of which one of the members of Parliament from South West Africa, Mr. J. P. du Plessis Basson, was expelled from the Nationalist Party caucus by unanimous decision. It would in any case be difficult, on the basis of the information available, to identify the sparsely populated regions referred to by the Minister of External Affairs, or to assess the extent of the removals contemplated apart from the proposed removal of 40,000 Hereros and Damaras from their lands in the Police Zone. However, from this and from other recent developments reported in succeeding sections of this report, the Committee cannot but be greatly concerned with the preoccupation of the Mandatory Power with schemes involving the removal of "Non-European" inhabitants of the Territory, either within the Territory or even to the Union of South Africa, obviously to make room for the gradual expansion of "European" settlement of the Territory and in effect transferring the greater part of it to "Europeans" who are South African citizens.

51. The attitude of the Government towards consulting the inhabitants of South West Africa in connexion with the future of the Territory was also re-

¹⁵ *Die Suidwes-Afrikaner*, 9 September 1958.

¹⁶ *Senate Debates*, 1958, cols. 1835-37.

¹⁷ A/C.4/PV.745, p. 15.

vealed during the discussions in the Union Parliament in 1958. The Prime Minister acknowledged that the Union Government would "most certainly have to consult fully the White inhabitants of South West Africa itself", but indicated that the Government would consider in due course whether it would be desirable and necessary at a later stage to consult the "Non-European" inhabitants of the Territory. The above-mentioned member of Parliament from South West Africa, Mr. J. D. du Plessis Basson, also considered that it "goes without saying" that the "Europeans" would be consulted in regard to any decision taken on the future status of the Territory. Concerning the consultation of "Native" inhabitants of the Territory, he said:

"Our difficulty in that connection unfortunately is this: UNO does not want to accept our form of consultation (as in 1946)¹⁸ and one can hardly think of another form of consultation that would be practical in the circumstances of the Natives in South West. But even at this stage I can give this assurance to the Hon. the Leader of the Opposition that both the Administration of South West and the Department of Native Affairs are maintaining the closest contact with the wishes of the Natives of South West, and it simply does not happen that Natives are removed or that any change is brought about in the existing rights of the Natives in South West without the fullest consultation and, in the majority of cases, the approval of the Natives concerned."¹⁹

52. Early in March 1959, the Minister of External Affairs visited the Territory to inform the Legislative Assembly of what had taken place in regard to the South West Africa issue in the United Nations. According to his subsequent Press interview, as reported by the Government Information Service, the Minister informed the Legislative Assembly that an investigation of the possibility of partitioning South West Africa never became necessary because the scheme was "killed at the United Nations". Another purpose of his visit was to see if it was not possible for the two political parties in the Territory to present a united front on constitutional and international matters. Following the Minister's address to the Legislative Assembly, an offer of a united front and co-operation in regard to the South West Africa issue and the United Nations was made by the leader of the Opposition Party. The leader of the Nationalist Party in the Territory was reported as agreeing that the two parties "could not, in today's world, differ on two vital matters—the constitutional and international question and the question of Non-Whites".²⁰

53. The Government's attitude towards its mandate was later reflected in statements by the Chief Native Commissioner of South West Africa, a "European" official of the Union Government who, according to a petition from Chief Hosea Kutako, informed the Hereros at a meeting held on 17 March 1959 that the League of Nations had decided that South West Africa should be administered as an integral part of the Union of South Africa but that it was never intended to be given back to the indigenous population. Moreover, in a letter dated 25 April 1959 to Chief Hosea Kutako, he stated

¹⁸ An indirect consultation of the "Native" population through their chiefs and headmen, carried out without United Nations supervision by officials of the Union Government.

¹⁹ *Union of South Africa, Hansard*, 19 September 1958, cols. 4352-54.

²⁰ *Fortnightly Digest of South African Affairs*, 20 March 1959.

that the "Government of the Union of South Africa does not recognize the authority of the United Nations on any matter concerning South West Africa".²¹

54. In contrast to the attitudes expressed during 1958 and early 1959 by representatives of the Government and of various groups of the "European" population, all of the "Non-Europeans" in the Territory who have petitioned the United Nations on the subject have continued to appeal to the United Nations to place the Territory under the International Trusteeship System. Herero, Nama, Ovambo and Rehoboth Community petitioners have also asked that the administration of the Territory should no longer be entrusted to the Union Government.²² Recognition of this attitude of the "Non-European" population of the Territory was also implied by a member of the Union Parliament from South West Africa, Mr. P. S. Van der Merwe. Speaking against the position taken by the Opposition Party in South West Africa, he said:

"UNO knows that the United Party in South West advocates this policy of independence, and it is this which has made UNO persist in its attitude towards South Africa . . . In other words they say it is not only the Hereros, the Damaras and those people who do not want to have anything to do with the Union, but there are many Whites in South West who do not want to have anything to do with the Union as well."

B. POPULATION OF SOUTH WEST AFRICA

55. As of mid-year 1958, the population of the Territory was officially estimated to total 539,000 persons, including 452,000 "Natives", 66,000 "Europeans", and 21,000 "Coloured" persons. According to the latest census in the Territory, taken in 1951, the population numbered 434,081, of whom 366,885 were "Natives", 49,930 were "Europeans", 17,262 were "Coloured" persons and four were "Asians". Since the census was taken only in the Police Zone, the figures given for "Natives" include estimates of those living outside of that area. The Police Zone population, according to the census, numbered 206,331, of whom 49,930 were "Europeans" and 156,401 were "Non-Europeans".

56. Of the "European" population, less than half (22,318) were born in the Territory; of the balance (27,612), about half were born in the Union (18,700) and the next largest group was born in Germany (5,855). A total of 45,439 were South African citizens. Of the total "European" population, 28,774 lived in urban areas, and the rest in rural areas stretching from the southern boundary of the Territory to the border of the northern "Native" reserves. Classified by their mother tongue, 33,091 of the "Europeans" were Afrikaans-speaking, 11,931 German-speaking, and 4,158 English-speaking.

57. Of the 156,401 "Non-Europeans" in the Police Zone, 41,482 lived in urban areas according to the 1951 census. Official estimates reveal that 24,331 were living in "Native" reserves as at the end of 1952. Most of the other "Non-Europeans" in the Police Zone, apart from those in the Rehoboth Community, lived as labourers on "European" farms, mines, roads, etc. Classified by their mother tongues, 65,634 of the "Non-Europeans" were Nama-speaking, 29,839 Oshivambo, 28,225 Herero and 17,482 Afrikaans. Both the Nama,

²¹ See annex VIII.

²² See annexes XII, XIX, XXI, XXIII, XXVI, XXVIII.

or Hottentot, people and the Damaras speak Nama as their mother tongue, while most of the "Coloured" population, like most of the "Europeans", speak Afrikaans.

58. In its previous report, the Committee drew to the attention of the General Assembly the fact that the Union Government was using the term "Bantu" and "Native" synonymously to designate the indigenous inhabitants of the Territory although several groups, including the Nama people, were not among the Bantu-speaking peoples of Africa. In July 1958, there was considerable discussion in the Union Parliament concerning the terminology to be applied to indigenous inhabitants of Africa, and the Minister of Native Affairs refused to answer questions put to him by members of Parliament with respect to "Africans". He explained the position, *inter alia*, as follows:

"There are no statutes dealing with 'Africans', whoever that may be. The Department of Native Affairs is concerned only with Natives or Bantu as defined in various Acts of Parliament."²³

"The former practice of replying to questions using the term 'Africans' as if that referred to 'Natives' or 'Bantu' as defined in Acts of Parliament, was therefore wrong. It had to be discontinued when, by the present more extensive attempts to make current use

²³ *Union of South Africa, Hansard*, 11 July 1958, No. 1, col. 180.

of a term first propagated by leftist circles, attention was specially focused on this inaccuracy as well as on the lack of a clear, logical and officially defined meaning."²⁴

59. Later in the year, the Union Government indicated its preference for the term "Bantu" rather than "Native" by transforming the Department of Native Affairs into a "Department of Bantu Administration and Development" and a "Department of Bantu Education", the latter Department having no authority over South West Africa as at the end of 1958. Similarly, on 23 October 1958, a "Minister of Bantu Administration and Development", Mr. C. C. de Wet Nel replaced the "Minister of Native Affairs", Dr. H. F. Verwoerd, and in February 1959, the various "Native Affairs" officials became "Bantu Affairs" officials.²⁵

60. The Committee reiterates its view that the terminology used by the Mandatory Power to distinguish various sections of the population of the Territory reflects one of the many aspects of discriminatory policies inconsistent with both the spirit of the Mandate and with the principles of the Universal Declaration of Human Rights, and again recommends to the Mandatory that it redirect its policy with a view to according fundamental human rights to all inhabitants of the Territory.

²⁴ *Ibid.*, 22 July 1958, No. 3, col. 688; see also No. 4, col. 1299, No. 10, cols. 4051-54, 4270.

²⁵ Act 59 of 1958 and *Bantu*, April 1959, p. 87.

III. POLITICAL CONDITIONS

A. GENERAL

61. During the period under review, there have been no significant changes in the distribution of administrative, legislative and judicial authority between the Territory and the Union of South Africa described by the Committee in its previous reports.²⁶ The Union Government continued to exercise control over railways and harbours, defence, aviation, customs and excise, and the integrated public service, immigration, currency, control over banking institutions, import control, price control, the Police, and the administration of "Natives". South West Africa retained control over the Territory's finances exclusive of customs and excise duties and the taxation of "Natives", public works, agriculture, lands and settlements, mines, "Coloured" affairs, education, health, posts and telegraphs and prisons.

62. Legislative authority over the Territory continued to be vested in the Union Parliament, the territorial Legislative Assembly, the Governor-General of the Union, the Administrator of the Territory, and the Union Minister of Bantu Administration and Development. Administrative authority remained vested variously in the territorial Executive Committee elected by the Legislative Assembly, on which the Administrator serves as Chairman, in the Governor-General, the Union Minister of Bantu Administration and Development, the Administrator, and other agents of the Union Government.

B. SUFFRAGE AND THE WINDHOEK BY-ELECTION

63. As previously reported by the Committee, all "Non-Europeans" in the Territory are prohibited by law from voting in the territorial elections. They are

also prohibited from being candidates for election, since membership in both the Union Parliament and the Legislative Assembly is restricted by law to "Europeans".

64. After the 1958 general elections in the Territory, the results of which were reported by the Committee to the General Assembly at its thirteenth session, the Union Parliament reduced the minimum voting age for "Europeans" in the Union and South West Africa from twenty-one to eighteen.²⁷ "Non-Europeans" are not entitled to vote in the Union Parliament or territorial Legislative Assembly elections, nor are they entitled to vote in the elections to the twenty-eight urban local authorities which exercise control, subject to the over-riding authority of the Minister of Bantu Administration and Development, over the "Native" locations in urban areas.

65. At the end of 1958, one of the members of the Union House of Assembly from South West Africa, Dr. A. J. van Rhijn, former Administrator of South West Africa, resigned from Parliament and a Ministerial post in the Union Government in order to accept appointment as High Commissioner for the Union of South Africa in London. In a by-election held in April 1959 to fill the vacancy in the House, the "European" voters in the Windhoek constituency elected the leader of the Nationalist Party in South West Africa as their representative in Parliament. He received 2,777 votes while the Opposition Party candidate obtained 2,493, compared with 2,892 and 2,386 votes received by the respective political party candidates in the 1958 elections.²⁸

66. According to the local Press, Nationalist members of Parliament attributed the Government's reduced

²⁷ Act No. 30 of 1958.

²⁸ *The Windhoek Advertiser*, 17 April 1959.

²⁶ See A/3626, annex I; A/3151, annex II; A/2913, annex II.

majority largely to the dissatisfaction among "European" railway workers owing to a reduction in overtime and Sunday work. They also feared that an impressive proportion of the 600 new voters in the Windhoek constituency, many of them in the eighteen to twenty-one year age group, supported the Opposition candidate.

C. ADMINISTRATIVE POLICY AND METHODS: APPLICATION OF *apartheid*

67. The Committee has shown in its earlier reports that, although the administration of the Territory had previously been characterized by the separate treatment of the different racial components of the population, the adaptation of this situation to the policy of *apartheid*—the conception of racial segregation and the separate development of the races as a permanent feature of the structure of society—has been intensified since the transfer of "Native" administration from the territorial authorities to the Government of the Union of South Africa in 1955.

68. Although *apartheid* has been depicted in theory by a member of the Union Parliament from South West Africa²⁰ as offering the "Non-European" communities the opportunity for bettering themselves and for "co-existing" peacefully with the "European" population, in actual fact its application is directed at restricting to the "European" population, frequently to the immediate and direct disadvantage of the "Non-European" population, the greater portion of the available resources and the economic, social and educational opportunities in the Territory. To realize these ends, the right of suffrage, as well as legislative and executive powers, are restricted exclusively to the "European" population. The aim of this form of administration is stated in a motion adopted by the Union of South Africa Senate on 30 January 1958 by seventy votes to nine. By that motion, the Senate congratulated the Government:

"... on its excellent administration of the country's affairs which all these years has formed such a direct contrast to the lack of policy and maladministration of the previous United Party Government and has been the reason for the present prosperity as well as for the safe and happy future which is being created for European and non-European in separate spheres and which constitutes the only guarantee for preserving White supremacy in the Union and South West Africa."²⁰

69. It is the policy of the Government not only to separate "Non-Europeans" from "Europeans" but also to separate "Coloured" persons from "Natives". "Natives", unlike "Europeans" and "Coloured" persons, must be further divided into separate ethnic groups. According to a petition from Chief Hosea Kutako, inter-tribal meetings of "Natives" are not permitted although the people concerned have repeatedly asked to be allowed to hold joint meetings. Chief Kutako stated that the Chief Bantu Affairs Commissioner of the Territory informed a meeting of Hereros in March 1959 that the Government realized their motives and would never agree to the holding of joint meetings.⁸¹

70. Some of the effects of the application of *apartheid* measures may be illustrated by the fact that the Windhoek Town Council, a local government body composed only of "Europeans" elected only by "Europeans", decided in February 1959 "that should non-European vehicle

drivers be employed, and an European apply for such a position, a non-European [shall] be discharged for the sake of employing the European". This, it may be noted, was a compromise proposal, it having been originally proposed that only "European" vehicle drivers be employed by the municipality.⁸²

71. As another example, in December 1958, because of a shortage of "Native" labour in the Territory, the Government decided, at the request of the Chief Bantu Affairs Commissioner of the Territory, that all South West African "Natives" in the Cape Peninsula were to be sent back to the Territory as and when the opportunity and circumstances arose. This, according to the Press report on the subject, was to be regarded "as a purely administrative matter".⁸³ Two brothers who owned three shops in a "Native" location in the Union, where they claimed to have lived for fifteen years, were subsequently served with deportation orders to return to South West Africa. According to a Press report of 10 January 1959, however, they were given an extension of time to appeal to the Supreme Court.⁸⁴

72. In its current phase of application in the Territory, the *apartheid* programme of racial segregation and separate development with "White supremacy" is marked by the displacement of "Non-European" peoples from their traditional lands. This, in the view of the Committee, is one of the most disturbing aspects of the administration of the Territory, and there is increasing evidence that the impending displacements of "Native" inhabitants in the Territory are of a nature prejudicial to the welfare of all of the inhabitants of the Territory. Repeated requests have been made by petitioners for an impartial United Nations Commission to visit the Territory and investigate the situation.

73. The Committee has previously reported that the Government has been considering the removal of the smaller "Native" reserves surrounded by "European" farms in implementation of the Government's policy of removing what the Prime Minister has termed "black spots" in "white areas". As reported by the Committee to the General Assembly at its twelfth session, one such reserve, the Aukeigas "Native" reserve, has already been abolished and its inhabitants removed to an inferior area bordering a larger "Native" reserve.⁸⁵ Another, the Hoachanas "Native" reserve, was scheduled for abolition, and its population ordered to vacate by noon on 31 December 1956.

74. Early in 1959, contrary to recommendations of the Committee, endorsed by the General Assembly, the Reverend Markus Kooper, a Nama minister and his family, indigenous inhabitants of the Hoachanas reserve, were forcibly removed to inferior land adjacent to a larger "Native" reserve some 150 miles away from their traditional home. Several residents of Hoachanas were allegedly injured by the police during the removal. The other residents of this reserve and the inhabitants of three other "Native" reserves, Soromas, Gibeon and Neuhoof, have also been informed that they are to be removed, according to petitions from leaders of the Herero and Nama people of South West Africa. Further developments regarding these removals are reported below in connexion with land allocation and alienation in the Territory.

²⁰ See para. 82, below.

⁸⁰ *Senate Debates*, 30 January 1958, cols. 303-4.

⁸¹ See annex XIX.

⁸² *The Windhoek Advertiser*, 26 February 1959.

⁸³ *The Windhoek Advertiser*, 5 December 1958.

⁸⁴ *The World*, Johannesburg, 10 January 1959.

⁸⁵ See A/3626, annex I, paras. 72-75.

75. Removals of "Non-Europeans" in urban areas of the Territory are also scheduled to take place. "Natives" have been required to live in "Native" locations in these areas which are classified as "European" areas. After the transfer of "Native" administration to the Union Government, however, it was found that a number of these locations were not "correctly situated". According to the requirements laid down by the present Prime Minister, "Native" locations must be situated far enough away from the "European"-inhabited areas to permit the expansion of separate racial group areas with permanent "buffer zones" of 500 yards on which no development is permissible, and so situated that "Non-Europeans" can go to work in the urban areas without passing through "European" residential areas.³⁶ New sites for locations and "Native" villages were established in Windhoek and Swakopmund in 1957 and in Karibib, Outjo and Usakos in 1958. "Natives" are to be distributed in the new locations in separate ethnic groups, and, according to one of the 196 regulations drafted for the new Windhoek location, any person who wishes to convene or address a public meeting or assembly of persons in the location must notify the Superintendent at least forty-eight hours in advance unless the superintendent should agree to shorter notice.

76. The mass removal of "Natives" to the new Windhoek location, named "Katutura", scheduled to take place by the end of 1958, was postponed to the early part of 1960. During 1958 and 1959 there were numerous objections by residents of Windhoek, "Europeans" as well as "Natives", to the selection of the new site and the construction of the location (at a cost of approximately £1 million to the municipality) without first consulting with and securing the approval of the "Natives" concerned. In a petition dated 23 April 1959, Chief Kutako stated that the people refused to be removed to Katutura because the removal was based on *apartheid*. Had they been "Europeans", he pointed out, they would not be removed. According to this petition, and letters to the Press from "Non-European" residents of Windhoek,³⁷ the Manager of Locations claimed on 28 November 1958 that the "Non-European" Advisory Board in the location had agreed to the removal. At a public meeting in the location on 30 November, however, the members of the Board stated that they had objected to the removal. Chief Kutako made it clear that the people were not against improvement, and had welcomed the earlier intention of the Government to build better housing at the existing site, but they were not prepared to accept any scheme or plan based on *apartheid*. They also feared disagreements and disputes with the Government regarding the compensation for property damages during a removal. Moreover, the people could walk to work from their present location and, on their wages, they could not afford the bus fares and the higher rentals at the new location. Mr. Jariretundu Kozonguizi, in an oral petition to the Committee on 1 May 1959, stated that the situation had reached an explosive deadlock, with the Government determined to move the location residents and the latter determined not to move.³⁸

77. In addition to removing indigenous inhabitants under its trust from one place to another within the Territory, the Mandatory Power has been considering the removal of what it considers to be the only original

inhabitants of the Territory into the Union of South Africa. According to the official report of the Native Affairs Commission for 1956, the creation of a Bushman reserve was one of the important new schemes already in hand by the end of that year and the provincial authorities of the Union had been requested to find a suitable area in which the South West Africa Bushmen might ultimately be placed.

78. The Bushmen of South West Africa, with the exception of those who settled in the Police Zone, intermarrying with members of other "Native" groups, and of those who settled in the northern "Native" reserves on the northern boundary of the Territory as members of the tribes in those areas, have progressively retreated before the advance of "European" settlement, mainly into the north-eastern areas in, or bordering on, the Kalahari Desert.³⁹ The Government's programme of settling the Territory with "Europeans" has in the meantime continued to encroach upon the lands in the north-eastern areas, where a block of twenty-two farms comprising 436 square miles was offered to "European" settlers in October 1958. The same month, a Press report⁴⁰ indicated that a proposal had been made at a congress of the Nationalist Party in Windhoek, which the Press was precluded from attending, that certain areas in the north of South West Africa be reserved for "Natives" and Bushmen. The results of the discussions of this proposal are not known to the Committee. The Committee has previously called to the attention of the General Assembly the fact that "Natives" living on lands allocated to "Europeans" are by law subject to removal unless they become farm labourers for the "Europeans" occupying the land.

79. From certain other developments in the Territory, the Committee finds increasing evidence of persecutions or reprisals by the Administration against petitioners and other critics of the Administration. In its previous report to the General Assembly, the Committee referred to the allegation made by petitioners to the effect that the Reverend T. H. Hamtumbangela was temporarily removed from Ovamboland to Windhoek for submitting a petition to the United Nations on behalf of the Ovambo and that people writing to the United Nations were in jeopardy.⁴¹ More recently, late in 1958, Mr. Toivo Ja-Toivo, a South West African employed in Cape Town, was dismissed from private employment and ordered to return to South West Africa after petitioning the United Nations. According to replies by the Union Minister of Bantu Administration and Development and the Minister of Justice to questions asked in the Union Parliament, Mr. Ja-Toivo worked for the Imperial Furnishers, Observatory, Cape Town, from 1954 until 1 December 1958, when he was discharged. He was required to leave the Cape Peninsula under the Union "Natives" urban areas legislation on the ground that he did not qualify to remain there indefinitely and was advised to return to South West Africa. Although he was offered a railway ticket to enable him to return to the Territory, he "apparently returned to his country of origin at his own expense".⁴² He was

³⁶ See *The Native Tribes of South West Africa, 1928*, pp. 79-104; *Union of South Africa, Report of the South West Africa Commission, 1936*, paras. 113-118; T/337, pp. 63-66; *South West Africa Annual, 1956*, pp. 13-27; *La Revue Française*, Supplement, December 1956 "History of the Tribes of South Africa", by Dr. H. Vedder.

⁴⁰ *The Windhoek Advertiser*, 21 October 1958.

⁴¹ A/3906, para. 18.

⁴² *Union of South Africa, Hansard*, 3 February 1959, cols. 343-44.

³⁸ See A/3626, annex I, para. 31.

³⁷ See annex XIX; *The Windhoek Advertiser*, 23 December 1958.

³⁸ See annex V, item 4.

later arrested and detained at Tsumeb, South West Africa, on 24 December 1958 for entering a mine compound without the necessary permit of the Mine Superintendent and was detained until 27 December when he was sentenced to a fine of £2 or twenty days in prison; he was released on 29 December on paying "a part-time fine in the lock-up".⁴³ The Committee must also draw the attention of the General Assembly to the treatment of Mr. Ja-Toivo as described in several petitions,⁴⁴ in which it is alleged, *inter alia*, that after his release in Tsumeb, he was taken to Ovamboland under police escort for not having a pass, although his pass had been taken from him on his arrest in Tsumeb. In Ovamboland, he was said to be kept under "house arrest".

80. In another case, in June 1959, Mr. Hans Johannes Beukes, a South West African student at the University of Cape Town, was deprived of a passport which had been granted to him to proceed to Norway as a scholarship student.⁴⁵ This action, which is referred to in more detail below in the Committee's report on educational conditions in the Territory, was interpreted by a Methodist minister⁴⁶ who had left the Territory in 1956 as an action directed not so much against this student as against his father and grandfather. The latter, the minister observed, were involved in a dispute between the Rehoboth people and the Administration and had petitioned the United Nations on the subject. However, Mr. H. C. Beukes, the father of Mr. Hans Johannes Beukes, indicated by letter published in *Die Suidwes-Afrikaner* on 3 July 1959 that neither he nor the grandfather of Mr. Hans Beukes had written the United Nations, and that he had no intention of doing so, but he questioned the meaning of democracy if people could not feel free to write of their grievances.

81. In addition, *The Windhoek Advertiser*, according to numerous reports in that newspaper, was boycotted in 1958 by decision of the territorial Executive Committee, under the chairmanship of the Administrator, because of its criticisms of the Administration. As a result, the paper filed suit in November 1958 against the Administrator and the members of the Executive Committee. Meanwhile, other newspapers and news agencies in the Territory, reacting against an infringement of freedom of the Press, supplied the *Advertiser* with reports of interviews from which the *Advertiser* was excluded.⁴⁷

82. Moreover, as already indicated above, criticism by Mr. J. P. du Plessis Basson, a member of the Union House of Assembly from South West Africa, of the Union Government's Bill to establish separate "Bantustans" and to remove "European" representatives of Union "Natives" from the Union Parliament without consultation with the people directly concerned led to his expulsion in May 1959, by unanimous vote, from the Nationalist Party caucus.⁴⁸ It may be recalled, from the Committee's previous report, that Mr. Basson had informed the South West Africa Coloured Teachers Association in June 1958, that, while many might disagree with the existing government policy of separate development and see its disadvantages, such a policy

also had its advantages, and he felt that a method of co-existence could be found which would be fair to each racial group.

83. Taking into account the information presented in its preceding reports, as well as that contained in the present report, the Committee has arrived at the following conclusions:

The Committee considers that the practice of apartheid which governs the administration of South West Africa denies the "Non-European" inhabitants the right to vote and seek offices and the opportunity to participate in the administration of the Territory, and deprives the Territory of political institutions representative of the population as a whole. It also denies the "Non-European" inhabitants their rights as regards economic, social and educational opportunities, and, in the Committee's considered opinion, will eventually operate to the detriment of all sections of the population of the Territory. This policy of apartheid is a flagrant violation of the sacred trust which permeates the Mandate and the Charter of the United Nations and the Universal Declaration of Human Rights.

Accordingly, the Committee urgently recommends that measures be taken to provide the Territory with organs representative of all sectors of the population and to recognize political rights for the "Non-European" inhabitants as well as their right to participate in the administration. The Committee further recommends that immediate steps be taken to eliminate all discriminatory legislation and practices which operate to the disadvantage of the "Non-European" population and to ensure the revision of the existing policies and practices of administration in a manner consistent with Article 22 of the Covenant of the League of Nations and the Charter of the United Nations.

D. DEFENCE

84. New legislation governing the defence of the Union of South Africa and South West Africa, the Defence Act No. 44 of 1957, was brought into force in 1958. "Non-Europeans" are excluded from compulsory military service and other provisions of the Act, however, except that they may be engaged for auxiliary services as guards or watchmen or to perform other non-combatant duties, or they may engage themselves voluntarily for service in the South African Defence Force in such capacity and subject to such conditions as may be prescribed.

85. Under the integrated defence services, the Union Department of Defence maintains a military camp at Windhoek and a military landing ground in the Swakopmund District of South West Africa. Access to the landing ground has been prohibited since 3 October 1958 except to persons with a permit from the Department of Defence.⁴⁹ According to a statement made by the Union Minister of Defence in September 1958, the Union Government also plans to establish a military training school in a "Native" reserve, the Eastern Caprivi Zipfel, to enable the combined armed forces of the Union and South West Africa to adapt themselves to the true conditions of war which may arise in tropical parts. The Eastern Caprivi Zipfel, the north-easternmost part of South West Africa, is administered as an integral part of the Union of South Africa.⁵⁰

⁴³ *Ibid.*, 17 February 1959, cols. 968-69.

⁴⁴ See annex V, item 4 and annex XXIII, item 2.

⁴⁵ See annexes XXIX, XXX and XXXI.

⁴⁶ *Cape Times*, 26 June 1959.

⁴⁷ *The Windhoek Advertiser*, 15, 17 and 24 October, 18 and 25 November and 17 December 1958; see also *Cape Times*, 14 October 1958.

⁴⁸ *Fortnightly Digest of South African Affairs*, 29 May 1959.

⁴⁹ *South West Africa Gazette* Nos. 2138 and 2173; *Union Government Gazette* No. 6123.

⁵⁰ *Senate Debates*, 22 September 1958, col. 1766.

86. In July 1958, the Union Minister of Defence announced that a request for transit facilities for South African Defence Force vehicles and men across Bechuanaland to the site of the proposed training school in tropical warfare had been refused by the United Kingdom. Efforts would be made to find another route to the Caprivi strip, possibly through South West Africa, he stated, and if these failed the Government might ask the United Kingdom to reconsider its decision. The Union Government had received permission, however, for a South African Defence Force party to reconnoitre an emergency route to South West Africa across the south-western part of Bechuanaland. It had also been advised that, in the event of an emergency, a request from the Union Government to send vehicles to South West Africa across Bechuanaland would be sympathetically considered by the British authorities.⁵¹

87. *The Committee wishes to express its deep concern with respect to the defence measures outlined above, and in particular to the establishment of a military training school and the stationing of armed forces in the Territory, measures which appear to the Committee to be contrary to the provisions of Article 4 of the Mandate, which states:*

⁵¹ *The Windhoek Advertiser*, 18 and 22 July 1958.

"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."

E. ARMS AND AMMUNITION

88. During 1958, the penalties for illegally supplying or acquiring arms and ammunition were increased. The Committee notes that the maximum increase was made for supplying any arms or ammunition to a "Non-European" without a licence and for the unlicensed possession by either "Europeans" or "Non-Europeans" of more than one weapon over .22 calibre and more than 100 rounds of ammunition over .22 calibre in excess of their reasonable requirements. For these offences, the maximum penalties were increased from a maximum of £50 fine and/or imprisonment for six months to ten years' imprisonment without option of fine.

89. *The Committee is deeply disturbed at the implications of these new measures, and would wish to seek further information from a representative of the Mandatory Power concerning the need for introducing these increased penalties in the Territory of South West Africa.*

IV. ECONOMIC CONDITIONS

A. GENERAL

90. The general picture of the economy of South West Africa which the Committee has presented in its previous reports remains little changed. Minerals, agricultural and pastoral products, and fish and fish products are the mainstays of the monetary economy. The mining industry, which has expanded enormously since the Second World War, overshadows the rest in terms both of profit to itself and contributions to the public funds. The Territory also produces, in the central and northern districts of the Police Zone, meat and livestock products and butter and other dairy products for home consumption and for export; lucrative karakul sheep farming is carried on in the southern districts of the Territory, producing persian lamb and astrakhan furs for the world market; and fishing, particularly for pilchards and rock lobster, has developed into a major export industry.

91. While the Territory is dependent on an overseas market for the export of most of its mineral, karakul and fish products, it is dependent for the disposal of its surplus livestock and dairy produce on the Union of South Africa, supplying the latter with an important portion of its meat requirements.

92. Taken as a whole, marketable production is high in relation to the size of the population and the diversified economy is a buoyant and expanding one, making it possible for the Territory annually to increase public revenue and expenditure and its accumulated financial reserves while at the same time maintaining low taxation. However, the economy as described above remains an essentially "European" economy, in that the mining, fishing and agricultural industries and the commercial and other enterprises which contribute principally to the prosperity of the Territory are "European" owned and operated enterprises, in which the role of "Non-Europeans" is gen-

erally limited to that of low-paid, unskilled labour. Despite the fact that these "European" enterprises are dependent for their existence on a large supply of "Non-European", mainly "Native", labour, not only the private profits but also the major portion of the public revenues derived therefrom are enjoyed by "Europeans".

93. The majority of the "Non-Europeans" continue to live largely by means of subsistence farming, and, as stated in the Committee's previous report,⁵² the amount of their dairy and livestock produce which finds its way to market is insignificant compared with the amount marketed by "European" farmers. Otherwise, their principal access to the monetary economy is through the supply of labour to mines, farms, industries, roads and "European" households. Only a relatively small number are engaged in such capacities as teachers, artisans, petty traders, or minor employees in commerce and industry.

94. *Considering that the role of the "Non-European" inhabitants in the Territory continues to be limited principally to providing the labour force for "European" undertakings engaged in mining, agriculture and the exploitation of other economic activities, and, taking into account the large financial reserves of the Territory, the Committee urges the Mandatory Power to undertake forthwith a programme of economic development designed to ensure to the "Non-European" population greater participation in the economic activity of the Territory and an equitable share of the profits derived from the exploitation of the natural resources of the Territory and from commerce and industry.*

B. PUBLIC FINANCE

95. The progressive expansion of the economy, to which reference has been made in previous reports,

⁵² See A/3906, para. 107.

is indicated by the continued upward trend in territorial revenue and expenditure during the years following the Second World War. From only £2.9 million in 1946-1947, government revenue increased to £12,037,619 in 1955-1956 and £16,213,255 in 1956-1957, the last year for which final accounts are available. Estimated revenue for 1957-1958 showed a further increase to £17,117,577. The budget for 1958-1959, however, is reported to show a reduced estimated revenue of £14,793,466, the drop being evidently due in large part to a fall in mineral sales.

96. Government expenditure similarly increased from £2.8 million in 1946-1947 to £10,730,242 in 1955-1956 and £12,502,205 in 1956-1957 (the sum appropriated for the following year, 1957-1958, amounted to £17,077,060). The main items of expenditure in 1956-1957 were education (£1,163,896), public works (£793,505), administration (£570,202), posts, telegraphs and telephones (£520,034), miscellaneous services (£421,285), and public health (£302,966). Each year a large portion of the Territory's revenue is appropriated to the Territorial Development and Reserve Fund, which is concerned principally with development schemes. The sum thus allocated in 1956-1957 was £7,565,000. Even with these large appropriations for development, the accumulated surplus in the general revenue fund continued to increase and on 31 March 1957 amounted to £9,719,727.

97. The Territory's external debt (to the Union of South Africa) is small and has been progressively reduced since 1945 to a total of £1,902,726 as at 31 March 1957. At the same time, the Territory's total assets, represented by reserves in various accounts, have been steadily accumulating. On 31 March 1957, total assets amounted to £49,470,326, an excess of £22,779,336 in assets over liabilities.

98. As was mentioned in the Committee's previous report, the integration of the railway and police services in the Territory with those of the Union has had the result that a portion of the costs incurred in the Territory are borne by the Union. In 1939 the police force of South West Africa was integrated with the South African Police on the basis of an agreement whereby the Territory paid a fixed sum of £110,000 per annum (and £4,000 for a pension fund) to the Union for police services, the residual cost being borne by the Union. This arrangement continued up to the end of the fiscal year 1956-1957 although the total cost of police services has been steadily increasing and the accumulated cost to the Union amounted to £2,091,539 on 31 March 1958. Effective on 1 April 1957, the contribution (including pension contribution) to be paid by the Territory was increased to £200,000. This is still substantially less than the total cost of police services, which in 1956-1957 amounted to £367,089, and in 1957-1958 to £403,113.

99. The railways of South West Africa are also merged with those of the Union under an arrangement whereby the operational losses in the Territory are subject to a special agreement concerning the Gamams-Gobabis line, written off against the profits incurred in the Union. In the fiscal year 1956-1957, the net loss sustained by the Union amounted to £1,327,277 bringing the aggregate loss since 1922 to £16,608,800. Since 1957, extensive improvements of the railway system have been undertaken which are expected to involve a total expenditure of £25.5 million.⁵³ These

involve the change-over to diesel traction and the replacement of the narrow gauge line between Usakos and Tsumeb and on the branch lines to Grootfontein and Outjo by a standard gauge. The replacement of the narrow-gauge lines is expected to cost £7,250,000. As stated in the Committee's previous report, the Administration of South West Africa has agreed to compensate the Union for the assets to be withdrawn (estimated at £720,000) and to guarantee any difference between the losses incurred on the broad-gauge line and the losses which would have been incurred if the line had not been broadened. The Union has obtained loans from South West Africa, amounting by 1957-1958 to £750,000 to assist it in financing the capital improvements.

100. As a result of the transfer to the Union of the administration of "Native" affairs in 1954, the Union now bears the financial responsibility for "Native" administration in the Territory and receives an annual payment from the Territory based on past experience of costs. Between 1 April 1955 and 31 March 1958, the payment by the Territory to the Union Government, exclusive of a fixed sum of £50,000 per annum for development in "Native" areas, totalled £313,928, of which the Union Government spent £257,217, the balance of £56,711 reverting to the Union Treasury rather than to South West Africa. Over the same period, the Union spent a total of £130,951 specifically for the development of "Native" areas. This was derived partly from the fixed contribution received from the territorial Government, which totalled £150,000 by 31 March 1958, and partly from the "Native" reserve and tribal trust funds which were transferred to the Union Government in 1954 and which had total reserves of £203,016 as at 31 March 1958.

101. In past reports the Committee has repeatedly referred to the impossibility of determining with any precision to what extent the "Non-European" population benefits directly or indirectly from public expenditure in the Territory. The annual public accounts of South West Africa show that, apart from the cost of the administration, postal and telegraphic, customs, prisons, justice and other services which may be said to be of general application, the major part of recurrent expenditures are for areas and purposes of primarily "European" interest. This situation is even more pronounced if account is also taken of expenditure for development purposes. The total expenditure from the Territorial Development and Reserve Fund for 1956-1957 amounted to £4,766,085, of which £26,979 was expended from the "Native" Areas Account, most of it (£25,308) as a payment to the Roads Fund for the construction of roads in "Native" areas. Total expenditure on road construction from the Territorial Development and Reserve Fund was £948,009 during the same period while expenditure from the Land Settlement and Development Account, which relates exclusively to "European" land, totalled £380,519. In addition, there are large reserves available in the form of advances, loans and grants for other services and activities of particular interest to "Europeans".

102. The Committee has in the past recommended that the Mandatory Power should undertake a planned programme of economic development designed primarily to assist and equip the "Native" inhabitants to play a wider and fuller part in the economy of the Territory.⁵⁴ All of the evidence which has become

⁵³ *The Windhoek Advertiser*, 30 April 1959.

⁵⁴ A/3626, p. 14.

available to the Committee over the past six years tends strongly to the conclusion that the primary function of the "Native" population of the Territory, determined and defined through administrative policy and method, is to supply the labour without which the otherwise essentially "European" economy could not exist. Alternative kinds of "Native" economic activity are apparently being fostered only to the minimum extent necessary to support the "European" economy. This conclusion is supported not only by the relative paucity of financial assistance made available for the economic development of the "Natives" but also by a statement made in 1959 by the Minister of Bantu Administration and Development⁵⁵ to the effect that it is the policy of the Government of the Union of South Africa to encourage industries owned by "Europeans" but largely dependent on "Native" labour, in the "European" areas bordering on "Native" reserves as an important part of the development of those reserves.

103. The Committee notes that this statement of policy followed the passage by the Union Parliament in 1958 of legislation authorizing the use of reserves in the Native Trust Fund (approximately £500,000) to "advance the interests of 'Natives' in commerce and industry in scheduled 'Native' areas or released areas or on land held by the Trust in the Union or the Territory of South West Africa". Whether or not it is the intention of the Government of the Union to utilize these resources for the development of commercial and industrial activities operated by "Natives" is not clear in view of the subsequent statement of policy by the Minister. The Committee observes, however, that, even if it is intended to do so, the funds which would be made available for this purpose in South West Africa, assuming that the total would be apportioned equally among the "Native" areas in the Union and the Territory, would be extremely small. Bearing in mind the large financial reserves accumulated by the territorial Administration, the Committee again urges upon the Mandatory Power the necessity of devoting part of these reserves to a planned and positive programme for the economic development of the "Natives". Such action would be an indispensable investment in the increased future productivity and prosperity of the Territory and would seem to be essential for ensuring future political stability.

C. MINING

104. South West Africa's principal industry in terms of value of production is mining. Since the end of the Second World War, the industry has developed enormously, total mineral sales expanding from £1.5 million in 1946 to a peak figure of £34,795,175 in 1956. During 1957, however, total sales dropped off to £29,907,430 which is slightly above the recent yearly average of £28 million. The reason for this decrease of approximately £4.9 million below the preceding year was, according to the Administrator,⁵⁶ a drop in the price of base minerals as a result of which activities had to be curtailed considerably during the second half of the year. Between January and December, for example, copper fell from £265 per ton to £171; lead from £116 to £72; and zinc £103 to £62.

105. The effect of these price changes on total mineral sales indicates the growing importance of base minerals. Although diamonds still hold the foremost place in the economy, the Territory is producing increasing quantities of some fourteen other minerals, the most important of which are lead and silver concentrates, manganese, tin, zinc and copper. In 1957, sales of gem and industrial diamonds realized £16,070,885, lead and silver £11,416,859, manganese £1,026,442, tin £490,000 and zinc £348,600. In direct taxation, excluding income tax, the mining industry yielded £2,906,772 compared with approximately £2.6 million during the preceding year. Of this yield, diamond export duties accounted for £1,723,772, and diamond profits tax accounted for £2,003,012. Claims and licence fees amounted to £24,738.

106. Until recently, diamond mining has been mainly confined to the southwestern portion of the Territory towards the Atlantic coast. In 1956, however, a major discovery of diamond deposits was made in the northern part of the Territory, on the coastal area of the Outjo district known as the "Skeleton Coast". A further major discovery was reported in 1958 under coastal waters about fifty miles north of the Orange River mouth. Both discoveries were expected to lead to the uncovering of extensive new deposits. Since 1957, prospecting for oil has continued over large areas embracing well over half of the Territory. Prospecting for other minerals was reported by the Administration⁵⁷ in 1958 to be continuing unabated despite the decrease in the price of base minerals. The Administrator added that numerous strong Union of South Africa and foreign mining concerns were showing the greatest interest in the mining potentialities of the Territory.

D. AGRICULTURAL AND PASTORAL PRODUCTION

107. The more important agricultural and pastoral areas of the Territory are the southern and central sections and also the northern section to the south of Ovamboland, commercial production being mainly in the hands of "European" farmers. The farmers raise small stock in the south and central sections and in the northwest. Mixed farming is carried on in the central and northwestern sections, whereas cattle ranching is undertaken in the eastern section of the central area and in the northeast.

108. The most important produce is the pelt of the karakul lamb, but slaughter stock is also kept by the karakul farmers. The production of pelts normally amounts to slightly less than 3 million per annum, valued at approximately £5.5 million. In recent years, however, despite the expenditure of over £300,000 on advertising campaigns between 1952 and 1956, the average price of a karakul pelt has dropped, from 45s. in 1952 to 40s. in 1956 and 37s. 2d. in September 1958. The result was a decrease in karakul pelt production from 2,864,246 in 1955 to 2,800,923 in 1956.

109. The rearing of cattle and small stock, mostly for the meat markets of the Union of South Africa, has been a rapidly expanding industry since the end of the Second World War. The number of cattle exported to the Union increased from 118,642 in 1950 to more than 227,000 in 1957 while the number of small stock exported increased from 60,819 in 1953 to 141,235 in 1956. Exports of butter average over 7 million pounds an-

⁵⁵ *Digest of South African Affairs*, 18 April 1959.

⁵⁶ *The Windhoek Advertiser*, 16 May 1958.

⁵⁷ *The Windhoek Advertiser*, 16 May 1958.

nually. These products together with the exports of wheat, maize and vegetables have been estimated at an average annual value of about £13 million. According to a livestock census taken in mid-1958, the Territory had, at that time, a total cattle population of 3,221,681, of which 2,077,551 were on "European" farms, 171,327 in "Native" reserves within the Police Zone and 949,101 in the "Native" territories outside the Police Zone.

110. The export of cattle from the Territory is controlled by a Livestock and Meat Control Board which allocates the markets in the Union where the cattle are to be sold, fixes quotas and minimum prices and grants export permits to farmers or speculators. Difficulties resulting from inadequate rail transportation and the fact that export permits must be obtained six to eight weeks before the departure of the cattle, and therefore make it difficult for the seller to take advantage of favourable price fluctuations, have given rise to wide-spread complaints by the cattle farmers of South West Africa, one of their main complaints being that they are permitted to use only four of the nine controlled markets in the Union. Actually, however, the average price for slaughter stock of all grades, less marketing costs, rose from 57s. 4d. in 1948 to 93s. 9d. in 1955 and, with the introduction of marketing "on the hook", to as much as 115s. 2d. Legislation was passed in 1955 for the establishment of a South West Africa Meat Corporation which would take over control of the Territory's meat industry, including meat canning factories, abattoirs and cold storage chambers, and would maintain a price stabilization fund but, as of 1958, the new Corporation had not been set up.

111. Commercial farming is mainly controlled by "European" farmers who receive substantial assistance in various forms from the Administration or from services established by it, such as financial assistance for settlement and development of land and loans and advances from the Farming Interests Fund and the Land and Agricultural Bank. The scale of this assistance is indicated by the fact that, as at 31 March 1957, the Territory had a total of £4,472,246 invested in the Land and Agricultural Bank which during 1956-1957 made advances to farmers totalling £1,427,145. In addition, according to a statement by the Administrator,⁵⁸ the Farming Interests Fund stood at £1,309,117 as at 31 March 1958, of which £285,654 had been granted to farmers in the form of loans. Direct advances by the Administration to settlers for the purchase of stock and equipment amounted to £60,840 in 1956-1957. Such facilities as these do not appear to be open to "Non-European" farmers whether in the Police Zone or in the tribal areas to the north. As the Committee has previously pointed out, the "Non-European" farmers are, in fact, physically separated from the areas where the principal farming assistance measures and services are in force. The annual rates and other direct taxes paid by "Natives", including grazing fees for which they are liable in respect of stock kept by them, are paid into trust funds which, supplemented by territorial funds amounting to £50,000 per year, are applied to the economic development of "Native" areas. The principal economic service provided by the Administration in these areas appears, however, to consist of the drilling of wells and boreholes to provide water supplies, the provision of soil conservation measures, and the advisory services of a very few agricultural officers. The Committee has previously recommended that additional funds

should be made available for the economic development of "Native" areas. It considers that the discrepancy between the assistance provided for "European" and "Non-European" farmers is further evidence of discriminatory treatment which, in the long run, must have an adverse effect on the Territory's economic advancement.

112. A farther and notable example of this policy arises in connexion with the relief measures instituted on account of a severe drought experienced during 1958 and early 1959. As has been stated in previous reports, the rainfall in the Territory is relatively low and uncertain and periodic droughts are not uncommon. The drought which occurred in 1958-1959 was, however, of exceptional severity both because of its long duration and because it affected more than two-thirds of the whole Territory. According to newspaper reports,⁵⁹ an estimated 250,000 head of cattle, valued roughly at £2.5 million, were lost during the period and, on two "Native" reserves alone, about 25,000 head of cattle were reported to have died.⁶⁰ To meet the emergency thus created, the Administrator announced on 11 March 1959 that drastic relief measures would be instituted. As a first step it was proposed that for a period of two years no interest would be charged and capital redemption would be suspended on loans to settlers and landless farmers and on loans by the Farming Interests Board. A similar two-year suspension of interest charges and capital redemption would be applied in the case of advances for stock feeding and transportation. As far as Land and Agricultural Bank loans were concerned, levies of interest and capital redemption would not be suspended but each case would be considered on its merits and consideration would be given to those who needed an extension of time to make payment.⁶¹ It was later announced that, in addition to these concessions, the Executive Committee of the Legislative Assembly had decided to make available a large sum (£2,400,000 was mentioned) to be used for relief purposes. It was proposed that £1 million would be divided between the four commercial banks in the Territory: the Land and Agricultural Bank would receive £400,000 with another £400,000 on a short-term loan, the Land Board would receive £400,000 and two agricultural co-operative societies would receive £200,000 between them.⁶²

113. The Committee notes that all the financial relief measures mentioned above are measures designed to assist "European" farmers. It would be reasonable to assume nevertheless that drought knows no racial barriers and that the "Natives" who are restricted for alternative pasture land to their reserves must also have suffered losses which, since for the most part they do not possess large financial resources, must be more difficult to repair. The Committee would be interested to know what steps, if any, have been taken to provide similar relief measures for "Natives" in the drought-stricken areas.

E. FISHERIES

114. The commercial fishing industry of South West Africa is centred on Luderitz and Walvis Bay and since the end of the Second World War has expanded considerably. In 1956-1957, there were six rock lobster

⁵⁸ *The Windhoek Advertiser*, 16 May 1958.

⁵⁹ *The Windhoek Advertiser*, 21 April 1959.

⁶⁰ *The Star* (Johannesburg), 18 April 1959.

⁶¹ *The Windhoek Advertiser*, 12 March 1959.

⁶² *The Windhoek Advertiser*, 15 April 1959.

canning factories at Luderitz operating on an extensive scale, while at Walvis Bay there were six canning factories engaged in the processing of pilchards and three engaged in the processing of fish other than rock lobster and pilchards. The importance of this industry is shown by the following data on exports:

Year	Value of rock lobster exported £	Value of pilchard products exported £
1953	1,123,045	3,646,970
1954	1,078,485	3,775,891
1955	1,055,220	4,573,645

115. During 1956-1957, the Government of the Union of South Africa in co-operation with the territorial Administration and the Fisheries Development Corporation of South West Africa Ltd., instituted a joint research programme with a view to increasing the output of pilchards and maasbankers. Another experimental project begun in 1952 aims at the development of the sealing industry, sealing operations being undertaken jointly by the Union Government and the territorial Administration in both Union and South West African territorial waters on a profit-sharing basis. Net annual proceeds from this operation have averaged £5,000.

F. LAND ALLOCATION AND ALIENATION

116. The total area of the Territory covers 82,347,841 hectares, including the Namib desert stretching about fifty miles inland along the coast and the Kalahari desert region in the eastern portion of the Territory. The Union of South Africa, on assuming the Mandate, declared all unallocated land in the Territory to be government land, and it exercised control over the disposal of such land until 1949, when it delegated this authority to the "European" Legislative Assembly of the Territory.

117. During the Mandate period, a major portion of the land areas of the Territory has been transferred to "European" settlers for permanent settlement, and, in view of the implications of this large-scale alienation of the natural resources of the Territory from the indigenous inhabitants, the Committee considers that it would be in order to review briefly the origin and development of this programme.

118. After the wars of 1904-1908 between "Native" groups in the Territory and the German Government, the former German Administration confiscated large areas from "Natives" and undertook the settlement of the Territory by "Europeans", giving preference to those who had performed military service against the "Natives". In 1913, over 13 million hectares had thus been taken up and divided into 1,331 farms.

119. The Union Government, which administered the Territory under military occupation from 1915 until it assumed the Mandate, reported to the League of Nations in 1922 concerning the confiscation of "Native" lands:

"The Natives, who of course had been the original owners of the land which had as a result of war been confiscated by the German Government, cut up into farms and sold or allotted to Europeans, had formed the expectation that this Administration as the natural result of the war would similarly confiscate German-owned farms and thus the Natives would recover the lost land and homes previously occupied by them. Almost without exception each section asked for the

allotment of the old tribal areas, in which vested rights had accrued and the utmost difficulty was experienced in making them realize the utter impossibility of complying with such a request."⁶³

120. The same report recorded further allotments of land, totalling 4,884,626 hectares, to "European" settlers during the first three years of Mandate administration, from 1920 to 1922. The allocation of land to "Europeans" continued, being temporarily interrupted by the Second World War. During 1953, 1954 and 1955, the number of farms leased to or owned by "Europeans" and "European" companies increased by 454 farms, with an aggregate area of 3,631,445. At the end of 1955, there were a total of 5,050 farms in the Territory, measuring 37,868,124 hectares, set aside for "Europeans". All were either privately owned or were under lease with option to purchase, with the exception of forty farms, 261,594 hectares in extent, not yet allotted by the Administration. Since 1955, the Administration has made still more land available for "European" settlement, extending the Police Zone boundary for the purpose when necessary, thereby opening up for "European" settlement further large blocks of land in the northwestern and northeastern parts of the Territory. The Administration, which had only forty farms set aside for the purpose at the end of 1955, was thus able to offer twenty-six farms for "European" settlement in 1956, seventy in 1957 and eighty-eight in 1958.

121. The size of individual farms averages about 7,500 hectares, ranging from approximately 4,000 to 20,000 and 30,000 or more hectares per farm. Owing to natural conditions obtaining in the Territory, crop cultivation is possible only on a small scale and in limited regions, and large areas are necessary for economic livestock farming. At best, farming conditions in the Territory are marginal, and it is estimated that from seven to ten hectares per beast are required in cattle ranching areas. In sheep farming areas, the carrying capacity ranges from two or three hectares to ten hectares for one sheep.

122. For the "European" farmer, the conversion of lands formerly used for reserve grazing into individual farms, the extension of farmlands into sub-marginal desert regions, and overstocking has inevitably increased the livestock losses suffered during the periodic droughts which occur in the Territory. For the "Native" inhabitants of the Territory, the consequences of the "European" land settlement programme are far more serious.

123. "Natives" living on lands allocated for "European" settlement may be required under the land settlement laws either to work for the "European" farmer or to move. The Committee has previously reported to the General Assembly that the "European" settlement of the northwestern areas of the Territory entailed, according to official information, the removal of "Natives" living there into "Native" reserves.⁶⁴ Similarly, the further extensions of the "European" farming areas and the Police Zone boundary in the northeastern part of the Territory in 1957 and 1958 may be linked with the removal of the Bushmen living in those areas. In a preceding section of this report, the Committee has drawn the attention of the General Assembly to the fact that the Union Government was even considering the removal of the Bushmen beyond the boundaries of the Mandated Territory.

⁶³ Union of South Africa, *Report of the Administrator of South West Africa for the Year 1922*, p. 13.

⁶⁴ See A/3626, annex I, para. 74.

124. Compared with the 37,868,124 hectares set aside as of the end of 1955 for permanent settlement by "Europeans", a total of 20,424,489 hectares of land in the Territory have been set aside as permanent "Native" reserves. The bulk of this "Native" reserve land, 14,583,489 hectares, is on the northern border of the Territory. Taken as a whole, these northern "Native" areas, which have a "Native" population variously estimated at about 200,000 to 250,000 or more inhabitants, are, though extensive, the most densely populated areas in the Territory, exclusive of the urban areas in the Police Zone. Within the Police Zone, there are seventeen "permanent" "Native" reserves covering a total area of 5,841,166 hectares, inhabited, as of the end of 1952, by an estimated 24,331 persons. Land in any of the "Native" reserves of the Territory, other than Hoachanas which is regarded as a "temporary" rather than a "permanent" reserve, may be alienated subject to the approval of the Union Parliament and subject also since 1955 to the reservation for "Natives" of alternate land equivalent in pastoral and agricultural value.

125. Since 1955, the alienation of smaller "Native" reserves has been under consideration by the Union Government, and the former Minister of Native Affairs, now the Prime Minister, reaffirmed in August 1958 with respect to the small "Native" areas "completely surrounded by White areas" that "it is the policy, with which everybody agrees, that the Natives should rather be placed on ground adjacent to the Native areas".⁶⁵

126. The Committee has referred in its previous reports to the possible removal of the Hoachanas "Native" reserve, the traditional headquarters of the Red Nation or Rooinasie Namas. Hoachanas, inhabited by the survivors of the Red Nation, is one of the small "Native" reserves in the Territory completely surrounded by "European" farms. It is at present 14,253 hectares in extent, although the Rooinasie Namas claim 50,000 hectares as their inalienable property.

127. According to official information, the Administration served notice on the people of Hoachanas ordering them to vacate by noon on 31 December 1956. When some refused to leave, the Administration decided to bring the matter before the High Court of South West Africa for a declaration of rights. Communications received in 1958 from inhabitants of Hoachanas indicated that the Reverend Markus Kooper, Minister of the African Methodist Episcopal (A.M.E.) Church in Hoachanas, and a member of the Red Nation, was named defendant in the case brought before the High Court. Nama residents of Hoachanas claimed that they were not represented in the case before the Court. In July 1958 the Court found in favour of the Administration.

128. In 1958, the Committee had urged the Union Government and the territorial Administration, pending further study of the Hoachanas situation by the Committee in 1959, to take all steps necessary to ensure that the people of Hoachanas retain their traditional homeland and to investigate the claims of the Namas to additional surrounding land. Despite this recommendation, on 29 January 1959, an armed police detachment forcibly removed the Reverend Markus Kooper and his family to Itzawisis, an area about 150 miles south of Hoachanas bordering on the Berseba Native Reserve. When other residents of the Hoachanas reserve

strongly objected to the removal of the Reverend Kooper, the police allegedly attacked them, injuring eighteen men and seven women. The officials reportedly stated that an ejection order would be issued against the other inhabitants of the reserve in a short time.

129. Numerous petitions regarding the situation in Hoachanas have been received from residents remaining in the reserve, the Reverend Markus Kooper, Chief Hosea Kutako, Chief Samuel Wittbooi, the Reverend Michael Scott, and Mr. Jacobus Beukes of the Rehoboth Community.⁶⁶ Mr. Jariretundu Kozonguizi also gave an account of the situation in his oral petition presented on 1 May 1959.⁶⁷ The Committee wishes to call the attention of the General Assembly in particular to the petitions received from Mr. J. Dausab and other residents of Hoachanas⁶⁸ and to the account given in petitions from the Reverend Markus Kooper of his forced removal to Itzawisis, and of the conditions under which he and his family have had to live since his removal.⁶⁹

130. From a statement to the Press by the leader of the Nationalist Party in South West Africa⁷⁰ and a letter from the Secretary for South West Africa to the Women's Missionary Society of the A.M.E. Church at Hoachanas, who had asked for the return of their minister,⁷¹ the Administration appears to have selected the Reverend Markus Kooper for ejection from Hoachanas to Itzawisis in the hope that his congregation, who according to petitioners represent the majority of the Rooinasie Namas, would then consent to their own removal in order to follow their minister. The leader of the Nationalist Party in South West Africa, who served as Chairman of a committee to find alternative land for the people of Hoachanas, also outlined what was reported as the "facts of the matter". He explained that the area was not and never had been a reserve since it was too small for the 200 or so Namas, and, since they were cut off from their fellow tribesmen, the Administration decided that it would be preferable if they could be reunited with their tribe. He pointed out that they would gain by receiving more land, 17,000 hectares adjoining the Berseba Reserve having been obtained for their settlement. They would also benefit from other facilities, and through the better management and promotion of their interests.

131. In view of this statement, the Committee must recall that, as reflected in a previous report to the General Assembly on this subject,⁷² it had assumed that the Administration intended to allocate the whole of Itzawisis, some 28,000 hectares, for the resettlement of the Red Nation, and on that basis had drawn attention to the disparity in the two land areas. According to the report of a territorial commission of inquiry, the Minimum Area of Farms Commission, Hoachanas was capable of adequately supporting 3.56 families, only 4,000 hectares per farm being required in that area, whereas at Itzawisis 10,000 hectares would be needed for one farm family. The area provided by the Administration in exchange for Hoachanas would therefore support 1.7 families rather than 2.8 families as previously reported by the Committee, and the larger area of 17,000 hectares referred to by the leader of the Na-

⁶⁵ See annexes XI-XXI, inclusive.

⁶⁶ See annex V, item 4.

⁶⁷ See A/3626, annex IX; A/3906, annex V; and annexes XVI and XXI to the present report.

⁶⁸ See annexes XVIII and XX.

⁶⁹ See annex XXVIII, item 2.

⁷⁰ See annex XXI.

⁷¹ See annex XXI.

⁷² A/3626, annex I, para. 77.

⁶⁵ *Union of South Africa, Hansard*, 1 August 1958, col. 1366.

nationalist Party is therefore equivalent to less than half of the present size of Hoachanas. It should also be pointed out that the Berseba Namas, according to Dr. H. Vedder, recognized by the Union Government as an authority on the subject, are not "fellow tribesmen" of the Rooinasie Namas, but members of a different tribal group, the Orlam tribes, of the Nama people.⁷³

132. As stated by the leader of the Nationalist Party, however, the present area of Hoachanas is too small for its Nama residents. In this connexion, the Committee notes that the former German Administration in 1902 declared a total of 50,000 hectares at Hoachanas to be the inalienable property of the Red Nation, according to Major Theodor Leutwein who was at that time Governor of South West Africa.⁷⁴ The Committee is aware that, while the Union Government reported to the League of Nations in 1923 that it had confirmed the rights of "Natives" on lands they occupied by agreement or treaty with the German Government, it did not include Hoachanas among such lands. Hoachanas was at that time classified as "government ground occupied pending closure or further consideration" and has since usually been officially identified as a "temporary Native reserve". Nevertheless, there appears to be some recognition by the Union Government of the declaration by the former German Administration.

133. Nama residents of the Reserve stated that the Administration claimed before the High Court of South West Africa in 1958 that the German Administration had sold some 36,000 hectares of land at Hoachanas to individuals ("Europeans"). The Nama residents, on the other hand, indicated that their people were unaware of any sales of Hoachanas land during the period of German Administration. They maintain that the balance of their land was alienated between 1920 and 1930, after they had refused to be removed from Hoachanas to another reserve (Aminuis), simply by fencing some 14,000 hectares, leaving 36,000 hectares outside the fenced boundary. Moreover, the Administration appears to recognize, as a right deriving from the former German régime, the right of Rooinasie Namas to remain in the reserve, but to limit this recognition to those who were living at Hoachanas in 1902. According to petitioners from Hoachanas, the people were informed that they would be moved as soon as the old residents who had been given Hoachanas by the Germans were dead, and from this the petitioners concluded that the other descendants of the Red Nation were not considered original inhabitants of Hoachanas. They also referred to the attempts made to persuade these old residents to move voluntarily, and stated that, when the order to move was issued to them in 1956, there were still over twenty of these old residents still alive.⁷⁵ According to the local Press, about twenty residents of Hoachanas would not be asked to move, because they had "the right to remain for one or other reason, most likely an old grant by the German Administration".⁷⁶

⁷³ See *The Native Tribes of South West Africa*, "The Nama", by H. Vedder.

⁷⁴ In his book *Elf Jahre Gouverneur in Deutsch-Suedwestafrika* (Berlin, 1907) former Governor Theodor Leutwein stated on page 272:

"Das nächste Reservat ward in Hoachanas, dem Hauptorte der roten Nation, gebildet. Dort wurde 1902 der Platz selbst mit einem Flächeninhalt von 50.000 ha. für unveräußerliches Eigentum des Stammes erklärt. Umtlich festgelegt konnten indessen seine Grenzen bis zum Ausbruch des Aufstandes noch nicht werden".

⁷⁵ See A/3626, annex IX and A/3906, annex V.

⁷⁶ *The Windhoek Advertiser*, 30 January 1959.

134. The Committee gave special consideration in advance of its annual examination of conditions in the Territory to the forced removal of the Reverend Markus Kooper and his family from Hoachanas and to the impending removal of the other inhabitants of that reserve. On 23 April 1959 it approved the text of a draft resolution which it recommends for adoption by the General Assembly concerning Hoachanas.⁷⁷ By this draft resolution, the Committee has recommended that the General Assembly: (1) urge the Union Government to desist from carrying out the removal of other residents of Hoachanas and to arrange for the return of the Reverend Markus Kooper and his family to that reserve; (2) request the Union Government to investigate the claims of the Rooinasie Namas to the original area of Hoachanas, and to take such further steps as may be necessary, in consultation with the territorial Administration and the people concerned, to ensure the recognition and protection of the full rights of the people of Hoachanas and the promotion of their general welfare; and (3) request the Government to inform the United Nations on the measures taken to implement the resolution.

135. By letter dated 1 May 1959,⁷⁸ the Committee transmitted this draft resolution to the Government of the Union of South Africa, informing that Government of the deep concern felt by the Committee in regard to the Hoachanas situation, and of the Committee's hope that the Union Government would desist from carrying out the removal of other Hoachanas residents and would arrange for the return of the Reverend Markus Kooper and his family to Hoachanas.

136. The Committee hopes also that by informing the Union Government of its conclusions and of its deep concern regarding the removal of the people of Hoachanas it may have influenced the Mandatory Power to reconsider its announced policy of removing smaller "Native" reserves in South West Africa. In this connexion, the Committee notes that, according to a petition dated 14 October 1958 from Captain H. S. Witbooi,⁷⁹ the peoples of three small "permanent" "Native" reserves, Soromas, Gibeon and Neuhof, were informed after the transfer of "Native" administration to the Union of South Africa that they were to be removed. The Soromas "Native" Reserve, 23,573 hectares in extent, was inhabited at the end of 1952 by an estimated 158 Bethanie Namas, or Hottentots. Part of this area, 8,212 hectares, was assigned to the use of the Bethanie Namas by the German Government after it had confiscated their tribal property. The Union Government, after confirming the rights thus granted to these people by the German Government, and declaring the area a "Native" Reserve, enlarged it in 1928 and 1951 to its present size. The Neuhof "Native" Reserve is at least 20,034 hectares in extent, with an estimated population of 108 Namas, Hereros and Damaras at the end of 1952, while the Gibeon, or Krantzplatz, "Native" Reserve is 39,192 hectares in extent, with an estimated population of 501 Witbooi Namas and Damaras at the end of 1952.⁸⁰ The Committee has received no further information which would indicate that the Union Government has proceeded to carry out any removals in these particular "Native" reserves, all of which are in the southern districts of the Territory.

⁷⁷ See annex III.

⁷⁸ See annex I, item 2.

⁷⁹ See annex XII.

⁸⁰ A/AC.73/L.10, annex I; South West Africa Government Notices Nos. 122 of 1923, 8 of 1923, and 485 of 1951.

137. One of the consequences of the land disposal policies of the Mandatory Power has been the continued separation of the Herero people living in exile in Bechuanaland from their people in South West Africa. In a petition dated 9 November 1958 and related communications, Chief Keharanyo, writing on behalf of 2,000 Hereros in exile in Bechuanaland at Lake Ngami, appealed to the United Nations for repatriation to South West Africa. He stated that for the past few years they had requested the Union Government to permit them to return to their land, but that their requests were ignored. The situation of the Hereros in exile was first brought to the attention of the United Nations in 1947.⁸¹ At that time, Herero leaders in Bechuanaland and South West Africa informed the Bechuanaland Protectorate Government, the Union Government and the United Nations that the Hereros in Bechuanaland, estimated to number 15,000, wished to return to South West Africa with their cattle and were supported in this desire by Chief Hosea Kutako and other representatives of the Herero people in the Mandated Territory. The Hereros in Bechuanaland linked their return to South West Africa with the return of the Herero lands in the Territory, in order that the tribe could be re-assembled and reunited on lands belonging to them and that the tribal organization could be re-established.

138. After the Herero rebellion of 1904, an order for the extermination of the Hereros was issued by Lieutenant-General von Trotha, and many Hereros fled into Bechuanaland in 1905 with their former Paramount Chief, Samuel Maherero. According to a statement by the Secretary of Chief Kutako, as reported by the Reverend Michael Scott to the United Nations,⁸² the aim of the Herero in trying so hard to protect their Chief had been to maintain their claim to the land because, under Herero law, as long as their Chief had not been captured or killed, the Germans could not say that they had conquered the people and that the land was theirs. Herero petitioners, including Chief Hosea Kutako and Mr. Nikanor Hoveka, Headman of the Epukiro Reserve, have claimed that during the early part of the 1914-1918 War, the Hereros were promised that if they engaged in military service with the Union troops and the Germans were defeated, their country would be restored to them. In view of this promise, Chief Samuel Maherero, the former Paramount Chief of the Hereros, sent two of his sons, including Frederick, who succeeded his father as Paramount Chief, to lead and exhort the Hereros to fight. They further stated that on the conclusion of peace, Lord Buxton, the Governor-General of the Union, promised the Hereros the return of their land, but that these promises were never fulfilled.⁸³

139. On the death of Paramount Chief Samuel Maherero in 1923, the Herero people in South West Africa requested that his son Frederick be recognized as the new Paramount Chief. The Union Government refused, however, and explained to the Herero people that, "apart from any question of policy, the reserve system made such a position impossible. The Hereros would be concentrated in various reserves widely separated, and each reserve would be placed under

headmen who would be subject to the direct control of the Superintendent or Magistrate, as the case may be. If Frederick were appointed paramount chief, his people would naturally look to him for instructions and clashing would be almost inevitable". The Government promised, however, that he would be appointed as headman of the reserve in which he resided.⁸⁴ The Union Government later informed the United Nations that "since the Union Government conquered the country neither Samuel nor Frederick has ever ruled over any of the Hereros in South West Africa but, on the contrary, both remained in Bechuanaland". It also stated:

"After the Hereros now domiciled in Bechuanaland had fled from South West Africa, the land taken from them by the Germans was allotted for settlement by the German Government to their colonists. Subsequently, in the absence of any request from the Hereros, who had fled to Bechuanaland so many years before, to be allowed to return to the Territory, land was allotted by the Union Government to Europeans who had helped to defeat the Germans."⁸⁵

140. A further problem, relating to land in the Rehoboth Community, was brought to the attention of the Committee during the period under review. According to the local Press⁸⁶ a conflict has arisen between the Community and the territorial Administration over the ownership of a portion of the Rehoboth townlands. Petitions received from members of the Community⁸⁷ indicate that the Administration registered a particular parcel of land in Rehoboth, designated as 212 and measuring about twenty-five hectares, in its name, despite the opposition of the Advisory Board and the overwhelming majority of the people of Rehoboth. Rehoboth Community petitioners claimed that the land in question had been given to the Administration for administrative purposes so long as that was necessary, but they objected to having it registered as land belonging to the Administration.

141. A map of the Rehoboth townlands prepared by the Director of Works Office in 1920 shows block 212, approximately thirty-five hectares in extent, as including within its boundaries the Magistrate's house, his clerk's house, a court house and gaol, police camp, dwelling-house plot, and a post office. The map indicated that all of the ground surrounding the government buildings was claimed by the Rehoboth Community.⁸⁸ In addition, testimony by a spokesman for the Community, Mr. F. W. Maasdorp, before a Union Government commission of inquiry in 1925 indicated that, while the German Government had purchased the prison area and hospital ground from members of the Community, it had built the Magistrate's house and the clerk's house without buying the ground. He also stated that the Rehoboth Community had a claim to the government buildings because of the blood and property lost by its citizens during the First World War.⁸⁹ The Magistrate of Rehoboth, the senior government official in the Community, testified before the same commission that the Union troops found the

⁸¹ See *Official Records of the General Assembly, Second Session, Fourth Committee*, pp. 139-192, documents A/C.4/95 and Add.1, A/C.4/96. See also *Official Records of the General Assembly, Fourth Session, Fourth Committee, Annex*, document A/C.4/L.66.

⁸² A/C.4/L.66, section V, F.

⁸³ A/C.4/96.

⁸⁴ Union of South Africa, *Report of the Administrator of South West Africa for the Year 1923*, pp. 15-16.

⁸⁵ See *Official Records of the Trusteeship Council, Third Session, Supplement*, document T/175.

⁸⁶ *The Windhoek Advertiser*, 9 and 12 September 1958.

⁸⁷ See Annexes XXIV, XXV, XXVI.

⁸⁸ *Report of the Rehoboth Commission, 1926*, p. 200.

⁸⁹ *Ibid.*, p. 125.

government buildings at Rehoboth in occupation by Germans and that the Union Government, as of 1925, had not erected new buildings. He stated further that he had no written document to show how the Germans obtained the sites for government buildings nor did he know what arrangements were arrived at between the members of the Community and the German Administration regarding the buildings, except that the members of the Community had granted them voluntarily. In a written communication subsequently submitted to the Commission, the Secretary for South West Africa stated that, although several members of the former Rehoboth Council did dispute the extent of the land occupied by the German Government for official purposes, his recollection was that in evidence they did not for a moment suggest that the Community had not willingly given a certain amount of ground to the German Government or that the latter had purchased or acquired some land by exchange. They laid no claim to the police station, magistrate's offices or official residences, he observed, but claimed certain unoccupied ground which they said had been marked off in excess of that granted by the Council. He further stated that German documents showed that all the land in question was acquired by the Raad, or Council of the Rehoboth Community, and he thought it most probable that these statements were correct. It was hardly likely that the German Government would have accepted separate scattered pieces of ground which would have entailed their officials having to live amongst the members of the Community and the probabilities were that they acquired a continuous strip as the documents showed.⁹⁰

142. In view of the seriousness with which members of the Rehoboth Community regard any aliena-

⁹⁰ Report of the Rehoboth Commission, 1926, pp. 251-2.

V. SOCIAL CONDITIONS

A. GENERAL

144. The Committee recalls that the Territory has been divided by the Union Government roughly into two sections. The southern section, which is the richer and better developed portion, has been named the Police Zone. The northern section is the poorer and less desirable portion, where the "Natives" are being relegated to "Native" reserves. It is apparently the policy of the Administration gradually to remove the "Native" reserves still remaining in the Police Zone to other sections of the Territory so as to make room for expansion of "European" settlements in that zone.

145. Nothing in the information which the Committee was able to obtain concerning social conditions in the Territory of South West Africa suggested that there was any relaxation during the year under review of the strict policy of *apartheid* in all walks of life which segregates the population according to race and colour, and relegates the overwhelming majority of the population, the "Non-European" population, to an inferior status within the society. A great part of the social legislation, that relating to labour and the freedom of movement of the "Native" population is designed, on the one hand, to maintain a flow of cheap "Native" labour to the farming, mining and other "European" industries within the Police Zone while, on the other,

tion of their land, the Committee hopes that the Administration will settle this issue to the satisfaction of the Community.

143. *The Committee considers that the land settlement programme of the Mandatory Power is contrary to Article 22 of the Covenant of the League of Nations and the Mandate in that it has resulted in the transfer of the major portion of the Mandated Territory to "European" citizens of the Union of South Africa and in the removal of groups of "Native" inhabitants, without due regard for their well-being, from place to place within the Territory and possibly even beyond the boundaries of the Territory, depriving the indigenous peoples not only of their traditional lands but of security of tenure and unmolested residence on the limited lands allocated to them by the Union Government.*

The Committee accordingly urges the Union Government, in consultation with the territorial Administration and representatives of the indigenous inhabitants of South West Africa, to ensure a more equitable distribution of land for the "Native" majority in the Territory and to afford them security of tenure on the lands they now occupy.

The Committee reiterates the hope that the Administration will initiate the measures necessary to add to the Aminuis "Native" Reserve the land situated in the corridor between that reserve and Bechuanaland, in accordance with the commitments made by the Union Government to the people of Aminuis and to the League of Nations. The Committee further recommends that the Mandatory Power consult with Herero leaders in South West Africa with a view to selecting and making available to the Herero people sufficient land for the repatriation to South West Africa of Hereros desiring reunification with their people in the Mandated Territory.

it seeks to ensure that "Natives" without such employment are confined to their own particular reserves and areas. The "Natives" have few rights of redress under this legislation and, even though they form the bulk of the unskilled labour force, are without the right to organize into trade unions.

B. LABOUR

146. The shortage of "Native" labour within the Police Zone, referred to by the Committee in previous reports to the General Assembly, apparently continued during the year under review, particularly for work on "European" farms. "Native" labourers are recruited to some extent from local sources within the Zone but are largely recruited under contract for periods of from eighteen months to two years from the northern reserves, the Ovamboland Reserve which is the principal reservoir of labour and the Okavango Reserve. The "Natives" are recruited by the South West Africa Native Labour Association (SWANLA), the only organization permitted to recruit in the northern areas, which is Administration-sponsored and on which the various types of employers of labour are represented. "Natives" are not represented in the recruiting organization. "Natives" are also recruited from Angola. "Native" labour employed within the Police Zone is subject

to strict legal controls and restrictions and much of the labour legislation is designed to overcome, in some cases by compulsory methods, the shortage of labour within the Police Zone.

147. No opportunity exists for the training of the "Non-European" inhabitants, and by law, administration, regulation and practice, they are not permitted to advance to positions where they might threaten the jobs of the "Europeans", and they may be dismissed in favour of the "Europeans". In mining, for instance, regulations exist which bar "Non-European" workers, not only from any managerial post but also from lower posts such as those of shift boss, ganger or worker in charge of machinery. Another instance of the application of this policy came to the attention of the Committee during the year under review. During February 1959, according to the Press,⁹¹ the Windhoek Town Council decided "that should Non-European vehicle drivers be employed, and an European apply for such a position, a Non-European be discharged for the sake of employing the European". The debate by the Town Council on the matter had become necessary, according to a reported statement made by the Mayor, because "European" drivers in the employ of the municipality did not want to work with "Non-Europeans". He also pointed out that "no White man was permitted to work in the Native Township. Wages paid the vehicle drivers employed by the municipality in the European area were paid by the White ratepayers". The motion was passed by the Town Council by six votes to five. Consequently, because of lack of opportunity for such training as well as denial of access to positions for the advancement of the "Non-European" inhabitants, the "Native" labour force regrettably remains up to the present overwhelmingly an unskilled one.

148. An analysis of the occupations of the economically active population within the Police Zone, based on the 1951 census, showed that, of the total "European" population of 49,930, 19,218 were economically active and 30,712 inactive. Of the total "Non-European" population of 156,401, 80,099 were economically active and 76,302 inactive.

149. The occupations of the 16,161 economically active "European" males and 69,031 economically active "Non-European" males were given as: farmers, fishermen, hunters etc. ("Europeans" 6,592, "Non-Europeans" 42,225); craftsmen, production, process workers etc. ("Europeans" 3,595, "Non-Europeans" 12,931); managerial, administrative, clerical and related workers ("Europeans" 2,802, "Non-Europeans" 312); professional, technical and related workers ("Europeans" 836, "Non-Europeans" 360); workers in operating transport occupations ("Europeans" 556, "Non-Europeans" 417); service workers ("Europeans" 516, "Non-Europeans" 3,850); workers in mines, quarries and related occupations ("Europeans" 512, "Non-Europeans" 7,497); sales workers ("Europeans" 511, "Non-Europeans" 239); and other ("Europeans" 238, "Non-Europeans" 1,220). The types of work of the "European" and "Non-European" males engaged in farming, fishing and hunting and in mines, quarries and related occupations were not given, but it may be recalled that, according to the 1946 census, most of the "Europeans" classified as engaged in agricultural pursuits were farmers and their sons and a very small proportion were engaged by others, whereas the ma-

majority of both "Coloured" and "Native" males engaged in agriculture were employed as labourers. In the mining industry, the majority of the relatively small number of "European" males engaged in mining operations were classified as miners, whereas the "Coloured" and the "Native" males, who made up the majority of those employed in mining activities, were classified as mine labourers.

150. There is an over-all shortage of labour in the Territory but in past years it has principally affected the "European" farmers. The reasons for this have been officially attributed to the fact that the mining and industrial concerns, which have been expanded considerably since 1946, are able to provide more attractive conditions of employment than the farmers. Several attempts by the Administration have been made to help the farmers, including provision (in 1952) for their representation, with the aid of Administration funds, on the Board of Management of the recruiting organization.

151. During 1956-1958, the labour shortage was further discussed and several suggestions were put forward to assist the farmers. Apparently, one of these suggestions, the establishment of labour bureaux, was acted upon. The Committee has not as much information as it would wish on the exact function of these bureaux in South West Africa, nor on the number that have been established. According to official information,⁹² however, "The Union system of the Native Labour Bureau Organization is . . . being introduced on a voluntary basis in the Territory and offices of magistrates/Native Commissioners assist Native workseekers by bringing them in contact with prospective employers with the idea of placing them in employment". As described by the same source, labour bureaux have been established in the Union in the districts and in the urban areas. It is the duty of the district bureaux to prevent labour from flocking to the towns where it is not required and to encourage acceptance of work in the country districts or farms and mines or industries where it is wanted. Surplus labour in the towns is diverted to the country districts each month.

152. Another step taken to alleviate the shortage of labour in the Territory is that contractors engaged on certain large public works are now, according to a statement made by the Minister of Native Affairs,⁹³ to be allowed to take their Union "Natives" temporarily with them so that the labour in South West Africa can remain available locally for the usual purposes, including farming. The Minister also stated that a suggestion had been considered to throw open the boundaries (between South West Africa and the Union) for reciprocal recruiting but that this suggestion would probably have resulted in the farmers of South West Africa losing rather than gaining labour. In this connexion, a report appeared in the Press,⁹⁴ during 1959, that to meet the "Non-European" labour shortage in South West Africa the Railway Administration had decided in 1957-1958 to improve service conditions of northern contract labourers and labourers from outside the Territory. This step had become necessary because the Native Affairs Department was prepared

⁹² *Official Year Book of the Union of South Africa*, No. 27, 1956-1957, p. 778.

⁹³ *Union of South Africa, Hansard*, 5 August 1958, No. 5, cols. 1464-1465.

⁹⁴ *The Windhoek Advertiser*, 23 February 1959.

⁹¹ *The Windhoek Advertiser*, 26 February 1959.

to allow only 1,000 "Natives" to be recruited in the Union for employment in South West Africa. The number was inadequate for local requirements and for new works connected with the broadening of the narrow gauge line so that other steps had to be taken to get labour. To step up the rate of recruiting, they were given twelve days paid leave after 300 shifts, and eighteen days paid leave after 450 shifts. Leave was not granted during the term of employment, but the value of it was paid out after completion of the contract. A worker who renewed his contract within six months of the expiry of the former contract received one penny per shift more than he had received before his contract expired.

153. The most recent information available on wage rates in the Territory, for the year 1956, shows that the wages paid to "Non-European" employees are clearly inadequate. During that year, wages for "Non-European" agricultural and mine labourers recruited by SWANLA ranged, depending on the class of labour, from 20 shillings to 65 shillings per month, with rations, during the first year of the labour contract, with increments at the rate of 5 shillings per month every six months for the duration of the contract.⁹⁵ In addition, food, some clothing and housing, is provided by the employers. A further indication of the salaries paid by the municipalities of Windhoek and Keetmanshoop to their "European" and "Non-European" employees was given in staff rules passed in 1958 for the "Europeans" engaged by the municipalities⁹⁶ and Pension Fund Rules for the male "Non-European" employees of the Windhoek municipality.⁹⁷

154. The "European" staff rules provide for the appointment of a Staff Committee and for overtime pay for hourly paid workers who are not factory workers at rates from one-and-a-half times to double the basic rate. In the provisions relating to leave, the leave groups are classified as follows:

Group A: Heads of Departments;

Group B: Employees in receipt of a basic salary in excess of £1,440 per annum;

Group C: All employees who are not hourly paid and whose salary grades amount to £400 per year or more, who do not fall within groups A and B;

Group D: All hourly paid employees and all employees who are not hourly paid and whose salary amounts to less than £400 per year.

Annual leave for these groups amounts to 38 days, 34 days, 30 days and 21 days respectively.

155. The Pension Staff rules for the male "Non-European" employees of the Windhoek municipality provide that as from a fixed date a "Non-European" Employees Pension Fund is to be established. Contributions to the Fund are to be made by male employees and are to be based on the monthly salary or wages. The contribution groups range from group A which includes those receiving up to £8 per month (£96 per year) to group F which includes those receiving over £20 per month (£240 per year). The Municipal Council is to pay into the Fund amounts equal to three times the contributions paid by members and the pension varies from £92 to £395 per year depending on

⁹⁵ See A/3626, annex I, para. 102.

⁹⁶ *South West Africa Gazette*, No. 2165, p. 875, 1 October 1958.

⁹⁷ *South West Africa Gazette*, No. 2145, p. 378, 16 May 1958.

contributions and the years of service. According to a Press⁹⁸ report this was the first pension scheme adopted by any municipality in South West Africa for "Non-Europeans".

156. No information came to the Committee's notice that would indicate that the strict control measures under which "Native" labourers work within the Police Zone have in any way been alleviated. These control measures have been described in some detail in past reports of the Committee to the General Assembly. "Native" labourers are liable to penal sanctions for the breach of labour contracts, one of the more serious offences being desertion before the completion of their contract periods. Labourers engaged by the recruiting organization from the northern reserves and from outside the Territory are permitted to work in the Police Zone only for specified periods, the maximum period being two years. A register of these labourers is kept and a labourer must remain, during the period for which his labour has been contracted, with the employer who engaged him. Few, if any, women are allowed out of the northern reserves and labourers cannot be accompanied by their wives or families. Controls which apply to all "Natives" in general provide that in the "Native" reserves within the Police Zone, with the exception of the Berseba and Bondels Reserves, and in urban areas, "European" officials have been authorized since 1952 to search out any "Native" who has insufficient honest means of support or who is leading an idle existence. Such a "Native" may be forced to take up employment on essential public works or services either inside or outside the reserve or urban area. If convicted under the Vagrancy Proclamation, he may alternatively be forced into private employment with a designated employer.

157. In urban areas, if the number of "Natives", including the permanent residents in a given urban area, should exceed the reasonable labour requirements, the surplus "Natives", including permanent residents of the area, may be forced to leave. During the continued labour shortage, however, this provision of the law has not been applied. Under existing conditions, "Native" men living in an urban area are required by law to have contract receipts showing that they are working and, if unemployed for one month, they are subject to ejection from the area. Those entering the area, unless exempted or visiting with permission, require a permit to seek work, valid for a limited period, during which they must either find work or leave the area.

158. In rural areas within the Police Zone other than the "Native" reserves, any "Native" living on land allocated to a "European" settler may be required by the latter to work for him or leave the land. All male "Natives" living on "European" farms must be employed by the farmer, who must obtain Government permission to employ more than ten male "Natives" over eighteen years of age on the farm on which he resides or more than five on any other farm.

159. With regard to industrial conciliation and trade unions, the Wage and Industrial Conciliation Ordinance of 1952 provides for the determination of conditions of employment, the registration and regulation of trade unions and employers organizations, the prevention and settlement of disputes between employers and employees and the regulation of conditions of employment by agreement and arbitration. Under this legislation, however, "Natives" are specifically excluded from the provisions relating to the registration of trade

⁹⁸ *The Windhoek Advertiser*, 8 July 1958.

unions and the settlement of disputes by conciliation and arbitration.

160. The Official Year Book of the Union for the year 1956-1957 stated that "wages and conditions of employment are satisfactory and no use has been made of the machinery provided for in the Ordinance for determining minimum wages and other conditions of employment". It further stated that there were four "registered trade unions" in the Territory at the end of 1956, for the mining industry (340 members), the building and motor industry (380 members), the printing industry (60) and a local authority organization (150 members). According to a Press report⁹⁹ the first association for "Coloured" artisans was formed during 1959. Seventy-three "Coloured" artisans, it was reported, met in Windhoek in April 1959 to form the association. The association would aim to protect skilled labourers and unskilled labourers in the country and would promote their interests. The association would also seek closer co-operation with other "Coloured" organizations. Artisans in South West Africa would also strive, through the newly formed association, to establish closer relationships with similar organizations in the Union of South Africa.

161. *The Committee must again express its deep concern regarding the stringent limitations and controls under which "Native" workers are compelled to work in the Territory, and the lack of freedom of the "Native" worker to seek out the employer of his choice, or to organize and participate in conciliation and arbitration proceedings. It must also express its deep concern regarding the restrictions, based on racial grounds, placed on "Native" workers which deny them the right to attain any position much higher than that of the lowest paid labourer. Accordingly, the Committee strongly urges the Mandatory Power to suppress the discriminatory practices and to revise the labour legislation of the Territory so as to conform with the principles of the Mandates System and with the standards of the International Labour Organisation for non-metropolitan Territories. It reiterates its belief in this connexion that the improvement of the conditions of "Native" workers, including increased wage rates and better living and working conditions, would be more effective in alleviating the continued labour shortage than the system of complex control and regulation of the "Native" labour force.*

C. FREEDOM OF MOVEMENT

162. The intricate system by which the free movement of the "Non-European" population, and the "Native" population in particular, is restricted and controlled in the Territory of South West Africa has been described in detail in previous reports of the Committee to the General Assembly. No relaxation in the system came to the notice of the Committee during the year under review; the only new information available related to proposed regulations for the Windhoek location. The restrictions and controls written into the basic legislation and applied by a series of regulations appear to be designed for two sometimes contradictory purposes: on the one hand they seek to ensure that, in accordance with the *apartheid* policy, the "Non-European" population is kept within its own confines and out of "European" areas, and on the other hand, to ensure that as many "Natives" as possible are in employment,

sometimes by compulsory means, in the "European" industries, farms and enterprises and for domestic service. Reference to the controls which have a more particular bearing on "Native" labour has already been made in the preceding section. Those having application to the "Native" population as a whole are set out briefly below.

163. Under the "Native" Administration Proclamation of 1922, which has been officially described as the principal pass law, no person other than a "European" is allowed to enter the Police Zone and no employer is allowed to bring a "Native" into the Police Zone as an employee, without a permit. In practice, only male "Natives" are normally allowed into the Police Zone, the majority of them being the recruited labourers; by regulation, "Native" women from Ovamboland and the Okavango are not allowed to leave the areas without the written permission of the Native Commissioner. Recruited male "Natives" must, while in the Police Zone, carry an identification pass and must return to their homes at the expiry of their contracts.

164. No "Native" within the Police Zone, whether recruited or local, unless exempted, may go beyond the confines of the location, reserve, farm or place where he resides or where he is employed without a pass issued by an authorized person. He may not travel within, nor leave, the Police Zone, nor buy a railway ticket without a pass. Except in his own reserve, a "Native", provided he has obtained a pass to travel, must secure permission to remain in another reserve within forty-eight hours of entry.

165. Within urban areas, male "Natives" must, unless exempted, be in employment or possess a permit to seek work or have a visitor's permit, or have a licence to work as a casual labourer or independent contractor. "Natives" with permits to seek work who do not find employment within a specified period must normally leave the area. "Native" women, unless permanent residents, are not allowed into the area without a certificate of approval from an officer designated by the urban local authority and one from the magistrate or Native Commissioner of the district of their residence. A "Native" woman in such areas must produce her certificates on the demand of an authorized officer.

166. All "Natives" in urban areas except those in domestic service must, unless specially exempted, live in "Native" locations, villages or hostels and "European" owners or occupiers of land within five miles of the urban boundary may not allow "Natives" to reside or congregate on their land. As referred to in the preceding section, if the number of "Natives" in a given urban area should exceed the reasonable labour requirements, the surplus "Natives", including permanent residents of the area, may be forced to leave.

167. Even within the "Native" reserves, "Natives" require permission to change their residence within the reserve, to build a hut and to hold a public gathering or assembly with other "Natives". On the other hand, under the "Native" reserve regulations, they may be required to change their residence or to gather in public assembly whenever ordered to do so by an authorized official. The "European" reserve superintendent or Native Commissioner for each reserve (except in the Berseba and Bondels Reserves) may issue the permits required to encamp, reside in, be within or enter the "Native" reserve subject to such conditions as he deems fit.

⁹⁹ *The Windhoek Advertiser*, 23 April 1959.

168. In most, if not all the urban areas of the Police Zone, curfew regulations have been adopted which provide that no "Native" may be in any public place within the municipal area between specified hours (usually 9 p.m. to 4 a.m.) without a written permit signed by the employer or other authorized person.

169. "Europeans", on the other hand, are free to travel, to enter and leave, or to visit and reside in any areas of the Police Zone except the "Native" reserves and locations (and except in two large diamond areas in the Luderitz district which are closed to anyone without a special permit). They are also free to immigrate, emigrate or travel, without restriction or permit, between the Territory and the Union of South Africa, whereas the borders of the Territory are closed to "Non-Europeans" except on individual permit.

170. Under the proposed new regulations for the Windhoek location, permits would have to be obtained to reside in or enter the location and for any type of permit of a permanent nature (residential, site or lodger's permit) the applicant would have to be a "fit and proper" person to live in the "Native" location and would normally have to be employed, or be following some lawful occupation or calling within the urban area of Windhoek and would have to remain so. (Exceptions include sick or infirm persons, pensioners and retired persons.) Wives and children would be permitted to reside with the head of the family provided he had obtained a permit, but an unmarried child over the age of eighteen years would, apparently, have to obtain a permit, subject to the condition above, to remain in the location.

171. No person other than a registered occupier or authorized member of his family would be allowed to enter, be or remain in the location, without a written permit from the Superintendent of the location. Any person entering or leaving the location would be permitted to do so only at specified points.

172. "Natives" would not be allowed to buy land in the location. They would be able to purchase a house built by the Town Council (in which case they would obtain a residential permit) or to obtain the right to build their own house on a particular site (for which they would pay rent and in which case they would obtain a site permit). In both cases, the permit would be subject to cancellation on one month's notice if the holder of the permit was unemployed for a continuous period of fourteen days before issuance of the notice or if he was not following, within the area of the Council's jurisdiction, some lawful occupation or calling, unless he could produce evidence that such unemployment was due to causes beyond his control. If, during the currency of a residential, lodger's or site permit, the holder became a person who was not "fit and proper" to reside in the location the Superintendent would, on giving the holder up to twenty-one days' notice in writing, be entitled to cancel the permit.

173. According to the proposed agreement to be entered into between a resident buying a Council house and the Town Council, if for any reason, including contravention of any of the provisions of the Native (Urban Areas) Proclamation or the regulations made thereunder, or the withdrawal of the residential permit, the agreement were cancelled by the Town Council, all rights to the site and dwelling and all improvements would revert to the Town Council. Site permits would also be liable to cancellation but in this case would be subject to compensation for improvements.

174. In May 1959, an American newspaper correspondent, according to a report in the Press,¹⁰⁰ was arrested in Windhoek for entering the "Native" location without permission. During his interrogation he was required to show all his personal correspondence, files and notebooks relating to South West Africa and after signing an "admission of guilt" was fined £4 0s. 0d. and allowed to leave.

175. *The Committee feels compelled once more to express its grave concern over the unwarranted restrictions, based on race or colour, placed on the freedom of movement of the "Native" population of South West Africa, who form the overwhelming majority of the total population, as a flagrant disregard of the principles and purposes of the Mandate, the Charter of the United Nations, and the Universal Declaration of Human Rights. The Committee accordingly recommends that the Mandatory Power repeal the legislation and regulations enforcing these racially discriminatory and oppressive restrictions.*

D. PUBLIC HEALTH

176. The hospitals in the Territory fall into three categories: State hospitals, State-aided hospitals and private hospitals. The State hospitals, all of which were for "Natives" up to 1957, are financed and controlled by the Administration (except for a small revenue from fees) while the State-aided hospitals are run by municipal hospital boards and are financed partly by public subscription and patients' fees and partly by government subsidies from the Territory Revenue Fund up to a maximum of three-fifths of their total authorized expenditure. Private hospitals are mainly under the control of religious organizations. In addition, the mining concerns also provide medical facilities for their employees.

177. The State Hospitals Ordinance, No. 49 of 1957, which authorized the establishment of State hospitals for "Europeans" and which provided for the establishment, management and control of State hospitals in any part of the Territory by the Administrator, the taking over of any private hospitals by the Administrator and their administration as State hospitals, and the establishment of State hospital committees and boards, was brought into force in 1958 by the Administrator¹⁰¹ and regulations made thereunder concerning the duties of the Medical Superintendents of State hospitals¹⁰² and the registration of private hospitals.¹⁰³

178. During 1958, the Public Health Act was also amended,¹⁰⁴ so as to give, in effect, the Administrator the authority to provide out of funds voted by the Legislative Assembly, or to request or compel local authorities to provide, medical facilities and aid in areas where he considers such facilities or aid inadequate, or necessary and to provide grants-in-aid or medical supplies to voluntary medical services.

179. Complete information on the hospital facilities in the Territory during the year under review is lacking to the Committee. As of October 1957, however, there

¹⁰⁰ *New York Times*, 22 May 1959; *New York Post*, 22 May 1959.

¹⁰¹ *South West Africa Gazette*, No. 2142, pp. 312 and 325, and No. 2129, p. 137.

¹⁰² *South West Africa Gazette*, No. 2167, p. 917.

¹⁰³ *South West Africa Gazette*, No. 2124, p. 59.

¹⁰⁴ Public Health Proclamation Amendment Ordinance, 1958, amending the Public Health Act, 1919, of the Union applied to the Territory by Public Health Proclamation No. 36 of 1920.

were, according to official information,¹⁰⁵ twelve State-aided hospitals within the Police Zone with a total of 253 beds, only two of which provided accommodation for "Non-Europeans" (fifty-eight beds). New State-aided hospitals at Omaruru, Karasburg and Aranos were in the course of construction and the hospital boards at Outjo, Walvis Bay, Mariental, Okahandja and Keetmanshoop were planning to enlarge their hospitals.

180. As of the same date, there were seven State hospitals for "Natives" within the Police Zone with a total of 498 beds. One of these hospitals, the Gobabis hospital, was opened during that year. A State "Native" hospital at Karasburg was officially reported to be in the planning stage and one at Luderitz was nearing completion and it was hoped to take it into commission at the end of April 1958. For "Europeans", a State hospital which had cost £60,750 was opened at Gobabis in 1958 and a £1 million "European" State hospital was opened at Windhoek.

181. The Administration also maintained, as of October 1957, four venereal disease compounds for "Natives" and four tuberculosis clinics.

182. The hospital and medical facilities outside the Police Zone, in 1957-1958, consisted of thirteen hospitals or clinics in Ovamboland maintained by the missions (three Roman Catholic, eight Finnish mission and two Anglican) and one Administration hospital at Ondangua. With respect to the hospitals maintained by the Anglican mission it was reported in the Press¹⁰⁶ during April 1959 that a doctor had recently gone to take charge of the two mission hospitals which had been without a resident doctor for the past six years although there were five "European" nurses on their staff. In the Okavango, there were seven mission hospitals or clinics (four Roman Catholic, three Finnish mission) and one small general hospital (fifty beds) and a leper camp maintained by the Administration at Runtu. In the Kaokoveld there was a clinic at Ohopoho maintained by the Dutch Reformed Church.¹⁰⁷

183. During 1957, one of the two Administration medical officers stationed in Ovamboland was transferred, thus leaving a vacancy. A second Administration medical officer was stationed in the Okavango. One of the main duties of these officers is to attest the labourers who are recruited for work in the Police Zone as being fit for such work. Within the Police Zone, district surgeons who may have private practice are employed by the Administration on a part-time basis and their terms of appointment provide for free medical attendance on indigent "Natives". In 1957, there were twenty-one posts for part-time district surgeons of which two were vacant. During 1956-1957, there were ninety-one registered medical practitioners in the Territory, the majority of whom were in private practice, the others being attached to the mines.¹⁰⁸

184. A tuberculosis officer was appointed in October 1957 and it was hoped that his findings and suggestions would give a much clearer picture of the tuberculosis position in the Territory. A second medical officer was posted to the State "Native" hospital at

Windhoek. The trained staff at this hospital was reported to have consisted in 1956-1957 of a medical officer, a superintendent, five "European" attendants in-charge and nine fully qualified "Native" nurses. The dispensary maintained in the "Native" location at Windhoek was in charge of two trained nurses.

185. In connexion with the appointment of the tuberculosis officer, the Committee recalls that the disease has been causing concern in the Territory for some time past and that a tuberculosis sanatorium for "Non-European" patients has been under consideration since 1952-1953.

186. Reference to the medical expenditure for 1956-1957, which is the most recent year for which figures were available to the Committee, was made in the Committee's report to the General Assembly at its thirteenth session. It may be recalled that expenditure on the health account during that year amounted to £302,966 as compared with £242,435 and £221,062 in the two previous years. In addition, £39,438 was spent from the buildings account on various institutions, as compared with £26,547 and £45,170 in the two previous years. The main items of expenditure on the health account were for drugs, sera and vaccines (£68,986), subsidies to State-aided hospitals (£59,074), salaries, wages and allowances (£57,014), and the maintenance of "Native" hospitals and the maintenance and treatment of patients (£36,013). A sum of £13,660 was also spent on grants towards the medical work of the missions and other bodies; £6,162 on the maintenance of "Native" patients in mission hospitals, £6,160 on miscellaneous items including a venereal disease campaign and outbreaks of infectious diseases, £973 on the maintenance of venereal patients, £278 on plague, £2,500 on leper camps in "Native" tribal areas and £999 on a campaign against tuberculosis including grants for tuberculosis hospitals.

187. The expenditure on sera, equipment and vaccines had exceeded the estimated expenditure by £23,986 owing to a diphtheria epidemic in Ovamboland and expenditure on the campaign against tuberculosis was £24,001 less than the estimate because the erection of tuberculosis hospitals had been delayed.

188. The Committee has no information on how many "European" and "Non-European" nurses there are in the Territory but in 1957 the South African legislation relating to the nursing profession was consolidated and amended in the Nursing Act, No. 69 of 1957, and was made applicable to the Territory. The Act, among other things, provided for the application of the policy of *apartheid* to the nursing and midwifery professions and made provision for the wearing of distinctive uniforms, badges or other distinguishing devices in respect of "White", "Coloured" or "Native" nurses and midwives, and required that the Nursing Council keep separate registers of the "White", "Coloured" and "Native" nurses and separate rolls for those undergoing nurses' or midwifery training. The date 1 January 1958 was fixed by regulation as the date from which the separate registers were to be kept.¹⁰⁹ Regulations were also passed and made applicable to South West Africa prescribing the forms to be used by the Nursing Council in the keeping of the registers, for applications to be placed on the registers, for the certificates of registration and for the keeping of rolls for auxiliary nurses

¹⁰⁵ South West Africa Health Report, 1957; Official Year Book of the Union of South Africa, 1956-57, p. 770.

¹⁰⁶ The Windhoek Advertiser, 9 April 1959.

¹⁰⁷ South West Africa, Health Report, 1957; Meinert's South West Africa Trade and Farms Directory 1958, p. 310; Official Year Book of the Union of South Africa, 1956-57, p. 770.

¹⁰⁸ Official Year Book of the Union of South Africa, 1956-1957, p. 768.

¹⁰⁹ South West Africa Gazette, No. 2131, p. 162.

¹¹⁰ Ibid., No. 2131, pp. 162-164, No. 2148, p. 436, and No. 2164, p. 803.

and midwives.¹¹⁰ The forms all specify that the person in question has been classified under the Population Registration Act, 1950, as a "White" person, a "Coloured" person or a "Native" and requires his or her identity number under the Act. How this regulation is applied in practice in South West Africa is not known to the Committee as the Population Registration Act, 1950, of the Union of South Africa has not been applied to the Territory.

189. *The Committee notes with encouragement that expenditure on medical services has continued to rise and that further medical facilities continue to be provided within the Police Zone. The Committee draws attention, as it has in the past, however, to the fact that the provision of medical facilities and aid in the northern areas where the majority of the "Native" population lives depends, except to a very small extent, on the work of the religious missions. The Committee also notes that, notwithstanding the increase in medical appropriations and the building of further hospitals, the facilities provided for the "Non-European" population within the Police Zone are not proportionately comparable with those provided for the "Europeans". In the field of public health, as in all other fields, the policy of apartheid underlies all governmental action.*

The Committee reiterates its recommendations that priority be given to the establishment of a State hospital and additional medical facilities in the northern areas outside the Police Zone and further recommends that every effort should be made to provide the "Non-European" population within the Police Zone with facilities comparable with those of the "European" population.

The Committee deplors the extension of the policy of apartheid to the nursing and midwifery professions and urges the Mandatory Power to revoke the application to the Territory of those provisions of the Nursing Act, No. 69 of 1957, and consequent regulations which contain measures of racial discrimination.

E. "NATIVE" AND LOW-INCOME HOUSING IN URBAN AREAS

190. Reference to the plans to build new "Native" locations in various urban areas of the Territory, including Windhoek, Keetmanshoop, Okahandja, and Usakos, has been made in previous reports of the Committee to the General Assembly and also to the fact that all new location lay-outs must comply with the *apartheid* laws of the Union of South Africa and that a buffer zone of 500 yards must exist between the "Non-European" built-up area and the "European" built-up area.

191. The building of the new Windhoek location, Katutura, for which a loan of £750,000 was granted by the Administration to the Windhoek municipality in 1954 was begun in 1958 after repeated delays due to the difficulty of finding a site which would allow for the buffer strip. As reported by the Committee to the General Assembly at its thirteenth session, by May 1958 some houses had already been built in the new location and were occupied, while others were in the course of construction. Provision was made under the housing scheme to enable "Natives" either to rent houses built by the town council or to build their own houses with loans and supervision provided by the municipality. Also envisaged, in addition to family houses, was the erection of a compound for from 2,000 to 2,500 Ovambo and hostels for from 2,000 to 4,000 single male "Natives".

192. The housing scheme requires the mass removal of "Natives" from their present location site to an area further removed from the "European" residential area of Windhoek. Within the new location the various "Native" ethnic groups would be separated.

193. A report appearing in the Press¹¹¹ in January 1959 stated that the township move had again been delayed and that no residents from the old Windhoek location would be moved into the new "Native" township within the next fifteen months. It was stated that Windhoek's new sewerage plant at Gammans would not be completed within that period. To move a section of the residents from the old location to the new township would mean a temporary bucket service at extra expense. Such a move would also mean double bus services and double administrative services. The same report also stated that at that time Union "Native" building teams were busy in the location and that the town council did not wish Union and South West "Natives" to mix as they were afraid of interference with building activities.

194. Another Press report¹¹² in the same month stated that the residents of the Windhoek location had resolved to oppose the plan to move them to the new site at Katutura. Objecting to the removal, Windhoek residents entertained fears that it was not intended to improve their conditions and they stated that they were prepared to accept removal orders if better homes were provided at the new site. They also asked for improved transport facilities and higher wages to offset the higher fares. They claimed that the present siting of the location suited all workers as they were close to town and did not have to spend much in fares and that the new site was too far away and would be detrimental to the interests of workers and industry. They were also unhappy over the fact that in the new location they would lose the right to own land and in this saw a move to deny residents the right to freehold tenure and permanent residence.

195. A petition from Chief Hosea Kutako¹¹³ dated 23 April 1959 confirmed that the residents had refused to be moved to the new location, the reason being that the removal was based on *apartheid*. To substantiate this he referred to a statement made by the Minister of Native Affairs concerning the requirement of the buffer zone between the "Native" residential area and that of any other racial group and to a statement which he said had been made by the Manager of the location in November 1958 when he informed the residents that the location would be moved to facilitate the implementation of the *apartheid* policy. The Manager had also informed them that the "Non-European" Advisory Board had agreed to the removal but, at a public meeting held in November 1958, each of the members of the Board had said that he objected to the move.

196. Chief Kutako drew attention to the fact that the old location was near the places of work of the residents and that many of them walked to work because they had no money to pay bus fares. The new location was far away from the places of work and it would be impossible for the people to walk. The residents also entertained fears that the fact that the Government did not intend to sell them the land on which their houses would be built really meant that the Government was unwilling to give them permanent residence.

¹¹¹ *The Windhoek Advertiser*, 29 January 1959.

¹¹² *The World* (Johannesburg, S.A.), 10 January 1959.

¹¹³ See annex XIX.

197. Although they were refusing to move, the residents were not, Chief Kutako said, against improvement, as evidenced by their welcome of an earlier intention of the Government to build better houses for them at the existing location. But they were not prepared to accept any scheme based on *apartheid*.

198. A description of the proposed new regulations for the Windhoek location has been given in the section above on freedom of movement and, as noted therein, the residents would not be permitted to own the land upon which their houses would be built.

199. The Swakopmund Town Council, according to the Press,¹¹⁴ had discussions during 1958 with regard to the proposed new "Non-European" location. A pipeline was to be laid from the railway area to the new "Native" Township site, following which tenders would be called for the erection of location houses. The houses would be two, three and four-roomed types.

200. In Karasburg, it was reported in February 1959¹¹⁵ the new "Native" township had progressed so far that houses were already occupied and the Town Council had up to that date spent £20,000 on "Native" housing.

201. The financial accounts for the year 1956-1957¹¹⁶ showed that £2,000 had been loaned by the Administration to the Karasburg municipality, £3,023 to the Okahandja municipality and £2,000 to the Outjo municipality for location housing.

202. It is obvious from all the available information that in the field of "Native" housing in urban areas, as in all aspects of "Native" life, the policy of *apartheid* seems to follow its course in subordinating the paramount interests and well-being of the "Native" inhabitants to those of the "Europeans".

F. ALCOHOL AND SPIRITS

203. Under the legislation relating to alcohol and spirits, the sale or supply of liquor to, or the making of liquor by, "Natives" is generally prohibited except that in an urban area the Administrator may give permission for a local authority to make kaffir beer for "Natives", to be sold and consumed in kaffir beer halls under the control of the local authority. This legislation was relaxed somewhat in 1957 to allow under specified conditions for the brewing of kaffir beer by "Natives" in rural areas and "Native" reserves. The brewing and consumption of beer on the premises of the Tsumeb Corporation Ltd. mine and of the Consolidated Diamond Mines of South West Africa Ltd., was also authorized, the beer to be issued free in the form of rations to "Native" labourers for consumption on the premises.

204. During 1958, similar provision was made for the brewing and consumption of kaffir beer on the premises of the South African Minerals Corporation Ltd. mines at Otjosondu in the district of Okahandja.¹¹⁷

205. Under Proclamation No. 35 of 1936, letters of exemption from the liquor laws prohibiting the sale of intoxicating liquor to "Natives"¹¹⁸ were authorized to

be granted to the Burghers of the Rehoboth Gebiet ("Coloured" citizens of the Gebiet) for a period of one year by the magistrate and were to specify the quantity of each type of intoxicating liquor which might be purchased per week. In other words, the Burghers were permitted to buy specified quantities of liquor by the bottle. During 1958, an Ordinance was passed¹¹⁹ to amend the Liquor Licensing Proclamation, No. 6 of 1920, to the effect that the holders of retail liquor licences in the Rehoboth Gebiet might on application be authorized to sell to the Burghers of Rehoboth liquor in reasonable quantities for consumption in a room specially and solely set aside for them on the licensed premises. The room and entrance thereto should be separate from any room set aside for any purpose for "Europeans".

206. A report in the Press¹²⁰ indicated that the granting of licences to enable "Coloured" people to enter bars and drink by tot measure had been interpreted as *apartheid* by the Rehoboth Advisory Board and that they would prefer to have their own bars licensed to "Coloured" people rather than go to the European bars where they were segregated.

G. FREEDOM OF RELIGION

207. The Committee has received petitions in the past¹²¹ from residents of the Hoachanas Reserve, protesting about the treatment by the Administration of the African Methodist Episcopal (A.M.E.) Church, the headquarters of which are in the United States. From information contained in these petitions it appears that the Church is composed of "Native" parishioners, although according to the petitioners it is open to all groups. In 1946, after the Dutch Reformed Church—a Church which the petitioners state is "White-controlled"—had taken over the Rhenish mission to which they then belonged, many of the residents of the Reserve broke away from the Rhenish mission and joined the A.M.E. Church. They also took their children away from the Rhenish mission schools and put them in A.M.E. schools and one of their complaints has been the non-recognition of these schools by the Administration. In 1956, when the residents of Hoachanas were first ordered to move, adherents of the A.M.E. Church complained that their ministers were not allowed to visit members of the Church living outside the Reserve on farms and *vice-versa*. On the other hand, members of the Rhenish mission, which at that time was allegedly controlled by the police, were allowed to pass freely to and from the Reserve. Under pressure from the police, members of the Rhenish mission had also been made to say that they agreed to the removal from Hoachanas and to accuse members of the A.M.E. Church of having bought karakul pelts stolen from "European" farmers. At this time the house of the A.M.E. pastor, the Reverend Markus Kooper, was searched although his record was without blemish.

208. In January 1959, as described in preceding sections of this report, the Reverend Markus Kooper was forcibly removed from the Reserve. In a recent petition,¹²² residents of the Hoachanas Reserve characterized the removal of their pastor as "nothing more or less than an act of snubbing and abolishing the A.M.E.

¹¹⁴ *The Windhoek Advertiser*, 1 August 1958.

¹¹⁵ *The Windhoek Advertiser*, 5 February 1959.

¹¹⁶ *South West Africa, Accounts*, 1956-57, p. 22.

¹¹⁷ *South West Africa Gazette*, No. 2122, p. 27.

¹¹⁸ Under the Liquor Licensing Proclamation, 1920, "Natives" means and includes any person other than a "European" and thus includes persons from the Rehoboth Gebiet.

¹¹⁹ Ordinance No. 34 of 1958, *South West Africa Gazette*, No. 2153.

¹²⁰ *The Windhoek Advertiser*, 16 January 1959.

¹²¹ See A/3906, annex V.

¹²² See annex XXI; see also annex XVIII.

Church from the Hoachanas Reserve". They stated that the Women's Missionary Society of the A.M.E. Church had written a letter to the Administrator asking him to let the Reverend Markus Kooper return to the Reserve to serve his congregation and also asking for an explanation of the reasons why he had been removed. In reply, the Secretary for South West Africa, a copy of whose letter was forwarded with the petition, said that the Reverend Markus Kooper had been disobedient and that he could not be allowed to return to Hoachanas. If, however, the members of the A.M.E. Church were to consent to go to Itzawisis, a school and church would be built there and the Reverend Markus Kooper allowed to continue with his work. The petitioners added that, at the time of writing, there were more than fifty members of the Rheinisch mission at Hoachanas who had refused to move but that they were visited by both their "European" and "Native" pastors, and had more than forty pupils in their school whose teacher received a salary from the Administration. On the other hand, since the removal of the Reverend

Markus Kooper, all the work of the A.M.E. Church had stopped.

209. *The Committee notes with great concern the attempt of the Mandatory Power to put pressure on residents of the Hoachanas Reserve into moving from the Reserve by forcibly removing their pastor, the Reverend Markus Kooper, to Itzawisis and by refusing his re-entry into the Reserve to minister to his parishioners, thereby depriving his congregation of their minister for a purpose not in conformity with the Mandate or the Charter and contrary to a decision of the Committee, endorsed by the General Assembly. The Committee recalls Article 5 of the Mandate in this connexion and requests the Mandatory Power to desist from using the religious affiliation of residents of Hoachanas as a means of forcing their removal from the Reserve. The Committee accordingly reiterates its recommendation as contained in the draft resolution approved at its 101st meeting, that the General Assembly urge the Union Government to arrange for the return of the Reverend Markus Kooper and his family to Hoachanas.*¹²³

VI. EDUCATIONAL CONDITIONS

210. Little new information became available during 1958-1959 to the Committee which would enable a composite and detailed description to be made of recent educational conditions in the Territory. The information available, however, shows clearly that the separation of the school systems according to the race and colour of the children remains an unalterable feature of the Administration's educational policy and the terms of reference of an All-"European" commission of inquiry into "Non-European" education in the Territory confirms that the direction of educational policy, far from moving towards a unified and integrated system of education, available to both "Europeans" and "Non-Europeans" alike, may, on the contrary, be moving towards the reinforcement of *apartheid* in the educational field and to differing kinds of education for the various racial groups in the Territory.

211. The Commission appointed in August 1958 and composed of six "Europeans" was instructed to inquire into, report on, and make recommendations in connexion with the following aspects of "Non-European" education in the Territory:

"(a) The formulation of an efficacious system of education which will serve the interests of the Native and Coloured communities in South West Africa as two separate, independent racial groups, taking into consideration the historical development of each group, their respective distinctive characteristics and aptitudes, and their respective needs under the general, constantly changing social, economic and political conditions;

"(b) The extent to which the Union systems of non-European education may serve as a basis for the formulation of education systems for the non-European communities in South West Africa;

"(c) The extent to which primary and secondary vocational training, and the training of teachers for both groups separately, should be changed in respect of the content of the syllabuses to make the proposed systems of education as serviceable as possible to the two racial groups;

"(d) The control over, and the administration and financing of, Native and Coloured education in South West Africa;

"(e) The desirability of instituting a scheme of feeding non-European children, having regard to the feasibility of administering and financing it;

"(f) Such other matters touching upon Native and Coloured education connected with the above which may prove necessary for a thorough investigation into all aspects of Native and Coloured education;

"(g) The financial implications of the proposed efficacious education systems for the two racial groups."¹²⁴

212. An earlier commission, it may be recalled, upon which the Committee reported to the General Assembly at its thirteenth session,¹²⁵ was established in 1957 to inquire into and make recommendations on a number of specific points, most of which referred to the education of "European" children.

213. The Committee did not have at its disposal the recommendations of the 1958 commission but a statement made by the Director of Education concerning "Coloured" education and a petition from the Hoachanas Reserve (see below) suggested that it had completed its task.

214. Some indication of the attitude of the "Native" population towards the possible introduction of the "Bantu" education system in South West Africa is contained in petitions received by the Committee. Chief Hosea Kutako states: "The Union Government is intending to introduce what is called the Bantu Education System whose object it is to teach the Non-Europeans from childhood that they are inferior to the Europeans. It is our earnest desire that South West Africa be placed under the UNO immediately before the Union Government has introduced the Bantu Education and before further blood is shed."¹²⁶ The Ovambo People's Congress, in making an appeal concerning the work of

¹²⁴ *South West Africa Gazette*, No. 2159, pp. 703 and 711.

¹²⁵ See A/3906, paras. 161-165.

¹²⁶ See annex XIX.

¹²³ See annex III.

the Roman Catholic Church in South West Africa, and protesting against "discrimination and *apartheid*" legislation, asked for the complete integration of all Roman Catholic Mission Schools and Churches, the "immediate abolition of the so-called Native places of worship and Native schools"; the "introduction of proper education and the refusal of the Bantu Education Act in all Roman Catholic Schools".¹²⁷ Petitioners from the Hoachanas Reserve stated that ". . . a commission of inquiry to the new system of Native Education appointed by the administration recommend that Bantu books be used in all Native schools in S.W.A. This slavish recommendation of the Commission was adopted by the Legislative Assembly of S.W.A. now assembled in session. We the indigenous inhabitants of S.W.A. have strongly opposed the desired so-called 'Bantu Authorities Act' until the recently held so-called tribal meetings, but it is obvious that the Union Government silently disregard our refusal of the affair just because the Bantu Authorities Act was constructed with the sole purpose of serving *apartheid* policy".¹²⁸

215. In view of the concern of the "Native" population regarding the possible introduction of the "Bantu" education system in South West Africa noted in the previous paragraph, the Committee believes it to be in order to refer briefly to the system of "Native" education in the Union of South Africa. According to an official fact paper,¹²⁹ "Native" education prior to the passing of the Bantu Education Act of 1954 was geared to that for "European" children and ultimately both could sit for the same examinations at the Junior and Senior Certificate levels. A very small number of "Native" children, however, even reached and passed the examination at that stage. The fact paper stated that "by blindly producing pupils trained on the White model, the vain hope was created among the Bantu that they could occupy posts within the White community, despite the country's policy of '*apartheid*'. 'White collar ideals' were created which led to a widespread feeling of frustration among the educated Bantu. The general aims of the Bantu Education Act of 1954 were to remedy the difficulties mentioned by transforming education for the Bantu into Bantu education, to transform a service which benefited only a section of the Bantu population and consequently resulted in alienation and division within the community into a general service which would help in the development of the Bantu community as a whole." In order to do this, the control of the educational system was taken out of the hands of the provinces and centralized in the Department of Native Affairs and the local control of schools, under State supervision, was entrusted to "Bantu" organizations which were to render for the community as a whole a service previously rendered by the mission churches for a section of the community alone. The mission school was replaced by the community school. The Department of Native Affairs was to control schools serving whole areas, for example, institutions for higher education and especially teacher-training schools. A Bantu Education Account was established to which the "Bantu" themselves were to make a "substantial contribution" by raising the general "Bantu" tax to a higher figure.

¹²⁷ See annex XXIII.

¹²⁸ See annex XXI.

¹²⁹ *Digest of South African Affairs, Vol. 4, No. 14, 2 August 1957, Supplement: Fact Paper 39, entitled "Bantu Education Policy", published by the State Information Office, Pretoria, South Africa.*

216. As for "Coloured" education, according to a statement as reported by the Press¹³⁰ made by the South West Africa Director of Education at the opening of a "Coloured" school in March 1959, it had been suggested as a result of the Education Commission that "European" and "Coloured" children would be educated on the same level on a plan based on the Cape system. There would be the same examinations with a South West Africa Junior Certificate and a Cape matriculation. In fact, the "Coloured" educational system would be linked with that of the "European". The Director of Education warned, however, that there was a long uphill fight ahead for the "Coloured" (people).

217. In the meantime, as well as being completely separate, the educational facilities provided for the children of the various groups of the population are, as repeatedly pointed out by the Committee in previous years, of unequal value. Expenditure over the years on "European" education has been proportionately far higher than the amounts spent on "Coloured" and "Native" education. The quality and extent of the education in the "European" schools is also much higher than that provided for the other two groups and, while the Administration has taken the main responsibility for providing this part of the population with schools, responsibility for the education of the "Coloured" and "Native" children has, to a great extent, been left to the initiative of the religious missions. If the Union system is adopted, however, responsibility for "Native" education will, it may be noted, become a direct Administration responsibility.

218. Reference to the expenditure on education for the financial year 1956-1957 was made in the report of the Committee to the General Assembly at its thirteenth session.¹³¹ It may be recalled that, of the total amount of £1,163,896 spent on education, a minimum of £800,000, including £356,322 for hostels in rural areas, was spent on "European" education, £79,003 on "Coloured" education and £126,632 on "Native" education, including the extension of educational facilities in Ovamboland, the Kaokoveld and the Okavango. For the financial year 1954-1955, a more definite breakdown of expenditure¹³² became available to the Committee. In that year, of the total expenditure of £971,661, £781,234 was spent on "European" education, £74,730 on "Coloured" education, £88,891 on "Native" education within the Police Zone and £26,806 on "Native" education outside the Police Zone. These proportions were similar to those spent in earlier years on the education of the children of the various groups. The number of children of school age in the various categories is not known to the Committee but it may be noted that according to the 1951 census the "European" population as of May 1951 numbered 49,930 persons, the "Coloured" population, 17,262 persons, and the "Native" population, 366,885 persons, the majority of whom lived outside the Police Zone.

219. New information became available to the Committee on the number of schools within the Territory. It relates, however, to the year 1954-1955. For "European" children there were 53 Administration schools attended by 9,934 children and served by 395 teachers. There were also 15 private schools attended by 1,448 children and served by 74 teachers. For "Coloured"

¹³⁰ *The Windhoek Advertiser*, 25 March 1959.

¹³¹ See A/3906, para. 155.

¹³² *Official Year Book of the Union of South Africa, 1956-57, page 773.*

children there were 36 schools, 3 of which were Administration schools and the remainder mission schools. These were attended by 2,988 children. For "Native" children there were 88 schools within the Police Zone of which 8 were Administration schools and 80 mission schools and they were attended by 7,413 children. Outside the Police Zone there were 20 subsidized mission schools in Ovamboland with an enrolment of 746 pupils and 104 mission day schools with an enrolment of 13,566 children. In the Okavango area there were 35 mission schools attended by 3,133 pupils.¹³³

220. In 1956-1957, there were 475 "European" teachers and 491 "Non-European" teachers employed by the Administration, as compared with 469 "European" and 473 "Non-European" teachers in the previous year.¹³⁴

221. Education for "European" children is compulsory up to the age of sixteen years (standard VIII—tenth school year) when they sit for the Junior Certificate Examination of the University of South Africa. Thereafter, they may leave school or continue for another two years to standard X at which standard they may enter for the matriculation and school-leaving examinations conducted by the Joint Matriculation Board. Education is free, and in the hostels maintained or subsidized by the Administration so that education may be compulsory in rural areas, pupils are accommodated at fees assessed according to the ability of the parents to pay.

222. Education is not compulsory for "Coloured" or "Native" children. Two schools, according to official information, provide instruction up to matriculation standard for "Native" children, one an Administration school, the Augustineum, which also trains teachers and gives technical training in building, tailoring and carpentry, and the other a Roman Catholic mission school. Chief Hosea Kutako has, however, it may be recalled, disputed the fact that the Augustineum offers courses to standard X.¹³⁵ Information gained from a letter to the Press written by an African priest¹³⁶ indicates that another school, the Doebera Roman Catholic school, provided instruction as of 1959 to standards VII and VIII and that standards IX and X might follow. The school was reported to have 220 students and the following subjects were taught: arithmetic, Afrikaans, English, Herero, history, geography, mathematics (standards VII and VIII), nature study, Latin, elementary experimental psychology, Bible history and religion. The staff at the school was stated to consist of three priests, one sister and four "Native" teachers. Recognized mission schools and Administration schools for "Natives" normally provide a course of instruction up to and including standard VI (plus two sub-standards preceding standard I) provided that, as regards the upper classes, there are sufficient pupils to justify the addition of classes and teachers. Most of the schools outside the Police Zone are not "recognized" schools, however, and normally offer courses of study only up to standard III.

223. There is a secondary school for the "Coloured" children of the Rehoboth Community and, according to information contained in the Press,¹³⁷ a new school for "Coloured" children, with 200 pupils, which it was intended should become a High School, was opened in temporary buildings in March 1959 on the border

of the Windhoek location. The Director of Education, speaking at the opening of the school, stated that "Coloured" education in South West Africa was a mere forty years old. The present "Coloured" State school in Windhoek was established in 1936. Today there were 3,700 "Coloured" school children in South West Africa in forty schools with 128 teachers of which six were "Europeans". "Coloured" children could now attend schools until matriculation and were then compelled to go to the Union as was also the case with "European" scholars.

224. With respect to the mission schools, a request was made by a petitioner from the Gibeon Reserve¹³⁸ that the African Methodist Episcopal Church private schools be recognized and subsidized by the United Nations. The petitioner stated that "for all the ten-yearly struggles and applications made by members of the African Methodist Episcopal Church for recognition of their schools are not taken into consideration at all. Only because of their dark skin and colour. May all the children enjoy the same educational rights and privileges." Petitions have also been received in previous years¹³⁹ to the same effect from petitioners in the Hoachanas Reserve. From information contained in these petitions it appears that the African Methodist Episcopal Church originated in the United States and is a "Non-White controlled Church". In a letter of 3 October 1954 from the Office of the Education Department forwarded with an earlier petition¹⁴⁰ from Hoachanas, it was stated that the Executive Committee had adopted on 22 September 1954 a resolution to the effect that as from 1 April 1955 the Director of Education, in consultation with the Secretary of South West Africa and with the approval of the Administration, might recognize individual African Methodist Episcopal schools but that recognition might be withdrawn as soon as any irregularities were reported. The letter continued that, for claims for recognition to be considered, the name of the "European" manager of the school, among other things, would be required, the number and race of the teachers must be given as well as the classification of the pupils by races (Herero, Ovambo, Bergdamara, Nama, Bushman, South Africa "Native", South West Africa "Coloured", South Africa "Coloured", Betschuana, other). The schools when recognized would, like all other mission schools, be classified either as "Coloured" or "Native" schools. "Native" children and "Native" teachers would not be allowed to attend "Coloured" schools. The Department had not, the letter stated, reached the stage where it debarred "Coloured" children from attending or "Coloured" teachers from teaching in "Native" schools.

225. The Committee has no information on the number of African Methodist Episcopal schools in the Territory but it may be noted that an amount of £15,460 was provided for in the estimates¹⁴¹ for 1956-1957 as provision for the possible taking over of the African Methodist Episcopal schools and the increased staff and the extension of services at existing schools. It was not indicated in the financial accounts for the year, however, whether any of this appropriation was used.

226. Except for the Neudam Agricultural College for "European" students which provides a two-year course, there are no facilities for higher education in the

¹³³ *Ibid.*, pp. 771-773.

¹³⁴ South West Africa, *Accounts*, 1955-56, 1956-57.

¹³⁵ See A/3906, para. 159.

¹³⁶ *The Windhoek Advertiser*, 30 January 1959.

¹³⁷ *The Windhoek Advertiser*, 25 March 1959.

¹³⁸ See annex XII.

¹³⁹ See A/3906, annex V.

¹⁴⁰ See A/3906, pp. 47-48.

¹⁴¹ South West Africa, *Estimates*, 1956-1957, p. 4.

Territory and students of all sections of the population must go to the Union of South Africa or elsewhere to attend institutions of higher learning. Information on how many from each group do in fact go on to higher studies is lacking but £20,055 was spent in 1956-1957 by the Administration in the form of loans and bursaries. It may be safely assumed, however, that only few "Non-European" students are able to acquire the advantages of higher or specialised training because the Administration as a rule refuses their applications and, according to one petitioner:¹⁴² "my application was refused, although four bursaries are ostensibly available annually for non-white students wishing to pursue courses of study in the Union in 'fields in which there is a felt need in South West'", (statement appeared in an S.W. Education Department letter to schools in 1956). Up to date, no one has benefited from this progressive offer". According to petitions received from Mr. Hans J. Beukes and Mr. Neville Rubin, President of the National Union of South African Students,¹⁴³ Mr. Hans Beukes, a second-year student of the University of Cape Town, was granted a scholarship by the Norwegian National Union of Students (Norsk Studentsamband) to study for three years at the University of Oslo. Mr. Beukes was selected for this scholarship, offered to a "Non-European" student at a South African University, by a selection committee consisting of Professor L. M. Thompson, Head of the Department of History at the University of Cape Town, Professor B. Z. Beinart, Professor of Roman Law at the University, and the President of the National Union of South African Students. After some delay and indecision, the Union Government granted Mr. Beukes a passport on 15 June 1959 to enable him to proceed to Norway. He accordingly made arrangements to leave the University of Cape Town and proceed to Port Elizabeth to embark on his journey, but was met on arrival at this port of embarkation by three police officers, members of the "Special Branch", and an emigration official, who seized his passport. One gave as the reason that Mr. Beukes had been in association with persons believed to be engaged in subversive activities and he was subjected to a search of his person, luggage and personal correspondence. Later, the official reason was given that the withdrawal of the passport was in the public interest. The Union Government's action aroused considerable disapproval by the Teachers' Educational and Professional Association, students of the University of Cape Town and the Press in the Union of South Africa and other representatives of public opinion in the Territory.

227. After examining the case of Mr. Hans J. Beukes, the Committee decided to submit to the General

¹⁴² See annex XXXI.

¹⁴³ See annexes XXIV, XXX and XXXI.

Assembly for its adoption the draft resolution contained as annex IV of this report, considering, *inter alia*, that the withdrawal by the Union of South Africa of the passport granted to Mr. Beukes is an act of administration contrary to the Mandate and expressing the hope that the Union Government will reconsider its decision and that Mr. Beukes will be able to take advantage of the scholarship offered him.

228. *Without having before it the recommendations of the 1958 commission of inquiry into "Non-European" education, the Committee cannot make final conclusions upon this matter. Until this information is available, however, the Committee feels that it must go on record as deploring the fact that the change of policy under consideration would, as evidenced by the terms of reference of the commission, be in the direction of further rigidly dividing an already divided population and devising for one part of the population a type of education for their children which on the basis of the system of apartheid would confine them to a subordinate role in the life of the country.*

The Committee notes that there were no representatives of the "Non-European" population on the commission of inquiry into "Non-European" education and consequently recommends that the Union Government provide for direct and adequate "Non-European" representation on this commission and strongly urges the Mandatory Power fully to consult with such representatives before any changes are made affecting "Non-European" education.

The Committee continues to draw attention to the fact that the system of education up to the present and the disproportionate amounts of money spent on the educational facilities for the various groups has resulted in, and continues to result in, the provision of far less facilities for the "Non-European" population than for the "European" population, and that the facilities provided for the former are of a much lower standard. The Committee once more stresses its belief that opportunities for the education of "Non-European" children will remain inferior to those for "European" children as long as the systems remain segregated and as long as a determined effort is not made to establish a common educational system open to all children, without discrimination and irrespective of race or colour.

It once more recommends that steps should be taken in this direction and again urges the Mandatory Power to do everything possible, as an immediate prerequisite to the achievement of that objective, to improve and expand the facilities for "Native" children in particular, and to provide for all groups of the population facilities for training in vocations, skills and professions suited to the developing economy and other branches of activity of the Territory.

VII. CONCLUDING REMARKS

229. After almost four decades of administration of South West Africa under the international Mandates System, whose guiding principle is that the well-being and development of the Territory's inhabitants "form a sacred trust of civilization", the Union of South Africa has failed and continues to fail to carry out the obligation it undertook to "promote to the utmost the material and moral well-being and the social progress of the inhabitants of the Territory".

230. The Mandatory Power bases its administration of the Territory on a policy of *apartheid* and "White supremacy" contrary to the Mandates System and to the Charter of the United Nations, and its goal is the annexation of the Territory. The Union Government has reserved political authority in the Territory, by law, to a "European" minority, has transferred a major portion of the Mandated Territory and its resources to "European" citizens of the Union of South Africa, has

allocated the bulk of the public funds of the Territory to "Europeans", and has reserved to them the larger share of the economic, social and educational opportunities available in the Territory. It has at the same time denied to the "Non-European" inhabitants of the Territory, not only a recognition of their paramount interests, but also the right to participate on a basis of equality and merit in the political, economic, social and educational life of the Territory. The indigenous "Native" majority of the population in particular have been subjected to unnatural restrictions on their freedom of movement and regulation of their daily life, and have suffered damaging removals and threats of removals from their lands to places even beyond the boundaries of the international Mandated Territory.

231. The Committee has become increasingly disturbed at the trend of the administration in recent years, and at the apparent intention of the Mandatory Power to continue to administer the Territory in a manner contrary to the Mandate, the Charter of the United Nations, the Universal Declaration of Human Rights, the advisory opinions of the International Court of Justice, and the resolutions of the General Assembly.

232. It is particularly disturbed at the implications of the new defence measures affecting the Territory and of the new penalties imposed for the illegal possession of arms and ammunition at a time when the Union Government has been contemplating mass re-

movals of "Native" peoples against their wishes and when, in contrast to the trend of events in other African territories, it has reaffirmed, by resolution of the Senate, its intention of "preserving White supremacy" in South West Africa.

233. The Committee considers it essential to the welfare and security of the peoples of South West Africa that the administration of the Territory be altered without undue delay in order to ensure the political, economic, social and educational development of the whole of the population and the application of the principle of equal rights and opportunities for all of the inhabitants. Having examined conditions in the Territory for the sixth successive year, however, the Committee cannot fail to conclude that such an essential change in the administration is not likely to occur owing to the intransigence of the Mandatory Power and its exercise of uncontrolled authority over the Territory. The Committee accordingly recommends, with a view to the protection of the fundamental rights of the inhabitants of the Territory under the Mandates System, that the General Assembly should consider means of ensuring the fulfilment by the Union Government of its obligations under the Mandate and the Charter with respect to South West Africa in the event the Union Government persists in its rejection of the supervisory authority of the United Nations over the administration of the Territory.

ANNEX I

Correspondence with the Government of the Union of South Africa

1. LETTER DATED 6 FEBRUARY 1959 FROM THE CHAIRMAN OF THE COMMITTEE ON SOUTH WEST AFRICA TO THE MINISTER OF EXTERNAL AFFAIRS OF THE UNION OF SOUTH AFRICA

I have the honour to inform you that the Committee on South West Africa, at its 97th meeting on 22 January 1959, decided to request the Government of the Union of South Africa to render an annual report in reference to the Territory of South West Africa as provided by General Assembly resolutions 749 A (VIII) of 28 November 1953, 851 (IX) of 23 November 1954, and 941 (X) of 3 December 1955, and by rules I and II of the rules of procedure of the Committee.

In accordance with this decision by the Committee and on its behalf, I wish to invite the Government of the Union of South Africa to co-operate with the Committee and to render an annual report in reference to the Territory of South West Africa as provided by the above-mentioned resolutions of the General Assembly and rules of procedure of the Committee on South West Africa.

2. LETTER DATED 1 MAY 1959 FROM THE CHAIRMAN OF THE COMMITTEE ON SOUTH WEST AFRICA TO THE MINISTER OF EXTERNAL AFFAIRS OF THE UNION OF SOUTH AFRICA

I have the honour to state that I have been requested by the Committee on South West Africa to inform you that the Committee approved, at its 101st meeting on 23 April 1959, the text of the enclosed draft resolution^a which it decided to recommend for adoption by the General Assembly with respect to the Hoachanas Native Reserve.

^a Draft resolution included in annex III below.

On behalf of the Committee on South West Africa, I wish to inform you that the Committee regards the forced removal of the Reverend Markus Kooper and the impending removal of other inhabitants of Hoachanas with deep concern. The Committee has accordingly directed me to convey to your Government its earnest hope that the Government of the Union of South Africa will desist from carrying out the removal of other residents of Hoachanas and will arrange for the return of the Reverend Markus Kooper and his family to Hoachanas as soon as possible.

3. LETTER DATED 15 JUNE 1959 FROM THE PERMANENT REPRESENTATIVE OF THE UNION OF SOUTH AFRICA TO THE UNITED NATIONS, ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON SOUTH WEST AFRICA

I have the honour by direction of the Minister of External Affairs of the Union of South Africa to acknowledge your letter No. TR 220 of the 6th February, 1959, referring *inter alia* to General Assembly resolutions 749 A (VIII), 851 (IX) and 941 (X) and inviting the Union Government to co-operate with your Committee and to render an annual report on South West Africa.

In my communications sent to you on the 25th March, 1954, the 21st May, 1955, and the 21st April, 1956,^b I conveyed to your Committee the views of the Union Government concerning the submission of annual reports on South West Africa. As there has in the meantime been no material change in the position outlined in these communications, the attitude of the Union Government remains unchanged.

^b See A/2666, annex I (c); A/2913, annex I (c); and A/3151, annex I (b).

ANNEX II

Draft resolution concerning petitions and related communications concerning conditions in South West Africa, approved by the Committee on South West Africa at its 118th meeting on 11 August 1959 and recommended for adoption by the General Assembly

The General Assembly,

Having accepted the advisory opinion of 11 July 1950 of the International Court of Justice on the question of South West Africa,

Having authorised the Committee on South West Africa, by its resolution 749 A (VIII) of 28 November 1953, to examine petitions in accordance with the Mandates procedure of the League of Nations,

Having received a report from the Committee dealing with petitions and related communications from Chief

Samuel Wittbooi, Chief Hosea Kutako, Captain H. S. Witbooi, the Reverend Michael Scott, Mr. Jariretundu Kozonguizi, the Reverend Markus Kooper, Mr. J. Dausab and others in the Hoachanas Native Reserve, Chief P. Keharanyo, Mr. Jacobus Beukes, Messrs. J. G. A. Diergaardt, J. H. Mall, P. Diergaardt and others in the Rehoboth Community, Messrs. Toivo Ja-Toivo and F. Isaacs, Mr. Neville Rubin, and Mr. Hans Beukes,

Noting that these petitions and related communications raise questions concerning various aspects of the

administration of the Territory of South West Africa and of conditions in the Territory upon which the Committee has presented a report,

Decides to draw the attention of the petitioners to the

report and observations of the Committee on South West Africa regarding conditions in the Territory, submitted to the General Assembly at its fourteenth session, and to the action taken by the Assembly on this report.

ANNEX III

Draft resolution concerning the Hoachanas Native Reserve, approved by the Committee on South West Africa at its 101st meeting on 23 April 1959 and recommended for adoption by the General Assembly

The General Assembly,

Having authorized the Committee on South West Africa, by its resolution 749 A (VIII) of 28 November 1953, to examine petitions as far as possible in accordance with the Mandates procedure of the League of Nations.

Having received the report from the Committee dealing, *inter alia*, with its examination of petitions concerning developments in the Hoachanas "Native" Reserve.

Considering that the original inhabitants of the Territory have an inherent right to continued and unmolested residence on their own land,

Noting that inhabitants of the Hoachanas "Native" Reserve, survivors of the Red Nation, or Rooinasie Namas, have an inherent right of ownership and possession of their ancestral land at Hoachanas, where they claim an area of 50,000 hectares as recognized by agreement with the German Government, and that former Governor Theodor Leutwein, recording the history of his governorship of German South-West Africa from 1894 to 1905, stated: "The next reserve was in Hoachanas, headquarters of the Red Nation. There, in 1902, a total of 50,000 hectares was declared the inalienable property of the tribe",^a

Noting further that the Government of the Union of South Africa reported to the League of Nations in 1923 that it had confirmed the rights of "Natives" on land occupied by them under treaties or agreements with the former German Administration,

Noting that the residents of the Hoachanas "Native" Reserve were ordered by the Government of the Union of South Africa to vacate Hoachanas by 31 December 1956, that the majority refused to leave their traditional land and to move, as directed by the Government, to land found by a government commission to be inferior to that of Hoachanas, and that the Administrator of South West Africa consequently obtained a court order in July 1958 for the eviction of one of the Nama residents, the Reverend Markus Kooper, Minister of the African Methodist Episcopal Church,

Recalling that the Committee on South West Africa, in its report to the General Assembly at the thirteenth session, urged the Union of South Africa to take all

steps necessary to ensure that the people of Hoachanas retained their traditional homeland and to investigate their claim to surrounding land,

Recalling further that the General Assembly, by resolution 1245 (XIII) of 30 October 1958, approved the report of the Committee on South West Africa and thereby endorsed the Committee's decision regarding Hoachanas.

Noting with concern that the Government of the Union of South Africa disregarded this decision, and caused the Reverend Markus Kooper and his family to be forcibly removed from Hoachanas on 29 January 1959 to a site approximately 150 miles away, thereby depriving his congregation of their minister, that several residents of the reserve were allegedly injured during the removal, and that the other inhabitants of the reserve were informed by Government officials of their impending removal by force,

Considering with regret that it is the policy of the Mandatory Power to remove the "Native" inhabitants from their lands which they have held as their own in order to make room for "European" settlers, in violation of fundamental human rights and the sacred trust assumed by the Union Government over the Mandated Territory,

Considering the removal of the inhabitants of Hoachanas for a purpose not in conformity with the Mandate or the Charter of the United Nations to be contrary to the obligation undertaken by the Mandatory Power to promote to the utmost the material and moral well-being and the social progress of the "Native" inhabitants of the Territory,

1. *Urges* the Government of the Union of South Africa to desist from carrying out the removal of other residents of Hoachanas and to arrange for the return of the Reverend Markus Kooper and his family to that reserve;

2. *Requests* it to investigate the claims of the Rooinasie Namas to the original area of Hoachanas, of which only 14,254 hectares are now occupied by them, and to take such further steps as may be necessary, in consultation with the territorial Administration and the people concerned, to ensure the recognition and protection of the full rights of the people of Hoachanas and the promotion of their general welfare;

3. *Requests* the Government of the Union of South Africa to inform the United Nations on the measures taken to implement this resolution.

^a *Elf Jahre Gouverneur in Deutsch-Suedwestafrika* (Berlin, 1907), p. 272.

ANNEX IV

Draft resolution concerning the withdrawal of a passport from Mr. Hans Johannes Beukes, approved by the Committee on South West Africa at its 118th meeting on 11 August 1959

The General Assembly,

Having accepted the advisory opinion of 11 July 1950 of the International Court of Justice on the question of South West Africa,

Having authorised the Committee on South West Africa, by resolution 749 A (VIII) of 28 November 1953, to examine petitions in accordance with the Mandates procedure of the League of Nations,

Having received a report from the Committee on South West Africa dealing with petitions from Mr. Hans Beukes, a South West African student, and from Mr. Neville Rubin, President of the National Union of South African Students,

Noting that Mr. Beukes had been granted a scholarship by the Norwegian National Union of Students (Norsk Studentsamband) to study for three years at the University of Oslo,

Noting further that Mr. Beukes, a second-year student at the University of Cape Town, had been selected for the scholarship by a committee consisting of the Head of the Department of History, a Professor of Roman Law at that University, and the President of the National Union of South African Students,

Considering that the Government of the Union of South Africa granted Mr. Beukes a passport on 15 June 1959 to enable him to proceed to Norway, and withdrew that passport on 24 June, when Mr. Beukes arrived at the port of embarkation, subjecting Mr. Beukes to a search of his person, luggage and personal correspondence,

Noting the protests made by the South African Press, students of the University of Cape Town, and the Teachers' Educational and Professional Association in the Union of South Africa, as well as other representatives of the public in the Union of South Africa, against the action taken by the Union Government,

Taking into account that there are no facilities for university education in South West Africa and that "Non-European" students from the Territory find it increasingly difficult to obtain adequate university education in the Union of South Africa,

1. *Is of the opinion* that the withholding or withdrawal of a passport from a qualified South West African student for the purpose of studying abroad is not only a direct interference in the educational and general advancement of an individual but a hindrance to the educational development of the Territory of South West Africa which was entrusted under the Covenant of the League of Nations to the administration of the Union of South Africa.

2. *Considers* the withdrawal by the Union of South Africa of the passport granted to Mr. Hans Beukes to be an act of administration contrary to the Mandate for South West Africa;

3. *Expresses the hope* that the Government of the Union of South Africa will reconsider its decision and that Mr. Hans Beukes will be able to take advantage of the scholarship offered him to study at the University of Oslo.

ANNEX V

Oral hearing of Mr. Fanuel Jariretundu Kozonguizi

1. REQUEST BY MR. FANUEL JARIRETUNDU KOZONGUIZI, ACCRA, GHANA, FOR AN ORAL HEARING BEFORE THE COMMITTEE ON SOUTH WEST AFRICA

(a) *Cablegram received on 15 April 1959 from Mr. Kozonguizi to the Secretary-General*

EYE SOUTH WEST AFRICAN DELEGATE FANUEL KOZONGUIZI REPRESENTING HERERO TRIBE PRAYS YOU GRANT ME PERMISSION TO MAKE ORAL REPRESENTATION BEFORE COMMITTEE SITTING ON SOUTH WEST AFRICA STOP EYE AM NOW IN ACCRA ON MY WAY TO NEWYORK STOP PLEASE COMMUNICATE REPLY TO ME CARE BOX 921 ACCRA GHANA

(b) *Communication dated 15 April 1959 from Mr. Kozonguizi to the Chairman of the Committee on South West Africa*

I am writing to request the Committee on South West Africa to grant me an oral hearing at which I wish to put the case of the Herero People of South West Africa.

You may remember that in 1957 I made a similar request to the Fourth Committee which kindly expressed

willingness to hear me during the 12th session of the United Nations.

I have, also, occasionally communicated with the Secretary-General on the question of South West Africa.

Hoping that my request will meet with your favour and that you will use your "good offices" to enable me to be granted a visa by the UNITED STATES OF AMERICA Government.

(Signed) Jariretundu KOZONGUIZI

2. COMMUNICATION DATED 13 APRIL 1959 FROM THE REVEREND MICHAEL SCOTT, THE AFRICA BUREAU, LONDON, TO THE CHAIRMAN OF THE COMMITTEE ON SOUTH WEST AFRICA

Mr. Fanuel Kozonguizi whose statement you may recall I quoted in a statement before the Fourth Committee and referred to in my oral statement before your Committee last year, is now in Accra and hopes to proceed to the United Nations to make an oral petition to your Committee.

He appears to be in some difficulty about travel documents and I am wondering whether there is anything that can be done to enable him to secure an American visa and thus enable him to proceed to the United Nations? You may recall also that the Fourth Committee expressed a willingness to hear Mr. Kozonguizi at the Twelfth session.

(Signed) Michael SCOTT

3. COMMUNICATION DATED 21 APRIL 1959 FROM CHIEF HOSEA KUTAKO, WINDHOEK, TO THE CHAIRMAN OF THE COMMITTEE ON SOUTH WEST AFRICA

We have sent Mr. Fanuel Jariretundu Kozonguizi as our representative to the United Nations Organization and we are requesting you Sir, to grant him an oral hearing together with our other spokesmen (The Reverend M. Scott and Mr. Mburumba Kerina) on behalf of the Herero and Nama peoples of South West Africa when he has reached the UNO.

(Signed) Hosea KUTAKO

4. ORAL PETITION SUBMITTED BY MR. FANUEL JARIRETUNDU KOZONGUIZI AT THE 102ND MEETING OF THE COMMITTEE ON SOUTH WEST AFRICA ON 1 MAY 1959

Mr. Chairman, members of the Committee, first, I should like to thank the members of this Committee for allowing me the opportunity to address this statement to them. I should also like to explain the nature of my representation here today. It would appear that I am here to speak for and on behalf of the Herero people only, but I want to make it very clear that I am here to speak for all the indigenous people of South West Africa, that is, those who are conscious of the deplorable and appalling conditions under which they live, as well as those so spiritually enslaved under the demoralizing conditions that it has not been possible for them to realize what a morally anaesthetized administration has done to them.

Further, I am not here to deliver a political speech, but I come here to give an account of the conditions in my country, to make an appeal, a solemn one, to which I hope the members here will respond, as it is a "Save Our Souls" appeal. The situation has deteriorated to such a critical extent that only immediate and swift action can save it.

Scanning the reports of the Committee on South West Africa we find that sufficient is known here to form the basis of action by the United Nations. It is my wish to be allowed some time to make a detailed account of the conditions in my territory, South West Africa, at a later meeting of the Committee. At the moment, I would like to deal with issues which I consider are most pressing.

What I want to deal with now, and which is perhaps unknown to the Committee, is the nature of the situation created by these conditions which have been very well exposed by the Committee on several occasions in their reports, and the effect of this situation on the people in the country. It is this which forms the basis of my petition. I am going to talk about the feeling of the people and the critical situation which has arisen.

The history of South West Africa is very well known. South West Africa belongs to the Ovambo,

Damara, Nama, Herero and the other indigenous African people there. This was the position before the advent of the white man. This was supposed to be the basic principle on which the Mandate System under the League of Nations rested, or at least that is how the indigenous peoples in South West Africa interpret the "Mandate". We also regard the opinions of the International Court of Justice as confirmation of this. In short, the indigenous people of South West Africa regard that—and which is the position—the sovereignty of South West Africa rests not, as has been erroneously held, with the Union of South Africa or the League of Nations but with the indigenous people themselves. In other words, it is for the people of South West Africa to say what they want to be done with their country, and not for the Government of the Union of South Africa to modify the status of the Territory unilaterally, even as it has done. This is the most important effect on the people.

As the people read the reports of this Committee they get the impression, which I hope is the correct one, that the United Nations recognizes the peoples' sovereignty in South West Africa and the right of self-determination.

The people read about the United Nations activities in other parts of the world where some principle of the United Nations has been violated or merely felt that it has been violated, for example, Egypt in 1956, Hungary in 1956, Lebanon only last year. These matters were dealt with, with such urgency that some immediate effort is made toward a solution and these problems are not left to be debated, with no action taken year after year. This increases the confidence of the people of South West Africa in the United Nations.

The people of South West Africa are also not blind to the fact that all the issues in which the Union of South Africa is involved seem not to be taken with the same urgency as the others.

Do the Members of the United Nations really believe that a people can wait for thirteen years and still be confident that something would be forthcoming especially when statements are made and decisions are of such nature as not to antagonize the Government and the white people of South Africa? I must point out that the people of South West Africa sometimes get the impression that the issue is treated as one of expedience where principle has been abandoned. But to them this is a matter of principle and not of expedience and if we in South West Africa were to establish that our case was being treated as a matter of expedience our confidence would disappear. This then is the premise of the message I have to deliver to the United Nations from the people of South West Africa.

To people who are not merely claiming what is theirs, for instance, political rights, economic opportunity, social equality, but who are actually suffering, feeling the pinch of the yoke of oppression as they pull the country to economic prosperity for the minority whites, thirteen years is a long period indeed. But my people are still confident and they are still entertaining hope that the United Nations will help them. But if they are let down, the next question they will ask themselves will naturally be, what are we going to do now that the United Nations seems not in a position

to help us? Patience and good faith are not limitless and once they disappear the situation may become irrevocably critical. It is this message which Chief Hosea Kutako would have brought to you had he the opportunity to come. And this message is a two-fold appeal; on the one hand, it is an appeal from one who is suffering; on the other, it is an expression of fear of what can happen when patience and humour are exhausted.

This should not by any means be interpreted as a threat or blackmail to the United Nations but as a statement of a possibility from one who is in the situation. Of course, no one could expect a man who is now in the late evening of his life to make threats, especially a man of the quality of the Chief Hosea Kutako—patient, long devoted to the cause of his people and country. But he is now an old man, a man who has wielded and still wields strong influence amongst his own people and who has commanded the respect of all who have known him. But it is an expression of a foresight, a peep into the future—anything can happen when this man goes to rest. It can be today, it can be tomorrow. Today he is to answer his people when they ask, what are we going to do? His answer is that the United Nations will help us. But tomorrow it will be another man. His answer might be different. And for the good of the country he fears that, so that it is his solemn appeal: "Save Our Souls".

To come to specific issues, I must say that these cannot be understood in isolation from the declared policy of the Union Government which is the Administering Power in South West Africa and to which more than 99 per cent of the white population both in the Union of South Africa and South West Africa subscribe. The Union Government is pledged to carry out a policy based on white supremacy. That Government is too deeply committed to the white and only electorate to modify its policy. This policy is all out repugnant not only to the principles on which the Mandate System was founded but to the very principles on which the United Nations was established. This policy envisages the perpetual domination and enslavement of the coloured races by the white races; in effect, this policy demands the ruthless repression of all thought and movement of the coloured man except if it be in the interests of the white man; it manifests no respect for humanity and in its brutal implementation loses all regard for the soul of the non-white-skinned man; this policy is straightforward in expression, never contradictory in interpretation. It is the very policy for which the Union of South Africa stands indicted before the United Nations and it is the very policy which metes inhuman and unjust treatment to the majority section of the people of South Africa.

The irony of the situation then is, and it is of tremendous effect on the people of South West Africa, that the United Nations expects that the South African Government can change a policy to which it is so deeply committed by the electorate. In fact the South African Government has made its stand quite clear on several occasions: the late Prime Minister Johannes Strijdom defined their stand categorically at Keetmanshoop just before the 1958 elections when he said that a change in the present political set-up in South West Africa would mean death to the white man, and if they were to be forced to die they would choose to die fighting. This was an equivocal statement made by a man known for his straightforwardness and a man of influence amongst

his own people; so that nothing could be more authentic about the Afrikaner stand.

The successor to Johannes Strijdom is a man more straightforward, tremendously authentic and fearlessly expressive of the role of the Afrikaner in race relations. He is a man who openly and boastfully pursues the path of Afrikaner domination and herrenvolkism even to the utter destruction of the Afrikaner himself. He is a man notorious for his wartime sympathies for fascism and Hitlerism, the very evils against which the United Nations established itself as a bastion. I have to say all this to show the dangerous association of the United Nations with South Africa and that if the United Nations gives in to the Union of South Africa on South West Africa, the Union of South Africa under Hendrik Verwoerd, it will be creating a Munich-like situation. I also wish to show that the United Nations is treading on the road to futility if it expects that the Union Government will ever change its attitude as far as South West Africa is concerned. South West Africa today is the experimental ground, it being a fertile soil for all the *apartheid* policies.

So that the point I want to drive home here is that South Africa is determined not to budge an inch. The problem before this Committee and the United Nations is whether this determination will be allowed to be reinforced without being checked and that as the pace of oppression is accelerated the United Nations will stand and stare. Are you then still going to pursue the path of diplomacy and moderation, not to antagonize the Union Government while the Union of South Africa continues to defy the authority of the United Nations openly?

I had to go all this length to correct the false hope on which the United Nations action is based, that is that the Union of South Africa might have a change of heart.

This is the appeal: the people of South Africa want to be saved from the irresponsible and atrocious care of the Union Government. And it is very urgent because the Union Government is strengthening its hold on South West Africa with its propaganda. For example, Br. Blignaut, who was here last year as an adviser to the Union delegation to the United Nations, last year made a statement to the Herero leaders. This statement is very important. This is what he said. I happened to be at the meeting myself and I heard it with my own ears. He said, "You people, you have been petitioning the United Nations for the last twelve years. You have been writing letters to Mr. Scott for the last many years, but you never got even a sixpence from the United Nations. We here in South Africa have given you the reserves to stay on and make a living, yet you still go behind our backs to the United Nations. You will never get anything from the United Nations."

Again the same Br. Blignaut told the meeting of the Ovambo leaders last year: "Look here, you people. The Herero people have been petitioning the United Nations for the last twelve years, but they cannot even get a thing out of the United Nations. So don't waste your time. Support our Government and you will get everything on the basis of *apartheid*." That statement was made by Br. Blignaut.

Br. Blignaut made another statement this year at a meeting of the Herero leaders; it was in March of this year. At this meeting he said that all he knew about the United Nations and South West Africa was that South West Africa was handed over to the Union

Government by the League of Nations and that it was not meant to be returned to the people themselves, so that they were wasting their time making appeals to the United Nations and writing petitions to the United Nations because the Union Government was not prepared to give in.

John Naser, former Secretary for South West Africa, had made a very important statement which I happened to listen to with my own ears. At the time he was the Chief Native Commissioner for South West Africa. Addressing Herero leaders he said this:

"You people, you are claiming South West Africa back, but you know very well that we got South West Africa through bloodshed. Our blood, Afrikaner blood, was shed here on South West African soil, and then we got South West Africa. So it is quite impossible for us to give you the country back, unless you can get it, if you like, by bloodshed."

He made a public statement and it was heard by every Herero leader who was there.

So it is for the United Nations to dismiss this propaganda by action. I have come here to go back to my people with a message of hope for the future. It is for the United Nations to give me that message.

I see that there is a pending move that South Africa be taken to the International Court of Justice once more, this time for compulsory jurisdiction and not merely for an advisory opinion. This will be a welcome step to us in South West Africa, but still I must add that this step will not dissuade the Union Government from perpetrating atrocities in South West Africa in the meantime. My experience with these people has taught me that where they stand indicted is that they always avenge themselves on the helpless. So while we in South West Africa do welcome this legal step, which I hope will be taken without delay at the next session of the General Assembly, there are pressing issues at this moment which call for immediate action by the United Nations.

For example, at this moment Mr. Toivo, whose message was read here last year by Mr. Mburumba Korina, is under what amounts to house arrest in his homeland of Ovamboland.

Force was used and further force is imminent against the people of Hoachanas.

The Windhoek Location removal issue has reached a dangerous deadlock; the general political situation in South West Africa is explosive. These are the three issues I want to deal with this morning.

I had a letter from Mr. Toivo sometime back in January. I sent this letter to the United Nations via Mr. Kerina. In this letter Mr. Toivo says this. In fact, I must explain what had happened. Mr. Toivo was in Cape Town. At the end of last year, after his message to the United Nations had been read by Mr. Kerina, Mr. Toivo was ejected from Cape Town by the local authorities. He was told to go back to South West Africa. When he got to Windhoek, he stayed there for some time. These people, the Chief Native Commissioner and the other people in the Native Affairs Department, did not want him to go back to Ovamboland because they said he was going to poison people there. They wanted him to stay on in Windhoek, but he said that he was going back to Ovamboland and that later, if he saw the desirability, he would come back and work in Windhoek. But they said, "Well, in that case you would not be allowed to come back to Windhoek." Of course, here

we can see the restrictions placed on people in South West Africa as regards movement and freedom to work. So that he was ejected again from Windhoek, back to Ovamboland. On his way to Ovamboland he had to go through Tsumeb. This is what he has to say about his stay in Tsumeb:

"I was in the railway waiting room in Tsumeb. A railway policeman, a sergeant by rank, approached me and said that he wanted to search my bags. He also demanded that I produce my pass. In turn I asked him to produce his certificate of authority to search my bags; he simply demanded my pass. He took me to the Police Office where he said his certificate was, and we then returned to the waiting room where he searched my bags. Before he searched my bags, I asked him whether it was the practice here to search people's bags. The reply was in the affirmative, upon which I asked him to wait for the other Ovamboland-bound people so that they could be searched at the same time. He refused to grant this request and he went on searching my bags. I then showed him my pass after which he remarked, 'You look smart; are you going to take me to court?' I replied, 'You are searching my bags now to take me to court.'

"I then went to town where I met my friends whom I accompanied to the mineworkers' compound. In the compound we sat under a tree and were eating food when one of the mineworkers appeared and told us that he had heard from the compound manager that he, the compound manager, had been called to the Police Station and had been told that a dangerous man was around town and he was asked to be on the lookout for this man. The compound manager was further told that this dangerous person should not be allowed in the compound or in the compound area of any of the mineworkers.

"I immediately left the compound area and went back to the station waiting room. There a chap, whom I suspected to have been put there to watch me, told me that the police had been there looking for me.

"On 12 December 1958, having heard that the buses for Ovamboland would be leaving on Monday, 29 December 1958, I decided to call at the Native Commissioner's Office to fix my stay in Tsumeb. At the Native Commissioner's Office I was given permission to remain in the Urban Area of Tsumeb, but I was told that I would need a special permit to visit the Location.

"From there I accompanied three of my friends to the mineworkers compound. We sat under a tree in the compound but not inside the enclosure. Hardly three minutes had passed and a chap came along and said his boss wanted to speak to me, and I asked him what I had to do with his boss. He asked me to talk to the boss myself, upon which I accompanied him to the compound manager's office. The manager asked me what I was doing in the compound. I told him I had gone to see my friends. He asked me whether I had a permit. I said, 'No,' and he said he was having me arrested for trespassing. The police then arrived and took me to the Charge Office where I was told to wait while they took the statement from the mineworker who had taken me to the office. After this they went with me to the station to fetch my bags. They unpacked and searched them. I spent the remainder of the 24th, the remainder of the day, in

prison, and also on Christmas Day and on 26 December in jail, awaiting trial.

"On 27 December I appeared in court. I asked why the other three friends of mine who were with me in the compound and who were not mineworkers were not arrested. This question was ignored, and I was fined £2 or twenty days in prison. When I wanted to pay the fine, they refused to take the money and instead demanded my pass. But the pass had been taken from me when I was sent to jail for the first time. This explanation was also ignored, and I was taken into custody for being without a pass. I spent the week-end of the 27th and 28th of December in jail.

"On 29 December 1958, I appeared in Court for the second time. The police asked me to pay the previous fine, but I wanted to see the Magistrate before I could pay the fine. They told me that I could not see him before I paid the fine. Otherwise I would have to spend another day in jail. At this stage I was shown a document signed by the Magistrate and under which I was to be taken to Ovamboland under police escort for not having a pass. I was told that the authorities in Cape Town had no right of giving me a pass to Ovamboland. I was then sent back to jail until the 31st.

"On January 1st 1959—New Year's Day—I was told that I was to leave for Ovamboland on that day. A document was produced which I had to sign acknowledging the receipt of all my property which had been taken from me when I was arrested. I refused to sign as my pass was not amongst the articles handed back to me. I was told that the pass did not appear on the list of articles they had in their possession. I refused to sign as I remembered well that I had handed in my pass and the experience of the previous Saturday was still fresh in my mind. They then told me that I was cheeky and as such I was going to be sent to jail again.

"On January 2nd I appeared in Court. This time the Magistrate accused me of attempting jailbreaking. The man in charge of the prison supported the Magistrate and said that I had spent the night banging the doors of the cell. The Magistrate then said that I was supposed to be in prison as I had left for Cape Town without authority, and he threatened to send me to the Grootfontein jail if I would not obey his instructions. I told him that I was not looking for trouble; all I wanted was my pass. The Magistrate ordered me to sign the document acknowledging the receipt of my property. I refused to sign it. The Magistrate then told me that my pass had been in his possession and he had sent it to the Chief Native Commissioner's Office in Windhoek because it was not in order. The Magistrate then said that he would tell the police to take me to Ovamboland by force, and that I should report any missing articles to the Native Commissioner in Ovamboland. He further added that if I wished I should tape record everything—the treatment I got in Tsumeb is inexplicable; conditions in jail are horrible; there is no justice in Tsumeb; people in Tsumeb are sometimes sent to jail without trial. And I was further told to send all information to the United Nations if I wished to. I was then sent back to prison until the 5th of January.

"On 5 January 1959, I was hustled into the Ovamboland Bus under Police escort. In Ovamboland the Native Commissioner told me that he had been in-

structed that I should not be allowed to leave Ovamboland again.

"On 6 January 1959, the Native Commissioner in Ovamboland sent for the Chief and handed me over to the Chief for trial. He told the Chief that I was a troublesome man, a rebel against them whose aim was to take over the leadership of the tribes from them.

"At the Chief's kraal I was tried and it seemed that the Chief did not find me guilty. Nevertheless, perhaps to please the authorities I am not allowed to go to my kraal and have been under the supervision of one Counsellor Kambuta.

"I am supposed to appear before the Native Commissioner on the 15th of January."

In fact the latest information is that he appeared before the Native Commissioner on the 15th and he was allowed to go back home, but he has to report to the Native Commissioner every morning and he cannot move freely. So that is the situation and I have to make some comments on this, because when I read this letter, I went and consulted a lawyer on it to find out whether there was a case against that Magistrate. The lawyer was in Windhoek and he was a white man. He told me that there was certainly a case to be made out of this, but he reminded me that I should know that there is no justice for the non-white man in South West Africa, that especially now that I was to have a case against a Magistrate, that I could not expect any justice whatsoever. So that he would advise me not to proceed with the whole thing.

Of course, I took his advice, and of course I knew that even before because I had had a previous experience. In Windhoek there was a Magistrate who had a case where Hereros appeared before him. The lawyer for the defence argued the case. After that the Magistrate himself, in passing judgement, said:

"Yes, I can see that the people before me here are Herero and I know that the Hereros are stubborn people and they are people who always like to make trouble. Just because of that, I have to find them guilty."

This, of course, I heard with my own ears because it was a very popular case. That is why I say that the situation is now such that we in South West Africa do not really know what to do unless we can get help from the United Nations. It is just for that that I have come here, to find out really whether we can be helped by the United Nations.

The situation in Hoachanas is also bad and deteriorating. This year force was used against the people of Hoachanas. Chief Hosea Kutako sent a cable to the United Nations that swift action had to be taken if the people in Hoachanas were to be saved.

I remember what happened on that day because I was still in Windhoek. The police had gone to work on us and they used force against the people. They went with their bayonets, rifles and what we call kerries. These were used against the people. Reverend Markus Kooper, Minister of the African Methodist Episcopal Church, was removed by force to a place about 150 miles from Hoachanas. The same night, when news was received in Windhoek, I had to take a car and went to Hoachanas myself. I saw things for myself. I had to go at night. I saw the people who were injured. The Press did not say a thing about them except that here and there they had a picture of one man whom they said claimed had been injured.

Many people had been injured there. I saw them with my own eyes. Some of them were seriously injured and no care was given to them. This man, Reverend Markus Kooper, was only removed after the people had been overpowered. It was actually a battle. The people would not give in and that is the crux of the situation. The people are determined not to move and the Government is determined to move the people. That is where the situation becomes critical and that is where the United Nations has to come in and do something about it. As it is now, Reverend Markus Kooper has been removed from his congregation and his people. His congregation is left without a Minister and as far as I am concerned, it is a very serious thing. I consider that a basic principle has been violated and my appeal is that something has got to be done. We cannot wait until it is too late.

Now coming to the Windhoek Location, I must say that this is another serious issue which will create a very explosive situation in South West Africa in the near future. It has been reported in the papers that their removal has been postponed for another fifteen months, but this is not the case. What is important here is the fact that in this matter people never seem to come together. They never come together to negotiate. The people of the Location say that they do not want to move. They want improvements and better conditions to be brought about where they are at the present site. The Government, the authorities, say that they have to move and they never say why they have to move. They merely say that in the name of *apartheid* these people have to move. I think that this matter has now reached a very explosive deadlock.

I was there myself one day at a meeting which was called by the Advisory Board to discuss this matter with the major or chief citizens of Windhoek, which is the capital city of South West Africa. At this meeting the Mayor, a certain Sryman, stood up and said: "I am doing all this for you and you do not want to move. I must tell you that I cannot just stand any nonsense." This is what the Mayor was saying. I was there listening to him. He went on: "I cannot stand any nonsense. In fact I am known in town"—that is amongst the European people—"that what I say is law and what I say has to be done, and I am even known amongst the other people that I am a man of action. And so all I tell you to do is to move before anything worse can happen to you." That is what he said. In fact what happened that day is very serious, because after that the man left and the people had to call on him to come and explain what he had to say.

But he did not want to come back and the people had to go and manhandle him. I could see that a serious situation was developing. But somehow some people had to intervene and the situation was saved. But in any case I am saying this to point out really the temper of the people of South West Africa. I must say that especially amongst the Herero people, if no action is forthcoming in the immediate future, I do not know what is going to happen. That is the message, as I said at the beginning, which Chief Hosea Kutako wanted me to deliver here. That is, that there is that fear of the possibility that it might be catastrophic and there is that fear of what can happen in South West Africa once things get out of hand.

Finally, Mr. Chairman and members of the Committee, I am aware of the difficulties ahead, but I must not hesitate to criticize the South African Government

for being inspired by fanatical dogmatism in ruthlessly suppressing my people in South West Africa. The South African Government has transformed our country into a huge concentration camp and our people into slaves, in the name of its exclusive policy of white supremacy.

The information documents which have been compiled by the Committee on South West Africa—that is this Committee—have shown objectively that conditions for the Africans of South West Africa have deteriorated to such an extent that the people will now seek any means of relief for themselves. Let me end up by saying that I would very much like to request the Committee to grant me a hearing at a later session in the year, where I will give a detailed account of conditions in South West Africa and where I hope to make a full report of the later developments in South West Africa—so that the Committee would be in a position, when it reports to the next session of the General Assembly, to really understand the nature of my appeal, because it may be very difficult for them to understand the situation in South West Africa. The situation there is serious indeed.

Thank you very much, Mr. Chairman.

5. COMMUNICATIONS FROM MR. JARIRETUNDU KOZONGUIZI, LONDON, RELATING TO A FURTHER ORAL HEARING BEFORE THE COMMITTEE ON SOUTH WEST AFRICA

(a) *Communication dated 2 July 1959 from Mr. Kozonguizi to the Secretary of the Committee on South West Africa*

I am writing to request the Committee to hear my testimony on the conditions that obtain in the Territory of South West Africa at its next meeting. Should this be granted it is my wish that the Committee communicates this, on my behalf, to the United States government through the U.S. Mission to the U.N. so that I can obtain a Visa to enter the U.S. from the United Kingdom where I shall be as from 11 July 1959.

My application for a Visa will be made through the U.S. Embassy in London and my address in London will be: C/O Africa Bureau, 65 Denison House, Vauxhall Bridge Road, London S.W.1.

I hope that my request will be granted.

(Signed) Jariretundu Kozonguizi
Spokesman of the Herero
People of South West Africa

(b) *Cablegram received on 28 July 1959 from Mr. Kozonguizi to the Chairman of the Committee on South West Africa*

UNABLE APPEAR CURRENT SESSION OF COMMITTEE WRITTEN PETITION FOLLOWING^a—KOZONGUIZI

6. COMMUNICATION DATED 25 MAY 1959 FROM MR. J. DAUSAB AND OTHERS. HOACHANAS NATIVE RESERVE, TO THE SECRETARY-GENERAL^b

We the petitioners of the Hoachanas Reserve on behalf of the remnants of the Rooinasie and other victims

^a A petition dated 24 July 1959 was subsequently received from the Reverend Michael Scott and Mr. Kozonguizi (see annex X).

^b Transmitted to the United Nations, together with the petition reproduced in annex XXI, by letter dated 3 July 1959 from the Reverend Michael Scott.

of the Union Government's cursed policy of White Supremacy, the Nama, Herero, Ovambo, Damara and others herewith appoint the Rev. Michael Scott together with Messrs. Phaniel Jariretuudu Kozonguizi and Mburumba ua Kerina as our spokesmen in the United

Nations Committees and the General Assembly.
Thank you in advance.

Yours for all oppressed
(Signed) J. DAUSAB and others

ANNEX VI

Communications relating to a request for an oral hearing by Mr. Hans Johannes Beukes before the Committee on South West Africa

1. RADIOGRAM RECEIVED ON 15 JULY 1959 FROM MR. BEUKES, SEROWE, BECHUANALAND, TO THE COMMITTEE ON SOUTH WEST AFRICA

REQUEST PERMISSION TO APPEAR BEFORE COMMITTEE TO TESTIFY ABOUT CONDITIONS REHOBOTH COMMUNITY AND DEFEND MY PETITION^a REGARDING WITHDRAWAL PASSPORTS BY SOUTH AFRICAN GOVERNMENT STOP PLEASE FORWARD CREDENTIALS SO MAY PROCEED IMMEDIATELY TO UNITED NATIONS STOP BEEN ALLOWED TEMPORARY STAY AT CARE SERETSE KHAMA BOX 80 SEROWE BECHUANALAND

^a See annex XXXI.

2. TELEGRAM RECEIVED ON 21 JULY 1959 FROM THE REVEREND MICHAEL SCOTT, LONDON, TO THE CHAIRMAN OF THE COMMITTEE ON SOUTH WEST AFRICA

HANS BEUKES HAVE ASKED ME TO REQUEST YOUR COMMITTEE GRANT HIM HEARING STOP PLEASE REQUEST VISA US AUTHORITIES AND ADVISE ME MICHAEL SCOTT TATEGALLERY 0701

3. RADIOGRAM RECEIVED ON 31 JULY 1959 FROM MR. BEUKES, SEROWE, BECHUANALAND, TO THE COMMITTEE ON SOUTH WEST AFRICA

KINDLY POSTPONE HEARING AWAITING US TRAVEL VISA BEUKES

ANNEX VII

Communication dated 17 March 1959 from Mr. M. Kerina (Getzen), New York, to the Secretary of the Committee on South West Africa relating to oral hearings before the Fourth Committee

I have been requested by the Ovamboland People's Congress to inform the Committee on South West Africa that the following people in South West Africa wish to be heard before the Fourth Committee of the fourteenth General Assembly due in September 1959.

Mr. Toivo Ja-Toivo
For the Ovamboland People's Congress
P.O. Ondangwa
Ovamboland, *South West Africa*

Rev. Markus Kooper
For the Hoachana People
c/o B. Gutsche, P.O. Box 902
Windhoek, *South West Africa*

Chief H. Kutako
For the Herero People
P.O. Box 1034
Windhoek, *South West Africa*

Chief P. Kahavanyo
For the Exiled Herero People in Bechuanaland
P.O. Zehitwa, Via Francistown, Lake Ngami
Bechuanaland, *Central Africa*

Mr. P. Kozongwizi
P.O. Box 1034
Windhoek, *South West Africa*

Rev. Hamtumbangela
For the Ukwanyama People
St. Mary's Mission
Ukwanyama, Ovamboland, *South West Africa*

Rev. B. G. Karwaera
African Methodist Episcopal Church Mission
P.O. Box 224
Omaruru, *South West Africa*

(Signed) M. KERINA

ANNEX VIII

Petition dated 29 April 1959 from Chief Hosea Kutako, Windhoek, South West Africa, to the Chairman of the Committee on South West Africa^a

Inclosed please find a copy of a letter from Mr. B. Blignaut, the so-called Chief Bantu Affairs Commissioner for South West Africa, returning our petitions to the Secretary General of the United Nations submitted to him for transmission.

Consequently, the procedure of giving the petitions by us to the Authorities for transmission seems to be unworkable.

We therefore, request the Committee on South West Africa to accept our petitions direct from us.

(Signed) HOSEA KUTAKO

Enclosure

Copy of letter dated 25 April 1959 from the Chief Bantu Affairs Commissioner for South West Africa to Senior Headman Hosea Kutako

1. I wish to acknowledge the receipt of your letter of 3 April, and attached petition to the Secretary General of the United Nations, New York dated 24 September 1958.^b

^a Received together with the petition dated 29 April 1959 from the Reverend Markus Kooper (see annex XX) and a copy of a letter dated 28 February 1959 from Mr. Louis Nelengani and others to the Chief Native Commissioner (see annex XXIII, item 2 c).

^b For text of the petition see annex XI.

2. In view of the fact that our Government of the Union of South Africa does not recognise the Authority of the United Nations on *any matter* concerning South West Africa your petition is not transmitted as requested but is returned herewith. The Government is being informed of my refusal to accede to your request.

3. At the same time I wish, to point out, once more, as has been done on many previous occasions, that should you have any matter or complaint which you may wish to bring to the notice of the Government or the Department through me or direct you have never been refused to do so. My office has always been open to you or should you wish to complain to or consult His Honour the Administrator in his capacity as Administrator or as a member of the Bantu Affairs Commissioner and representative of the Honourable the Minister for Bantu Affairs every opportunity will be afforded to you to do so as has been done in the past.

4. Neither you nor any of your advisers have, as far as I can recollect, ever approached me to find out what the facts are about Hoachanas which I am sure you could not have ascertained correctly from the Rooi Nasie Namas who were in the too distant past still your hereditary enemies.

(Signed) BRUWER BLIGNAUT
Chief, Bantu Affairs Commissioner for S.W.A.

ANNEX IX

Petition dated 4 May 1959 from the Reverend Michael Scott, The Africa Bureau, London, to the Chairman of the Committee on South West Africa^a

I have received a letter from Chief Hosea Kutako enclosing a copy of a letter from the Chief Native Commissioner returning their petition which they had asked him to forward to you, on the grounds that the South African Government does not recognise the jurisdiction of the United Nations.

I trust that this, together with the action taken

^a The correspondence referred to in this petition was also received direct from South West Africa and is reproduced in annexes VIII and XX and item 2 c of annex XXIII.

against the Reverend Markus Kooper, will ensure that the United Nations takes firm action to vindicate its position vis-a-vis the Territory and your petitioners, who are presumably being victimised in the most brutal manner on account of the trust they have placed in the United Nations.

I enclose copies of the petitions which they had asked should be forwarded to you, as well as a copy of Mr. Blignaut's reply to them.

(Signed) MICHAEL SCOTT

ANNEX X

Petition dated 24 July 1959 from the Reverend Michael Scott and Mr. Javiretundu Kozonguizi, London, to the Chairman of the Committee on South West Africa

We have been considering the position that has arisen in South West Africa as a result of the long continued refusal of the South African Government to accept any of the recommendations of the United Nations during the past twelve years. Measures that are in direct con-

tradiction of the United Nations Charter, the advisory opinions of the International Court and resolutions of the General Assembly have continued to be passed each year; culminating in the refusal of passports to enable students to study and the eviction of African people

from Hoachanas and other places to which they have long established rights of tenure and occupation.

Officials of the South African Government are now engaged in actively promoting disillusionment and mistrust of the United Nations amongst the people of South West Africa, using the failure of all our appeals to demonstrate the futility of petitioning the United Nations.

We have therefore been forced to the conclusion that the time has now come to ask the United Nations and its Member States to take serious action to implement its resolutions and to ask that the appeal of the African National Congress for a boycott of South African goods should be undertaken by all Member States who wish

to uphold the dignity and worth of the Charter of the United Nations and the authority of International law. We have asked that the compulsory jurisdiction of the Court be sought for the past five years but this request has not been complied with and we feel now that there is no other course open but to request Member States to take steps to render effective the recommendations of the Assembly that have already been made over so long a period.

We trust that your Committee will give careful consideration to this approval.

(Signed) Michael Scott

(Signed) F. Jariretundu Kozonguizi

ANNEX XI

Petition dated 24 September 1958 from Chief Samuel Wittbooi, Chief Hosea Kutako and others, Windhoek to the Secretary-General

On behalf of the Nama and Herero tribes of South West Africa, we ask the United Nations to send an impartial Commission to South West Africa immediately to investigate the impending removal of the Nama people of Hoachanas from their traditional lands.

The High Court of South West Africa decided in favour of the Administration—that the people be removed and the S.W. Administration appointed 16 September as the final date after which date the Government will take steps to effect their removal.

The United Nations is requested to send a Commission to come and investigate whether the removal is in conformity with the principles of the Mandate System, the United Nations Charter and the Universal Declaration of Human Rights. The people of Hoachanas were not represented in the court case.

A thorough investigation by a United Nations Commission into the removal of the people of Hoachanas from their traditional lands and the proposed mass removal of the Non-Europeans in Urban areas—the so-called Native Locations to new sites, to make room for European settlement, is absolutely essential and would once and for all settle the ejecting problem.

We do not consider that justice has been done although the case has been decided by the High Court, on account of the fact that the High Court decides in accordance with the laws passed by the Legislative Assembly which consists of Europeans only in a country where there are only 66,000 Europeans.

The Nama tribe and the entire 573,000 Non-Europeans have no representatives in the Legislative Assembly and they are expected to obey all the laws passed by an all-white Assembly including those of ejecting them from their traditional lands.

The Legislative Assembly has been wrongly constituted and is undemocratic in the eyes of the indigenous population and we have no faith in it.

All the lands from which the Non-Europeans have been removed were given to European farmers and we have no doubt that Hoachanas will also be given to European farmers in spite of the fact that 37 million hectares of land have been set aside for European settlement as compared to the 21 million hectares set aside

for Non-European settlement, though the Europeans are less than 12 per cent of the population.

The practice of ejecting the Non-Europeans from their traditional lands in order to make room for Europeans is not new. It started when the Union of South Africa became our trustee, under the League of Nations. The following are the lands from which the Nama people were ejected by the Union of South Africa:

Gibeon, Karasburg, Bethanie, Maltahohe, Berseba, Gobabis, Batz, Keetmanshoop.

The following are the lands from which the Hereros were removed by the Union of South Africa:

Waterberg West, Ozongoho, Otjomapenda, Auegikas, Orumbo, Okatumba, Otjimbondona, Scheidos, Okaruokape, Otjiunde, Okakurame, Ongondavirongo, Orutekeruavahona, Okapendje, Okamu-raere.

We noted with gratification the decision by the Committee on South West Africa which urged the Union Government and the Administration to take all steps necessary to ensure that the people of Hoachanas retain their traditional homeland and to investigate the claim of the Namas to the surrounding land, pending further study of the situation of Hoachanas by the Committee.

We made it clear to the South West Administration that we refuse to be removed from our lands, and we are determined not to move.

We need not repeat that the Government told the people of Hoachanas that if they did not leave Hoachanas by 16 September 1958, they would be forced to move.

Finally, we ask the United Nations to treat this matter as urgent.

(Signed) J. M. GERTZE
for Chief Samuel Wittbooi (Nama tribe)
Hosea KUTAKO
Ch. TJITHEZA
L. TJITILI
R. MURUAMBIHU
G. TJIRSARNBA
S. KAMCEETU

ANNEX XII

Petition dated 14 October 1958 from Capt. H. S. Witbooi, Gibeon, to the Chairman and members of the General Assembly

PETITION

Your humble servant beg to submit these petitions on behalf of the non-European inhabitants of the Mandated Territory (SWA).

In the first instance, we beg to inform the General Assembly that we agree with all the other former petitions made by the inhabitants of SWA.

We further request that

(a) The WHOLE SWA should be placed under the control of International Trusteeship. It is not our suggestion that it should be divided.

(b) That our A.M.E. private schools be recognised and subsidised by the UNO. For all the ten-yearly struggles and applications made by the members of the African Methodist Episcopal Church for recognition of their schools are not taken into consideration at all. Only because of their dark skin and colour. May all the children enjoy the same educational rights and privileges.

(c) Until this moment, nothing has been said and done by us in connection with the lamentable situation with which the population of Hoachanas reserve are suffocated. We were of the opinion that their true fundamental reasons should be taken into consideration. Instead thereof, the National administration force them to move from their birth-place so that white man may be placed there. This applies also to all non-Europeans. According to Mr. Allen, the former chief Native-Commissioner, all the inhabitants of Soromas-Neubof and Krantzplatz reserves are also to be removed. It means that there is no permanent dwelling for the Inhabitants. Therefore something must be said by us. During the past 38 years of the Union leadership, we are only to be discriminated, oppressed, enslaved and exploit. And so, we have reason to cry for liberty. Please have patience or we are lost. This Nationalist administration pre-

tends to be a Christian and democratic one. How is it possible to be exploited and to be enslaved.

(d) We herewith inform the General Assembly that we are against the annexation of SWA to the Union of S.A. as we told the officials too.

(e) We are forced to be "Bantus" while we are not Bantu by birth. We are the Nama with our own language and we cannot be classified otherwise. But we do not know where we are classified.

(f) Another thing is above our mental security. That is the labour only with contract. While the coloured people (our children) are not bound by any contract. We are severely despised by the cloureds with the contract. There are rights and privileges for cloureds which we do not enjoy:

- (i) They are exempted from the pass-law throughout.
- (ii) They can move freely.
- (iii) Have the right to purchase land and farms.
- (iv) Unlimited educational rights and privileges.
- (v) Enjoy all human rights.

Our non-European captains and head-men are under prevention to ruk their own people as leaders. They only have to tell them what the wit baas (white master) dictate them.

Finally, we request the UNO to place the Mandate under the direct control of the INTERNATIONAL TRUSTEESHIP at once with another leader approved and recognised by the UNO. Otherwise we are lost.

We are conscious of the fact that our living will be more grievous, we may be arrested at any time. But we could not do otherwise as to cry for help. Please consider the cry of all the oppressed non-European people.

(Signed) H. S. WITBOOI
Kaptein
on behalf of Non-Europeans SWA

ANNEX XIII

Petition, by radiogram received on 30 January 1959, from Chief Hosea Kutako, South West Africa

FORCE USED BY POLICE AGAINST THE PEOPLE OF HOACHANAS X SEVERAL
PEOPLE INJURED SITUATION DETERIORATING X MARKUS KOOPER TAKEN TO UN-
KNOWN DESTINATION X SWIFT ACTION NECESSARY X PETITIONS DASAB AND
OTHERS REFER

CHIEF HOSEA KUTAKO

ANNEX XIV

Petition, by cablegram received on 17 February 1959, from the Reverend Michael Scott, London

HOSEA KUTAKO URGENTLY REQUESTS YOUR INTERVENTION IN CASE OF REVEREND MARCUS KOOPER FORCIBLY REMOVED FROM TRIBAL LAND HOACHANIS BY ARMED POLICE SEVERAL PEOPLE INJURED FURTHER REMOVALS ANTICIPATED

MICHAEL SCOTT

ANNEX XV

Petition dated 18 February 1959 from the Reverend Michael Scott, The Africa Bureau, London, to the Chairman of the Committee on South West Africa

I have received a letter from Chief Hosea Kutako containing some information which he has asked me to communicate to you; the following are the relevant passages taken from his letter:

"Last Wednesday the Police used force to move Rev. Marcus Kooper from Hoachanas to Itsawisis. The Chief of Police in South West Africa accompanied by a force of about 30 policemen together with the Magistrate of Rehoboth went to Hoachanas fully armed with guns, khieries, bayonets and a machine gun and they forcefully removed Rev. Marcus Kooper from Hoachanas. Several people were injured. It is said that the rest of the Hoachanas People will be removed in due time forcefully if necessary. . . .

"The Location issue—the removal of the People from the Location to the new site is bound to lead to trouble. The Location residents are determined not to move. On the other hand the local authorities are disregarding the objections of the People and are continuing to build the location. Apparently they are

relying on force for removal. They ignore all the pleas of the People."

I should be glad if this could be treated as a written petition and considered as soon as possible by your Committee so that appropriate recommendations can be made and that whatever legal action is open to the United Nations may now be taken.

The history of this question is of course well known to your Committee from its consideration of previous petitions, but may I recall a reference to the long recognised rights of the petitioners contained in a book by the former German Governor, von Lutwein, and to which I referred in my oral statements last year (page 17 of the verbatim record).^a The passage reads "The next reserve was in Hoachanas, headquarters of the Red Nation. There, in 1902, a total of fifty thousand hectares was declared the inalienable property of the tribe", and occurs on p. 272 of his book "Eleven Years Governor of German South West Africa".

(Signed) Michael Scott

^a See A/C.4/PV.749.

ANNEX XVI

Petition dated 18 February 1959 from Mr. J. Dausab and others, Hoachanas Native Reserve, to the Secretary-General

We wish to draw your attention to the action taken by the South West Africa Administration against the people of Hoachanas Reserve.

In our former petitions^a we informed the United Nations Organization about the intentions of the S.W. Africa Administration to remove us from Hoachanas. On 29 January 1959, the Administration enforced its will against us by removing a leading member of the community, Rev. Markus Kooper and his family. This was done in a most ruthless, cruel and humiliating manner as will be shown in the following report:

A detachment of police headed by Col. N. J. Dorfling South West Africa Police Chief, armed with rifles and bayonets, a machine gun, spears and batons was marched upon us demanding the arrest of Markus Kooper and members of his household. We strongly objected to the arrest after which the police attacked us injuring 18 men and 7 women. Thereupon Mr. Kooper and family were forced into a lorry and driven to Itsawises.

The officials then stated, expressly, that Rev. Kooper was to be banished from Hoachanas for good and that

an ejection order would be issued against the other inhabitants within a short time.

In the light of this grave situation in Hoachanas we ask the United Nations to do something to safeguard the well-being of its inhabitants and to consider the need for acting without further delay in the matter by taking such measures as are possible and feasible to avoid further bloodshed.

(Signed) J. DAUSAB
S. KOOPER
T. DAUSAB
G. PIENAAR
E. A. TÂSEB
C. KOOPER
J. NAKHOM
M. KOOPER
S. JANTZE
E. P. AFRIKANER
A. GARISEB
R. GARISEB
S. HOWESEB
J. DEMAS

J. F. KOPPER
M. NOEDEB
S. NAKONE
J. HOWESEB
A. NUCANAB
M. HANSEB
N. BLOOTSTAAN
F. GOAGEB
H. HAUBAB
Frans NAKHOM
J. ROOI
J. NUGANAB
J. CLOETE

^a A/3626, annex IX; A/3906, annex V.

ANNEX XVII

Petition dated 1 April 1958 from the Reverend Michael Scott, The Africa Bureau, London, to the Chairman of the Committee on South West Africa

I am enclosing herewith a petition and covering letter signed by the Reverend Markus Kooper. As you will see he has asked me to communicate this to you and I hope very much that it can be considered by your Committee and also by the General Assembly when Resolution No. 1247 on "legal action to ensure fulfillment of the obligations assumed by the Union of South Africa in respect to the territory of South West Africa" comes up for "further consideration" as adopted at the 778th Plenary meeting on 30 October 1958.

It seems as though the action in the petition has been taken as a direct rejection of the General Assembly's previous resolutions and the recommendations of your Committee on the subject of the Hoachanas Native Reserve. I would repeat the request frequently made in past years that the compulsory jurisdiction of the International Court of Justice should be sought by Member States who are concerned about this matter, under Article 7 of

the Mandate and the relevant statutes of the International Court.

(Signed) Michael Scott

Enclosure

Photostatic copy of letter dated 7 February 1959 from the Reverend Markus Kooper, Keetmanshoop, to the Reverend Michael Scott

I am submitting this petition^a Sir through you to the United Nations Organisation and request you to act this situation of Hoachanas in the United Nations and on my behalf.

Further facts will be forwarded to you about Hoachanas and my situation in this desert.

Trusting on you for loyal service

Always yours for Rooinasie and all oppressed

(Signed) Rev. M. KOOPER

^a See annex XVIII.

ANNEX XVIII

Petition dated 25 February 1959 from the Reverend Markus Kooper, Keetmanshoop, to the United Nations^a

I most humbly yet very earnestly do submit this petition to the United Nations Organisation with the prayer that it received your undivided attention. This petition as well as the former one are petitions Sirs I am writing on my own and on behalf of my harshly bereaved congregation (A.M.E. Church, Hoachanas) and on behalf of my father tribe as well.

The situation at Hoachanas is very much critical and is in my opinion of vital urgency and importance and thus demands not only your sympathetic attention but most extremely demands your immediate action without any further hesitation, argument and delay.

The Union government have refused our representatives the necessary documents to appear personally before the appropriate organs of the UNO to state the real conditions as we are practically suffered them physically, economically and spiritually and to state our true opinions about the future status of the territory. It has refused to continue submitting the annual reports to the UNO, and at present while she is busy removing us from our traditional lands at an extra ordinary rate is using every means to prevent and sabotage our being writing petitions to UNO. Surely, these courses of matters are serious and so heart-moving to us than anything else we the indigenous inhabitants of this Mandated territory of ours whose academical education have been purposefully so seriously neglected for years altogether are able to express as perfectly as the UNO would wanting as to do.

When the mock karakul lamb theft was set in motion the spirit of God explained it to us that it was aimed

against the A.M.E. Church. When the mock summons were served on me for the first time, and when the mock High Court over the legal status of Hoachanas gave its verdict as the petitioners have submitted it to the UNO last year, and when the Magistrate of Rehoboth Mr. A. C. Chatwind came so overcloudingly with his armed police force in the early morning at Hoachanas, making war against unarmed people, shed blood to the delight and satisfaction of their hearts threw me, my family and my immovable domestic property in their lorry, originally built to remove animals and under escort of three police while my people were crying over my removal and their ill-treatment, remove me, and tease them by demanding them to sing rather than to cry (29.1.1959) I was at all not surprise nor was I in amazement as if something which I was not expecting happened to me, because Mr. Willem Durand, formerly residing at Gomchanas and now a shop-owner at Blumfelde told some of the petitioner-residents of Hoachanas in 1956 just shortly after the karakul phenomenon and the removal affair was set in motion that the whole thing was aimed at one man. I, thus fully realised that I was the one man against whom and at whom the whole phenomenon organized and aimed even before 1956, and because anything so intentionally aimed at me cannot be aimed without also aiming at my church, the A.M.E. Church, and any organisation so intentionally organised against me, the same cannot be organised against me (I being a Pastor in charge of the A.M.E. Church at Hoachanas) without also organising it intentionally against my church, the A.M.E. Church at Hoachanas. In as far as the doctrine, the government and motto of the A.M.E. Church is concerned I must honestly say that the A.M.E. Church is, as it is also known throughout the world a trict and

^a Transmitted to the United Nations by petition dated 1 April 1959 from the Reverend Michael Scott (see annex XVII).

reliable Christian church of sound teaching. It is against this great Christian church who is also a member of the Ecumenical Organisation of world churches, and also member of the Christian Council of churches in S.A. against which an Organisation of conspirators so perniciously mixed-up of all sort of conspirators, administration officer and church officer, white and non-white by deed of ill-information of the white towards the non-white about the A.M.E. Church have conspired together against the A.M.E. Church. The officer of the administration who used to be the protector of all citizens, irrespective of colour, descent, language or creed has surely plighted a joint high treason, taking one half of the citizens to his side against the other half of the citizens whom also she has to protect.

I am asking the UNO thus not to handle this matter as an ordinary ill-treatment we received from the administration in general but to take this matter of Hoachanas and the A.M.E. Church and to handle it as a high treason the administration itself together with other citizens have plighted against one group of citizens and against a Christian Church. . . . Why are all these things happening, Sirs? Solely, because one half of the indigenous citizens have after announcing the step they are going to take broke away from a Mission, ruled by few white clergymen over many non-white adherents for the benefit of the few whites on the detriment of the many (and when I want to stress that fact my tears run down in my stomach and uncurable painfulest heart-ache with which every truly awakened non-white citizen of this land will affirm) blind, unenlightened, unawake, misinformed and misled thousands of non-whites.

We, the non-whites of SWA are to be pressed into reserves according to our descents and origin not to our wealth but to our material and economical detriment, so want the whites pressing us in churches of white domination to their benefit and to our spiritual detriment. Surely, there is no doubt in all these actions, that is to say in my case behind my interrogations and arrestation. There is a great organisation at work. I must re-emphasized that fact. An organisation which not employs corrupt warders, inspectors and Examining Magistrates of whom the best that can be said is that they recognize their own limitations, but also has at its disposal a judicial hierarchy of high, indeed of the highest rank with so many an indispensable retinue of servants, clerks, police and other assistants, and perhaps even hangmen, and surely I cannot and do not shrink from this word. And what again Sirs, is the significance of this big organisation? It consists in this, that innocent persons are accused of guilt, and senseless proceedings are in motion against them, mostly without effect, it is true, particularly as in the case of the five men, who were arrested, beaten with stripes, imprisoned, musked, strangled and cross examined for no guilt, yes for no guilt at all, and as in my case. All Hoachanas' men. But considering the senseless of the whole, how is it possible for the higher ranks to prevent gross corruption in their agents? It is impossible. The inspectors break into strange houses as in my case and as in the case of the five men, and innocent men, instead of being fairly examined, are humiliated in the presence of public assemblies. Until this day Sirs the administration owes me, owes my church, owes my tribe and the United Nations Organisation an explanation as to what crime I have been committing that has made me an illegal resident at Hoachanas, my birth ground. I want to know through the UNO whose what I have been stealing and whom I have been killing or

any crime I may have committed sufficient to exclude or eject any man from his legal birth ground or heritage.

After his returning from the 13th Session of the UNO Assembly last year Mr. Bruwer Blignaut, the Chief Native Commissioner told the Nama men in the unconstitutional Nama gathering at Warmbed in which Hoachanas was not represented that the reserve of Hoachanas was reverse after the tribe was defeated in the war of 1904. He said that this statement is found in an archive at Cape Town. Sirs, believe me there is absolutely no such thing as the reversal of the reserve of Hoachanas. The fact remains that the 36,000 hectare of land on which the white farmers is situated, whom Mr. Blignaut is just defending belongs to the reserve of Hoachanas and must be returned to Hoachanas. Mr. Blignaut also asked the delegates not to write petitions to the United Nations and attacked Hoachanas badly for writing petitions to the United Nations. He also said that even if 40 years have past the residents of Hoachanas will be removed. From the last statement it is quite clear that the persecution of my people at Hoachanas will never end and the United Nations' immediate action to the situation of Hoachanas is very urgently needed.

A letter dated 16 December 1958, UNO, New York signed by the Director of the Trusteeship Division Mr. H. A. WIESSHOF was received at Hoachanas on 2 January 1959. The postage stamp was carefully cut out, supposingly at the Post Office of Mariental. In this letter the petitioners were informed by Mr. Wiesshoff that together with that letter on the same date the three documents of the last Assembly of the UNO activities and decisions was posted to them. We most surprisingly and with strong feeling of disapproval suspect the Post Office at Mariental for having arrested and neglect the delivering the documents on the proper date to the proper persons concerned.

The documents were delivered at Hoachanas only in the afternoon of 29 January 1959, the day of my removal. It was thus arranged that I must not see the content of the documents. I would thus like the United Nations Organisation to forward me immediately with the same documents of the last General Assembly.

Last year, when the UNO Good Offices Committee came to South Africa for an International agreement on the future status of SWA, the Union Minister for External Affairs Mr. Eric Louw in the preceding dinner-party arrangement talk with the members of UNO Good Offices Committee in connection with the lines and ways by which, and method of procedure or approach along which the subject concerned is to be handled said according to the Newspapers that the preceding talk he had with the UNO Good Offices Committee covered a WIDE FIELD. The suggestion of the arrangement talk has come from the side of SA and in fact every suggestion which followed came from the side of South Africa with no alternative suggestion whatsoever from the side of the UNO Good Offices Committee.

Although the UNO has again appointed the Good Offices Committee to interview with SA with regard to the future International status of SWA the fact remains as far as we the non-whites of this territory is concerned that we have totally no confidence in the UNO Good Offices as it has been or is composed. The wide field covering talk and agreements and the mysterious secret movements in the territory of SWA have only leaved in us, the non-whites of the territory, the impression that the Union Government and the UNO Good Offices Committee have reached an agreement by which SWA is

to be partitioned so that it afterward be divided among them, thus to our detriment and their benefit, the white-man's benefit. We have no confidence in the work between the Union Government and the Good Offices Committee and would request the UNO to place SWA under the Trusteeship of the United Nations.

Sirs, what is true of Hoachanas is also true of the whole of SWA as far as the non-whites are concerned. In the phenomenon of Hoachanas it has come to light that the administration of SWA or the Union Government while extending the franchise right to the 18 years old whites is basing slavish conception of allowing only the old non-white people who were adults on the German time to have a say although of no value in the matters of the territory, and regard all those who were children at German time as non-originals, strangers and their property which they brought from the Union and refused them any voice in the voice in the country of their birth. The Union government or the administration of SWA is wanting from us the non-whites to accept this destructive principle or policy as self-evident and correct. Another fact of this unofficial policy is that it brings us back to where we was before 100 years. It also weakened our power while the voting powers of the whites are increased.

In the face of the pattern of betrayal we still looks with unquenched hope to the United Nations Organisation for a satisfactory solving of this problem.

I want to emphasize the fact that my removal from my legal birth ground of Hoachanas is a first step toward partitioning SWA and to finally incorporate it. My removal should thus be regarded by the United Nations Organisation as a direct and practical defiance to her resolutions and to the verdicts of the International Court of Justice, and that South African Government be accused for my inhuman removal from my ground.

I urgently request the United Nations Organisation to partition the particular issue of the treatment of Hoachanas from all other treatments we received in the territory in general, and treat it quite separate on its merits.

I further request the United Nations Organisation very urgently to do away with and to despise South Africa's attitude of ignoring and despising the UNO decisions and snubbing the verdicts of the International Court of Justice just in the same way and to the same degree she is doing towards the United Nations, and that SWA thus immediately at the 14th session of the General Assembly be placed under the Trusteeship of the United Nations Organisation with some other government or governments without any hesitation and delay. This is the real desire of the indigenous inhabitants of SWA.

I further request very earnestly that the United Nations Organisation press on the SWA administration that I immediately be returned to my ground at Hoachanas and that I oversee the spiritual work to which the A.M.E. Church has appointed me at Hoachanas.

I request that the United Nations Organisation ascertain that the administration of SWA not continue any further the idea of removal of the residents at Hoachanas from their ground, and that Hoachanas be retained for the generations to come.

Let all those farmers who have their farms on the 36,000 hectare of land which belong to the Hoachanas Rooinasie reserve land be regarded as farmers owning lands which actually do not belong to them, and thus residing illegally on the land of Hoachanas Rooinasie reserve, and that they further be regarded as manufacturers of land-theft weapons, and that they be regarded as non-originals, of (which is also true) SWA and that they thus immediately be removed from the land of Hoachanas, and that the 36,000 hectare of land immediately be added to Hoachanas Rooinasie reserve.

It is very important and necessary to request the United Nations that the UNO exercise pressure on the administration of SWA that the police station at Derm for the sake of peace and order and for the best interest of the area immediately be closed, otherwise there will be no order and peace at all.

Since the administration of SWA has forged their election of a headman the tribe has not yet elected a headman and I would therefore request the United Nations Organisation under the prevailing circumstances and atmosphere to recognise any man they may elect now, in the near or distant future as validly and properly nominate and elect headman of the tribe.

Sirs, while I do not know the present situation of my people at Hoachanas whom I have been serving and from whom I was depending for my meals and salary, I, together with my wife and children are in a miserable situation of hunger. We live and I fed my children on gum since we have been thrown away in these lifeless stones by the administration of SWA, so I am closing the petition so far for today because I am going to fetch gum our only diet to quite my crying children for food. Oh, Heavenly Father has Thou create me to live on the face of this earth, to roam about and to feed myself and my family which Thou has entrusted me on gum as if we are really baboons for whom Thou has no purpose to serve in the world of human-beings and in this country Thou gavest to our dear parents and their parents. Forgive us our transgressions as we are sinners and deliver SWA from South African government, Amen!

Respectfully yours for Rooinasie and oppressed.

(Signed) Rev. Markus KOOPER

ANNEX XIX

Petition dated 23 April 1959 from Chief Hosea Kutako, Windhoek, to the Chairman of the Committee on South West Africa

We request the UNO to pass resolutions and take suitable action during the coming session of the General Assembly, refraining the Government of the Union of South Africa from its intentions of ejecting the inhabitants of the so-called Native Locations and the Hoachanas Native Reserve.

Force has been used against the people of Hoachanas and blood has been shed. The Government forcibly removed one of the leaders, Rev. Markus Kooper. We further ask the UNO to pass resolution calling upon the Government of the Union of South Africa to reinstate, the exiled Rev. Kooper, in the land of his birth.

The Government announced that force will be used against the remaining inhabitants of Hoachanas. We conclude from past actions of the Government that force will be used against the inhabitants of the Locations and the Hoachanas Reserve.

The situation is very grave and demands serious consideration and action from the United Nations without further delay. It is said that the removal of the Winhoek Location was delayed for fifteen months pending the construction of more houses. We have no doubt that after the expiry of the fifteen months, force will be used against us. The aim of the Government is to give the lands to the Europeans and to divide the Non-Europeans so as to create disunity amongst them.

It is our wish that the different races should live in peace side by side and have reason to believe that the intended ethnic grouping by the Government would create unhealthy race relations.

According to the ethnic grouping, each indigenous tribe is to live in its own area and is not allowed to hold meetings with the other tribes.

The ethnic grouping is applied only to the indigenous tribes but not to the different European races living in S.W. Africa.

At a conference held by the Chief Native Commissioner, Mr. Bignon with the Hereros on 17 March 1959, in the Otjituuo Native Reserve, the people repeated their request that the different tribes should be allowed to hold joint meetings, but the Chief Native Commissioner said that the Government knew what the motives were for wanting joint meetings and said the Government would never agree to the holding of joint meetings.

The Chief Native Commissioner said further that the League of Nations decided that S.W. Africa should be administered by the Union of South Africa as an integral part of the Union of South Africa but it was never intended to be given back to the indigenous population.

The Union Government is intending to introduce what is called the Bantu Education System whose object it is to teach the Non-Europeans from childhood that they are inferior to the Europeans.

It is our earnest desire that S.W. Africa be placed under the UNO immediately before the Union Government has introduced the Bantu Education and before further blood is shed.

We ask the United Nations to refer to our petition of July 1958,^a and we further urge the United Nations to refer to the recommendations contained in the report of the Committee on S.W. Africa and carry them out.

(Signed) Hosea KUTAKO

Enclosure A

Copy of letter dated April 1959 from Chief Kutako to the Secretary for South West Africa

Inclosed please find a petition to the Chairman of the Committee on South West Africa (UNO), New York, which we please request you Sir, to forward for us.

Hosea KUTAKO

^a See A/3906, annex VII.

Enclosure B

REASONS FOR OUR REFUSING TO BE REMOVED TO "KATUTURA"

We refuse to be removed to the new Location called "Katutura" because the removal is based on Apartheid. Had we been Europeans, we would not be removed, but we shall be removed only because we are Non-Europeans which is an act of Apartheid.

We dislike Apartheid because it is responsible for the inequalities which relegate the Non-Europeans to an inferior status.

In 1956 the Minister of Native Affairs indicated in the Union Senate that since Native Affairs in South West Africa now fell practically under the same control as in the Union of South Africa, a greater measure of homogeneity could be brought about between the two areas.

The Minister stated that correctly situated and adequate Native Locations areas had been selected and provisions made for the replanning or removal of incorrectly situated locations. The Minister described in the following words the requirements which had been laid down and which must be complied with:

"The most important of these are, firstly, that there must be a buffer strip of at least 500 yards wide between the Native residential area and that of any other racial group. No development at all is allowed in the buffer strip. As far as possible a location must also develop diagonally away from a European town."

On 20 November 1958, the Manager of the Locations Mr. De Wett informed us that the Location would be removed to facilitate the implementation of Apartheid policy. He further said that the Non-European Advisory Board had agreed to the removal.

On 30 November 1958, a public meeting was held in the Location at which the Non-European Advisory Boardmen were asked one by one if they had agreed to the removal but they all said that they had objected to the removal. A resolution was passed at the meeting to the effect that the Town Council had put words into the mouths of the Advisory Boardmen when it said that the Boardmen had agreed to the removal. It was further decided that the Manager of Locations should be asked to place the item on the agenda to be discussed at the next Advisory Board meeting in January 1959.

The resolution was given to the Manager of Locations at a meeting which was held on 2 December 1958.

It is clear from the statements of the Minister of Native Affairs and the Manager of Locations that the removal is intended to facilitate the implementation of the Apartheid policy but it does not stem from a desire to improve the conditions of the people.

We should like to make it clear that *we are not against improvement*. Evidence of this is that we well-come the earlier intention of the Government to build better houses for us at the present site. We know from experience that improvement on the grounds of race is not genuine, but is only a continuation of the present injustices.

Apartheid should not be confused with improvement. The policy of Apartheid gives paramount importance to the interests of the Europeans while it deprives the Non-Europeans of opportunities of economic, advancement of education and of political rights. *The Non-Europeans are therefore not prepared to accept any scheme or plan which is based on Apartheid as they have suffered terribly under this inhuman policy.*

Apartheid is hated in almost the whole world. We should like to give facts and figures of how Apartheid works in South West Africa and why it is detested by the Non-Europeans.

Population

The Total European population in South West Africa is 66,000 and the Non-Europeans are 473,000.

Education

The South West Africa Administration spent £971,661, on education during the years 1954-1955. From the above sum £781,234, was spent on European education while £163,621, was spent on Non-European education inside the Police Zone and £26,806, on Non-European education outside the Police Zone which makes a total of £190,427, for the whole Non-European population of 473,000 as compared with £781,234 spent on European education whose population is only 66,000.

We have no doubt that this unequal distribution of money is responsible for the high percentage of illiteracy among the Non-Europeans in South West Africa.

Hospitals

The Government spends £40,000 annually on European state aided Hospitals while only £20,000 is spent annually on Non-European state aided Hospitals.

Land Allocation

37,868,124 hectares of land are occupied by Europeans while the Non-Europeans occupy only 21,825,997 hectares.

The results of this unequal distribution of land is poverty, unsuccessful farming, disease and illiteracy for the Non-Europeans community which are the fruits of Apartheid.

2 Reason

Secondly, the removal usually causes damage to property—and we are afraid that there might be disagreements and disputes between us and the Government in connection with the money we demand as compensation

for the damage and the money which the Government proposes to pay for the damage.

3 Reason

The third reason for refusing is that the old Location is at suitable place which is near our places of work. People who work for the Railways Administration and those who work at the Aerodrome reach their destinations at a more or less the same time.

Most of the Location dwellers walk to their places of work on account of having no money with which to pay bus fares. The new Location is very far from our places of work and would make it impossible for the people to walk to their places of work, which means that they will have to travel only by bus.

It is easier for the Non-Europeans to go on foot to their work because the low wages which they receive make it impossible for them to pay bus fares daily. They have hardly money during the second half of the month. This will mean that many industries which are mostly dependent on Non-European workers will suffer on account of the fact that the people will always come too late for their work.

The proposal that funds will be raised which will help the Non-Europeans to pay the high rentals when they have resided in the new Location is unacceptable. We regard this fund as a bribe to persuade the Non-Europeans to accept Apartheid because the removal itself is an act of Apartheid.

4 Reason

Fourthly, the Government's intention not to sell the land on which our houses will be build has made us very suspicious. It is a very clear indication that the Government is unwilling to give us permanent residents.

5 Reason

The fifth reason for refusing is that as inhabitants of South West Africa and moreover the indigenous of the country we have an inherent right to the lands we inhabit and to deprive us of those lands would be a violation of that right.

We shall not move, never, never.

(Signed) Hosea KUTAKO

ANNEX XX

Petition dated 29 April 1959 from the Reverend Markus Kooper, Windhoek, to the Chairman of the Committee on South West Africa^a

I, the petitioner hereof, am the Rev. Markus Kooper, who was the resident Elder of the A.M.E. church at Hoachanas until the morning of 29 January 1959. I have now been removed as a useless waste matter on that date.

Our situation at Hoachanas has become more grave and cruel than at any time before. As a result of that unendurable situation of blood shedding, I am writing this petition from Itzawisis desert from where I, together with my family consisting of seven souls, have been thrown in the desert on 29 January 1959.

Please do not ask the S.A. Government to investigate the situation but let UNO make it here own main con-

cern to investigate the whole issue of Hoachanas including my removal. I have been banned from Hoachanas.

Truly, the Administration of S.W. Africa which has obviously no feeling or is absolutely out of feeling for us the indigenous non-whites of S.W. Africa and more particularly us the residents of Hoachanas, has darkened for us the residents of Hoachanas, the descendent of the Rooi Nasie God's clear shying day, and if I say the situation has become grave, Sir, I am not attempting to stimulate your sentiment in a wrong direction against, either the Administration of S.W. Africa or the Union Government. I am giving the whole and only the truth of the situation. On 29 January 1959, the situation at Hoachanas has reached its climax. The Administration of S.W. Africa without hesitation sent a fully armed police force, armed

^a Received together with the petition dated 29 April 1959 from Chief Hosea Kutako (see annex VIII).

with guns on points of which bayonets were fixed, and with assegas batons, against the innocent unarmed people and attacked them.

No one of us had a weapon with which to defend one self.

The police force stood under the Adjunct Commissioner of Police, Col. Dorfling, and the District Commander of Police Maj. Lombard, accompanied by Mr. Chatwind the magistrate of Reoboth.

On the morning of 29 January 1959, we the residents of Hoachanas had just woke up when the police force arrived. Mr. Olivier the Derm station police-man was the guide of the division until he stopped the division just between us and the sun which was about to rise. I have just jumped out of bed and was in my ordinary clothes, but when Mr. Chatwind told me that they have to remove me I immediately went to dress my uniform. The magistrate, who at the same time introduced Col. Dorfling to me, said that as a result of the so-called High Court decision last year they came to eject me from Hoachanas. I asked the magistrate whether they were ejecting only me or the whole tribe. Answering this question Col. Dorfling said that that today they were removing only me but that I could tell the others too that they will also be ejected one day.

The rest of the residents who refused the police to put their hands on me came in between me and the police and told the armed police that they would not take me. The police then began to charge the people with bayonets and batons. Only God had prevented any people from being killed until I was removed at about half past nine (9.30) a.m. It was a nasty and cruel scene to look at. The police stabbed some people including women on their stomachs with bayonets. The police were laughing when they did this. From my house I was guided by three policemen. Two policemen one on my upper part and the other on the lower part of my body grapped me and threw me in a road construction lorry originally built to carry animals. The same treatment was meted out to my crippled wife, my daughter of 15 years, my four sons of 9, 7, 5 and 2 years old respectively and with all my other valuable property.

Shortly after they have thrown us in the lorry the Derm police Mr. Olivier hastily returned. Our Sunday clothes, including my clerical gown were pressed in the pots' and I even heard a policeman saying to the others: "Throw in". I suffered undescrivable loss. After throwing me in the lorry, the Colonel, the Mayor, and the Seagernts asked me to come down and show them my goats etc. I said: "By so doing I would be betraying my people, and it was not with my consent that I am on the lorry. I have been thrown on the lorry."

When they took us away from Hoachanas we were not provided with food of any kind. Yes, nothing to quiet my very young children. I had no money in the bank not even pocket money, I will die here with my family from hunger.

On 16 April 1956, Mr. Allen the then Chief Native Commissioner held a meeting where only the so-called German allowed residents were allowed to speak. Mr. Allen then related the history of Hoachanas to them much against their best knowledge. They were told that they were the only people the German Government allowed to reside temporarily at Hoachanas.

Sir, I most humbly yet very urgently request the UNO not to generalize this unique issue of Hoachanas with our general conditions of suffering. Please pay your undivided special attention to this issue.

Shortly after his coming back in the territory from the last Session of the UNO Mr. BLIGNAUT Chief Native Commissioner for South West Africa said, like Mr. Louw in the Union that we must solve the problems of this country in the country itself and we must not petition the UNO, for we never get satisfaction from there. Let the Administration explain to the UNO what the particular crime is for which they are persecuting my people and me. We ask the UNO to appoint an impartial commission to come and investigate and obtain first hand information about the matter.

With this brief description of the situation at Hoachanas I have attempted to you Sir, a clear picture of the matter.

(Signed) Markus KOOPER

ANNEX XXI

Petition dated 25 May 1959 from Mr. J. Dausab and others, Hoachanas Native Reserve^a

We the undersigned petitioners on behalf of the victims of the Union Governments apartheid, the Rooinasie tribe of Hoachanas request you to regard this letter as a petition when receive, and to pay your full attention to it.

First of all, the Rev. M. Kooper the recently ejected minister of the A.M.E. Church is an original inhabitant of Hoachanas Rooinasie Reserve. He was duly ordained by the Rt. Rev. Bishop Frederick Douglas Jordan of our African Methodist Episcopal Church as a deacon and an elder and was appointed to the pastoral charge of Hoachanas Reserve since 1954 where he served our congregation and the church with utmost love and loyalty until his inhuman removal on the 29th of January 1959.

^a Transmitted to the United Nations, together with the communication reproduced as item 6 of annex V, by letter dated 3 July 1959 from the Reverend Michael Scott.

After his removal the public were given some contutable information about his official position. "Die Suidwester" the government's paper described Rev. Kooper as an obstinate chief of the Rooinasie tribe. The "Suidwes-Afrikaner" called him a Non-European minister, and according to "Windhoek Advertiser" the Rev. Kooper is a Pastor. What kind of public violation of man's dignity and the public opinion? If he is a Pastor what crime has he comit? On whose recommendation was he arrested and banned? Sirs, the administration of S.W.A. has failed to answer even a single of our questions. We thus want the answers of our questions through the United Nations Organisation. Sirs, please believe us and nothing else. The removal of Rev. Kooper is nothing more nor less than an act snubbing and abolishing the A.M.E. Church from the Hoachanas Reserve, and to continue that practice on all places where the A.M.E. Church operates.

The Women's Missionary Society of the African Methodist Episcopal Church at Hoachanas wrote a letter to the administrator of SWA asked him to bring the Rev. M. Kooper back to Hoachanas to serve the congregation with the elements of the Holy Sacraments. They also asked the administrator to state why Rev. Kooper was accused. The onliest answer they received was that Rev. Kooper was disobedient (we do not know what) and cannot be bring back to Hoachanas, and that if they want to be served by him the A.M.E. congregation at Hoachanas must move or follow to where the Rev. Kooper was throw away, and where he can do his Pastoral work. We herewith thus enclosed the copies of the letters of the W.M.S. and the answer of the administrator.

Hoachanas is the traditional homeland and headquarters of the Rooinasie tribe. Secondly, the piece of land known as Hoachanas is an inalienable property and reserve of the Rooinasie tribe by proclamation of the German government in 1902. This proclamation was never reverse, changed or altered until this day by the German government. It is absolutely not true that the reserve was reverse after the tribe was defeated in the war of 1904. There is sufficient reason why the German government could have not reverse or altered the proclaimed reserveship of Hoachanas. Before he goes out to the battlefield the captain as his first action command his people (men) to collect all the Europeans with whom he lived in peace (farmer settlers) to give them protection against any loss of property or life and to hand them over safely to the German government. This was done so. The background of this act was that even if he be defeated by the German government his remnants retain their sovereignty over Hoachanas that was expressly told the tribe by the Captain. Sirs, even if it should have been desiring to altered the reserve of Hoachanas the generous and magnanimous deed of the Captain of the Rooinasie tribe compelled the German government to observe his proclamation of the reserve of Hoachanas. Any government who called itself to be a christian government, who discourages wrong practices also encourages recommendable actions like that expressly announced and carried out action of the Captain. The reserve was 50.000 hectar in extent as it was declared as reserve by the German government from which the 36.000 hectar of land was in a cunning way allocated by the South African government for the European farmer settler.

Sirs, let the S.A. government give us back this 36,000 hectar of land which belongs to Hoachanas reserve and let S.W.A. immediately be place under the direct supervision of the United Nations Organization.

In absence of the consent of us the indigenous inhabitants of the South African government is incorporating SWA to the Union of SWA in an utmost knavish manner. All the commissioners formerly styled as Native Commissioners are now styled "Bantu Commissioners".

Also a commission of inquiry to the new system of Native Education appointed by the administration recommend that Bantu-books must be used in all native schools in SWA. This slavish recommendation of the commission was adopted by the Legislative Assembly of SWA now assembled in session. We the indigenous inhabitants of SWA have strongly opposed the desired so called "Bantu Outhorities Act" until the recently held so called tribal meetings, but it is obvious that the Union government silently disregard our refusal of the

affair just because the Bantu Outhorities Act was constructed with the sole purpose of serving apartheid policy.

Sirs, the Union Government will not perfectly represent him in the so much essential sessions and discussions of the United Nations Organization, and will continue shrink back from the UNO sessions until he has swallowed SWA into the Union.

We wish SWA to be very soon under the trusteeship of the United Nations Organization to safeguard us from the Union Government oppressive laws.

Honorable members of the great organization of world governments are requested to exercise pressure on the administration of SWA that intelligent members be elected to the Legislative Offices of the country and to inform the administrator of SWA Mr. Daniel Thomas Du Plesis Viljoen or Mr. Daniel Francois Du Toit Viljoen to tell Messrs. W. J. Lategan and J. G. H. van der Wath to speak truth in God's name. There are more than 50 members of the Rhenish Mission at Hoachanas who have refused to move from Hoachanas and who are visited by their white and black pastors regularly and more than 40 pupils in the Rhenish Mission School and the teacher receive salary from the administration. Although aware of this truth the two self made Gods of apartheid do not stop to mislead the public of SWA by asserting in the Legislative Assembly that only the members of the A.M.E. Church has refused to move from Hoachanas and that there are only members of the A.M.E. Church at Hoachanas.

Why are these two gentlemen doing this sirs? Because by saying that only few residents have move and majority of the residents have refused to move they would not direct the public opinion against the A.M.E. Church against which they are attempting to agitate the public.

Sirs, please draw your honourable attention to this petition. A copy hereof has also been submitted to the Committee through the administration.

(Signed) J. DAUSAB	N. BLOODSTAAN
G. PIENAAR	J. NUGANAB
D. DAUSAB	J. F. KOOPER
T. DAUSAB	M. NOETEB
M. HANSE	S. HOEBESEB
S. KOOPER	Andercas GANSEB
E. P. AFRIKANER	W. KOOPER
M. KOOPER	K. NAKOM
J. NAKOM	J. GOSEB
F. NAKOM	

Enclosure A

A translated copy of the letter written to the administrator for SWA by the W.M.S. of the A.M.E. Church at Hoachanas, 29 March, 1959

We, the women of the African Methodist Episcopal Church at Hoachanas Reserve herewith approach you, the honourable the administrator, and trust that his honourable will pay his full attention to this petition.

We ask the administration to return the banned Rev. Markus Kooper to us and the church. He is an officer of the church, thus is a representative of Christ. We never direct the administration against him for wrong church guidance. It is for us thus of superlative amazement not to be able to find out the delinquency he should

have commit, nevertheless this has remained a secret for us and for himself.

Regardless his innocence he was threw in a big lorry with his weak children and defective wife by the officers of the administration.

We recognize the old age policy of this administration too that it will not interfere with any church, but since 1946 a fresh direction which only fills one with suspicion that the administration will openly fight against a church, the suspicion whereof the reality was practically disclosed on the 29th of January, 1959, is now followed.

This action of the administration gave us a full understanding that a black minister (parson) and a black congregation are the ones who have to suffer under this new direction for their colour for the which they have not prayed for.

We should have not used these words against the administration, but owing to the actions followed by the administration we feel compelled to write this letter.

Since the day of removal exercised against the Rev. Markus Kooper all the work of the A.M.E. Church at Hoachanas was stop.

Who will give the account if there any account be expected and demanded from inside the church and from outside the church? Even the administration may do such. But to whom? Who is look upon or will be look upon as the responsible person of the church? Surely the Rev. Markus Kooper.

You are perhaps a christian, because we do not believe that you are a pagan, that is why we know that you will take this petition into consideration. We ask that Rev. Markus Kooper with his family be return to where he has been: throw away from to starve from hunger and thirst. You perhaps do not even look after him, we do not know.

While we have been asking for ten long years for the recognition of the A.M.E. Schools from the administration it became only evident that the administration is rather busy exterminating the church itself, and has practically attempt this at Hoachanas.

There are two churches in Hoachanas. The A.M.E. Church and the Rhenish Mission Church. We are not blind to see that the last mentioned church are served by both, the white and black ministers with freedom. It is therefore comical that the Presiding Elder of the A.M.E. Church has been refused entry into the reserve to maintain his commitments at Hoachanas, and that the banning of his entry has attain its purpose by removing the local minister so that the A.M.E. Church at Hoachanas must suffer.

We ask that Rev. Markus Kooper be return in his plights (rights) just as he has been removed, to maintain his sacramental duties, please!

If you however be unprepare to attend to this petition please tell us where to ask him, and where to unload our burden.

We are certain of the fact that a christian government shall not appoint a pagan in its high offices, and for

this reason we should have not attempt to write a letter of this sort to a pagan high officer of the administration. There are so many variety of white churches that such thing is likely to be quite impossible, to appoint a high officer, and moreover a heathen to maintain the law and order of Christianity.

With full confidence we write this letter to you, and only hope that you will not trust the answer of this letter to the Chief Native Commissioner.

Truly your servants on behalf of the W.M.S. of the A.M.E. Church at Hoachanas.

Elis AFRIKANER
M. NANIES
F. KOOPER
K. HANSE
Peni GARISES
Sara KOOPER
P. GARISES
A. KOOPER
M. NAKHOM
Lucia KOOPER
A. WATERBOER
Ev. KOOPER

Enclosure B

A translated copy of the letter meaned as answer on the petition of the Women of the A.M.E. Church, Hoachanas 29 March 1959 by the Secretary for South West Africa, 15 May 1959

No. A. 627/11

Kantoor van die Administrateur

Windhoek

15.5.1959.

The Women Missionary Society
of Hoachanas A.M.E. Church,
P.O. Lidfontein,
Via Mariental

Greetings,

The petition of the Society to His Honourable the Administrator is recognise.

In commission are told that whereas the Rev. Markus Kooper was disobedient he could not be allowed to return to Hoachanas. If however the members of the A.M.E. Church make known their consent to go to Itzawises just as soon as the drought conditions improves, the school and church will be builtd at Itzawisis without delay where Rev. Kooper can go on with his work and serve his sacraments.

Meanwhile the Chief Bantu Affairs Commissioner of South West Africa are request to show a site for the buildings. Just as soon as we receive the knowledge that the members are ready to move the buildings will be erected.

Greetings,

(Signed) C. F. MARAIS
Secretary for South West Africa

Petition dated 9 November 1958 and related communications dated 20 February and 27 April 1959 from Chief P. Kecharanyo, Bechuanaland, to the Secretary of the Committee on South West Africa^a

1. *Petition dated 9 November 1958*

We the undersigned Herero people in exile in Bechuanaland at Lake Ngami hereby authorize the Rev. Michael Scott and Mburumba Kerina to be our spokesmen at the United Nations.

We also appeal to the United Nations for repatriation to South West Africa. For the past few years we have requested the Government of South Africa to permit us to return to our land.

Unfortunately, our petitions have been so far ignored. We hope that the United Nations would do every thing in its effort to see that the question of South Africa is settled in time. If all peaceful efforts fail to convince the Government of South Africa, we the Herero people in Bechuanaland would join hand in glove with our fellowmen in South West Africa, from Namaland to Ovamboland in positive action.

signed in behalf of 2,000 Herero people at Lake Ngami

(Signed) Chief P. KEHARANYO

cc: The Secretary/Committee on SWA
Rev. M. Scott
M. Kerina

The Secretary, Committee on SWA
Rev. M. Scott
M. Kerina

We humbling come before you for the analysis of this letter attached that comes from our D. Commissioner.^b

He (D.C.) alleges that he is not to blame for our exodus. He says the trouble lies with the Government of our Motherland (SWA).

Please give us a clear picture of what steps to follow as relevant to the note attached.

^a Transmitted to the United Nations by letter dated 1 December 1958 from Mr. Mburumba Kerina (Getzen).

^b The letter referred to is a letter dated 28 October 1958 from the District Commissioner, Maun, Bechuanaland Protectorate, addressed to Headman Pahakalane Kecharanyo. This letter, which has been retained in the files of the Secretariat, contains the following passage, presented as a summary of the views of Headman Kecharanyo and his people mutually agreed upon during previous discussions:

"If at any time in the future the position in South West Africa was to change as regards land available to the Herero people, then Government could expect a further approach from you."

If you communicate with SWA on our behalf is all the better for us.

Should this be given an immediate answer we shall be much appreciated.

With greetings, compliments and good wishes for the coming year.

(Signed) Chief P. KEHARANYO
B.P. Hereros in exile

P.S. If you need verbal report please let us know.

2. *Communication dated 20 February 1959^c*

It gives me much pleasure to acknowledge the receipt of your letter dated 23 January 1959, which informed me that the letters^d have been referred to the Committee on South West Africa for consideration.

And shall keep on waiting the help from you in this matter. We would be much appreciated if the powers that being could look over this matter conscientiously; from here to the end of the matter.

(Signed) Chief P. KEHARANYO

3. *Communication dated 27 April 1959^e*

We acknowledge the receipt of your letter dated the 23rd January 1959, in which you said our letters dated 9th November 1958^f were referred to the Committee on South West Africa for consideration.

Here in this Lake we are gradually losing our dignity that we had, due to their odium. Through the Assistance of the Mighty Jehovah we wish our spokesman to tell us the footing we are at on this political propulsion.

It will seem as if we are driving you behind, but the zest and love for our motherland and racial segregation displayed by the Bechuanas in broad daylight engineers us to so do. Furthermore they ask us daily as to when we going so they are likely to drive us away in the bush.

(Signed) Chief P. KEHARANYO
for Hereros in the Lake

^c Transmitted to the United Nations by letter dated 13 March 1959 from Mr. Mburumba Kerina (Getzen) to the Secretary of the Committee on South West Africa.

^d See petition dated 9 November 1958 from Chief Kecharanyo, item 1 of this annex.

^e Transmitted to the United Nations by letter dated 15 May 1959 from Mr. Mburumba Kerina (Getzen).

^f See item 1 of this annex.

Petition dated 30 December 1958 from Mr. Toivo Ja-Toivo and Mr. F. Isaacs to the Secretary of the Committee on South West Africa, and communications relating to Mr. Ja-Toivo

1. PETITION DATED 30 DECEMBER 1958 FROM MR. TOIVO JA-TOIVO AND MR. F. ISAACS

Our consciences have been very much disturbed by the article which appeared in the Windhoek Advertiser dated October 1, 1958 titled—*LARGEST NATIVE COMPOUND IN SOUTHERN AFRICA NOW AT WALVISBAY*.^a

Sir, it is beyond our understanding that schemes like this can be put into action. To us it is a concentration camp which resembles those of Hitler in Germany, and we are sure that to many it will appear more than a maximum security prison as shown in the picture which accompanied the article. Having seen part of what is really taking place in South West Africa in the form of this compound as indicated and shown in the picture do the members of the United Nations still doubt our situation. This is a European newspaper owned by Germans. They are so proud enough to put this article in the news with a picture. Time is short here. We hope that the United Nations will do its best while there is time enough.

Sir, we would like to inform the United Nations that it is very difficult for us here to bear this European anymore. As time does not permit us to express our feeling we would like to mention that we would make our choice very soon. It is a choice which if lightly taken by the South African government and the Western governments directly responsible for our problem may plunge the whole of Southern Africa in a serious social, economic and political revolution. We want to make it clear to the world again that our problem is not as to whether communism, socialism, etc. are wrong or good. Our problem is the sooner we get rid of these unchangeable European domination the better for the Africans. If they cannot accept our peaceful demands then we are sorry to say that we would have them out of here soon. We are prepared to start from the scratch, in fact we have nothing to start with already. For quite a while the western powers at the UNO have forced us into a situation which ultimately they could use as an excuse when requested to do so by the South African government. Namely, if it is said that we are communist influence. It will be a very unfortunate episode indeed for South Africa. Trusteeship now or South Africa will have to face one of the most serious problems.

cc: American Committee on Africa
UNO Committee on SWA
Mr. A. Powel

(Signed) Toivo JA-TOIVO and F. ISAACS
for
The Ovamboland Peoples Congress

Enclosures

(a) Copy of letter dated 1 December 1958 from Mr. Ja Toivo to Mr. H. Gaitskell, leader of the Labour Party, London

The Ovamboland Peoples Congress once more appeal to Her Majesty's Government of Great Britain in whose behalf the Mandate for South West Africa is admin-

istered by the Government of South Africa as a *Sacred Trust of Civilisation* to urge the South African Government to submit a trusteeship agreement for South West Africa to the United Nations.

Not long ago Sir, our forefathers petitioned Her Majesty Queen Victoria, stating that, "we want to live in peace with each other and with our neighbours. We wish to see our children grow up more civilized than we have had any chance of being."

In 1920 the League of Nations declared our country (South West Africa) a mandate and a sacred trust of civilization. This sacred trust was entrusted to the Government of the Union of South Africa to be administered in behalf of His Britannic Majesty as an international trust.

Unfortunately, the South African Government has failed to execute her international obligations with regard to the territory of South West Africa. As the result of the changes that have taken place in the Government of South Africa it has become clear that the present form of the South African Government can no longer be expected to fulfill her obligations with regard to this country of South West Africa. It is for this reason that we have petitioned the United Nations since 1946 to have our country placed under the international trusteeship system for the benefit of all those who live here, and to be administered by an International Council.

Sir, we regret to state that Her Majesty's Government which has direct responsibilities over South West Africa is about to betray the *Sacred Trust*. This pattern of betrayal has been from time to time made clear in the Statements of the United Kingdom's Delegation in the 4th Committee of the United Nations General Assembly Mr. Longden, M.P. He has taken the position of being the defender of the South African Government in behalf of Her Majesty's Government before the United Nations. At the last General Assembly this Member of Parliament went to the extent of using legal arguments involving the Crown when he defended the South African Government before the United Nations on the question of South West Africa.

Sir, having been decided by the General Assembly of the 13th Session to continue the Good Offices Committee's discussion with the Union of South African Government, we hereby appeal to Her Majesty's Government of the United Kingdom through the Labour Party to *revoke the Mandate* for South West Africa from the South African Government and to place it under the United Nations Trusteeship System or to seek the *Compulsory Jurisdiction of the International Court of Justice*. Any failure on the part of the United Kingdom's Government to exercise her responsibilities over this matter will undoubtedly compel us to seek assistance from other powerful countries who are now members of the United Nations. However, it is proper to mention that such a betrayal by the United Kingdom Government of her Sacred Trust will constitute an indelible stain on the liberal Colonial record of the British Government.

^a Note by the Secretariat: Walvis Bay, which is administered as an integral part of South West Africa, is territorially a part of the Cape Province of the Union of South Africa.

Furthermore, Sir, we believe that Trusteeship for South West Africa would provide a hopeful future not only for people in South West Africa but also those in the territory of Bechuanaland.

Finally, our past experience has been such that it has become totally difficult for us in South West Africa to transmit petitions in the United Kingdom Government through the South African Governor-General. Last year Her Majesty's private Secretary returned our petition with instructions that it be conveyed through the South African Governor-General. This is very unfortunate that even the United Kingdom Government with direct responsibility for South West Africa should deal with us in this manner. However, in view of the above mentioned reasons on our part, we hereby request the kindness of the Labour Party to bring our petition to the attention of Her Majesty's Government in the House of Parliament.

Enclosed find a copy of the Rev. Michael Scott addressed to the Chairman of the Fourth Committee of the 13th General Assembly of the United Nations in reply to the statement made by the United Kingdom Delegate Mr. Longdon, M.P. in that Committee involving the Crown on this matter.

cc: Mr. H. Gaitskel
Rev. Scott
Mr. Kerina
Secretary, UNO Committee on SWA
American Committee on Africa
Mr. H. Kutako

(Signed) Toivo JA-Toivo
for
The Ovamboland Peoples Congress

(b) *Copy of letter dated 11 December 1958 from Messrs. Ja-Toivo and Isaacs to the Archbishop of the Church of England*

I have been requested by the Ovamboland People's Congress to petition Your Holiness as the Head of the Church of England to draw your attention to the statements made by Bishop Vincent of Damaraland South West Africa while on his visit to England early this year.

Sir, these remarks made by the Highest Authority of the Englican Mission have disturbed the African people in South West Africa who for a long period of time have had great respect for the work of the Englican Church here. In view of these circumstances we regard the presence of Bishop Vincent in South West Africa as one that is not conducive to the good of the Englican Mission and the African people. We therefore Sir, humbly request the Higher Authority of the English Church in England to transfer this gentleman from South West Africa immediately and to send to us sincere missionaries such as Rev. Huddleston or Rev. Scott.

In fact it was Bishop Vincent who in his capacity collaborated with the South African Government here to have Rev. Hamtumbangela banned from his mission in Ovamboland (St. Mary) to Windhoek where he was kept indefinitely due to his Christian and political views.

Furthermore, we appeal to you Sir to have the educational standard of St. Mary's Mission improved in order to include science and other modern subjects. Also we request that the Englican Mission school in Windhoek St. George be integrated so as to admit

children of all races even if the government does not wish to see this done.

Finally, Sir, we would appreciate it very much if the Englican Mission could send Negro Priests and Bishops from America or any other parts of Africa to come to work among us here.

We hope Sir that it would be possible in the near future to have Rev. Hamtumbangela visit the United Kingdom for religious purposes.

(Signed) Toivo JA-Toivo and F. ISAACS
for
The Ovamboland People's Congress

cc: Rev. M. Scott,
Mr. M. Kerina
UNO Committee on SWA
American Committee on Africa
Bishop Vincent

(c) *Copy of letter dated 20 December 1958 from Mr. Ja-Toivo to His Holiness Pope John XXIII*

The Ovamboland People's Congress hereby petition the Church of Home to take immediate action on the prevailing situation in South West Africa within the Roman Catholic Missions.

We are convinced that the Roman Catholic Church is capable of doing better work in our country, however, we strongly protest against the role of conformity maintained by the Catholic Church here. If the Catholic Church is capable of doing good missionary work in Latin-America, the United States and in Europe we see no reason why the Church in South West Africa should not take a stand against the discriminatory and apartheid legislation now applied in South West Africa by the fascist Government of South Africa.

We appeal through you Sir to all the European Missionaries of the Catholic Church in South West Africa to seize the mantle of leadership from the racist agitators in South West Africa. Pope Pius XII has openly declared that "integration be carried out without compromise in all Roman Catholic Mission's Schools and that "it is only too well known, alas, to what excesses pride of race and racial hate can lead. The church he declared has always been energetically opposed to attempts of genocide or practices arising from what is called "Colour Bar". Sept./5/1958.

Discrimination which now exist in the Catholic Church Missions in schools and churches as the result of the South African Government's policies of apartheid based on the accident of race in South West Africa is injurious to human rights and christian principles. This policy within the Catholic Church in this country cannot be reconciled with the truth that God has created all men with equal rights and dignity.

Africans in South West Africa seek the return of their land. They want to determine their future in conformity with the principles of Self-Determination. They want economic development and finally they clamour for freedom from European political, religious and social domination in the country of their birth.

Sir, we humbly urge your Holiness Pope John XXIII that the Vatican Authority exercise its authority to bring about the following concrete reforms in South West Africa Roman Catholic Missions.

(1) Complete integration of all the Roman Catholic Mission Schools and Churches and the immediate

abolition of the so-called Native places of worship and native schools.

(2) Introduction of proper education and the refusal of the Bantu Education Act in all Roman Catholic Schools.

(3) Complete independence of the Roman Catholic Church in South West Africa.

(4) Complete liquidation of all segregatory practices within the Roman Catholic Church.

(5) We also request your Holiness to see that Negro Bishops and Priests as well as Nuns be sent to South West Africa from other parts of Africa and also from the United States of America.

(Signed) Toivo JA-Toivo
for

The Ovamboland People's Congress

cc: The UNO Committee on SWA

Rev. M. Scott

Mr. M. Kerina

American Committee on Africa

The Roman Catholic Bishop of South West Africa

Mr. H. Kutako

(d) Copy of letter dated 26 December 1958 from Mr. Ja-Toivo to the President of the United States

We have been very much disturbed by the news of Reverend Michael Scott's restriction in the United States during his petitioning time at the United Nations on our behalf.

Sir, we have great respect for the United States Government and the people of your country. However, we find it very difficult to reconcile our consciences with the position taken by your honourable government with regard to a man who represent our struggle at the United Nations and whose believe in democracy is unquestionable to all those who have come to know him in person. Sir, it is the policy of the South African government here in our country to lable each and everyone who seeks justice for all irrespective of colour or creed as a communist. If such is the case upon which the restriction of Rev. Michael Scott is founded, then Sir, we have no any other alternative but to appeal to your government to lift such a restriction. There are other matters involved in this case namely those aspects of the United States government which challenge the conscience of Father Scott. Nevertheless, we would like to state that even if one of us has to come to the United States we would not answer such question as may be demanded by the authority especially when it not only challenge our conscience but which we all think and believe to be a negation of democratic principles.

Sir, a great damage has been already done to the reputation of the United States Government in Africa and other parts of the world. We do hope though that if such a restriction is remove from Rev. M. Scott's movement in the United States it would enhance the reputation of your country very much.

(Signed) Toivo JA-Toivo
for

The Ovamboland People's Congress

cc: The American Committee on Africa

Rev. A. Powell

Rev. Scott

UNO Committee on South West Africa

Mr. M. Kerina

2. COMMUNICATIONS RELATING TO MR. TOIVO

JA-TOIVO

a. Press Extract from "New Age", 8 January 1959^b

TOIVO IN JAIL IN S.W.A.

Cape Town

Mr. Toivo Ja-Toivo, the South West African who was ordered out of the Union recently after sending a tape-recorded message to the United Nations on behalf of Ovamboland Africans, is now in jail in Tsumeb.

A letter from Mr. Toivo written in jail to New Age states that he was originally arrested for trespassing on mine property but was afterwards, told that he was held pending his removal under escort to Ovamboland.

Written in pencil on the back of official police forms, the letter says:

"Seeing that I was going to stay in Tsumeb for many days I decided to report at the magistrate's Native Affairs Branch and was given permission to stay until 29.12.58.

Went to compound

"As it was my belief that the Boers were after my blood I asked an African clerk if I could walk all over and he said yes, except in the location where I would need a permit. It was about 11.30 a.m. on the 24.12.58 when I went to the Tsumeb Compound accompanied by a friend who is an employee of the mine. We sat under a tree in the compound, but not inside the enclosure, I had some newspapers with me and commenced reading. A chap came along and said his boss wanted to speak to me and I asked him what I had to do with his boss. He said: 'Just come along and talk to him yourself', and I went with him to the compound office.

"The manager asked we what I was doing in the compound. I told him I had gone to see some friends. He asked me whether I had a permit. I said no, and he said he was having me arrested for trespassing."

The police arrived afterwards, said Mr. Toivo, and took him to the charge office where he was told to wait while they took the statement of the mineworker who had called him to the office. After that they went with him to fetch his bags at the station and unpacked and searched them.

In custody

"I spent 2½ days in custody", the letter continues. "In spite of my question as to where were the other people who were sitting with me under the tree who, it appeared, also had no right to be in the compound, I was fined £2 or 20 days.

"Although I had some money and wanted to pay the fine, they refused to take the money."

^b Received from Mr. Mburumba Kerina (Getzen) together with a copy of his letter dated 21 January 1959 to the Chief Native Commissioner, the text of which is reproduced as item 2b of this annex, and a copy of a letter dated 20 January 1959 from Mr. Jariretundu Kozonguizi to Mr. Kerina, the Rev. Michael Scott, the American Committee on Africa, the Committee on South West Africa, and the Chief Native Commissioner of South West Africa. The latter letter is reproduced in item 4 of annex V as read by Mr. Kozonguizi at the 102nd meeting of the Committee on South West Africa.

A constable, G. J. Bakker, ordered the keeper to issue him with prisoner's uniform, Mr. Toivo claims, and the following Monday morning he was called to the office where he was asked whether he wanted to pay his fine. Mr Toivo explained that he had wanted to pay when he was sentenced.

"I said I wanted to see the magistrate and was told that I could see him when I had paid, I paid £1.14s.0d.

Repatriation order

"Then he (the constable in the office) showed me a form signed by the magistrate stating that I should be kept in custody until the day I would be repatriated under escort to Ovamboland."

Mr. Toivo was later told by the magistrate that he had no right to be in Tsumeb and was being sent under escort to Ovamboland. The magistrate declared that the N.A.D. had had no right to give him a travelling pass to Ovamboland. Mr. Toivo would be sent to the Native Commissioner in Ovamboland and he would decide what would be done further.

Knows nothing

"I am now facing a charge of which I know nothing." Mr. Toivo's letter ends.

Mr. Toivo has asked New Age to contact the African Bureau in London, and friends in New York in connexion with his position.

In Windhoek, where he arrived after leaving Cape Town, he had considerable trouble getting permission to travel to Ovamboland where his relatives lived. The authorities insisted on his taking up employment there immediately although Mr. Toivo maintained that owing to his health he could not work immediately. His reference book was taken from him and he was issued with a permit to travel to Ovamboland.

b. Copy of letter dated 21 January 1959 from Mr. Mburumba Kerina (Getzen) to Mr. B. Blignaut, the Chief Native Commissioner of South West Africa

Information has reached us here in New York pertaining to the deportation and imprisonment case of Mr. Toivo Ja-Toivo. We were informed that Mr. Toivo has been deported to Ovamboland by the South African Government.

Unfortunately, Mr. Toivo encountered several difficulties on his way to Ovamboland, especially at Tsumeb where he was cast into prison without due process of law at the request of the Tsumeb Magistrate and the Manager of the Tsumeb Native Mine Compound. You should be informed that Mr. Toivo is in no position to take employment of any kind due to his physical indisposition.

I hereby request you, in your capacity as Chief Native Commissioner for South West Africa and as an Official representative of the South African Government in South West Africa, to see that Mr. Toivo is protected from abuses and injuries that may be inflicted upon him by government Officials and non-official members of the White community. Mr. Toivo's position of defending the rights and freedom of his people of South West Africa is no crime and should under no circumstances be interpreted in a manner injurious to his personality and dignity.

It has also come to our attention that the Native Commissioner at Ondangwa (Ovamboland) has on many

occasions publicly destroyed letters from abroad to certain people in Ovamboland. In view of your recent presence at the United Nations in New York it is hardly necessary for me to remind you of the gravity of situation such as this, under your administrative responsibility, will be viewed by the United Nations and the rest of the international community.

(Signed) Mburumba KERINA

cc. Secretary, Committee on SWA, UN
The African Bureau, London
The American Committee on Africa, N.Y.
The Tsumeb Magistrate, SWA
The Native Commissioner, Ondagwa
Mr. B. Blignaut, Chief Native Commissioner

c. Copy of letter dated 28 February 1959 from Mr. Louis Nelengani and others in the Windhoek Location to the Chief Native Commissioner for South West Africa^c

We have the honour to inform you that we the Ovambo people are strongly protesting against the ill-treatment meted out to Mr. Herman ja Toivo at Tsumeb. It is alleged that Mr. ja Toivo had a travelling pass from WINDHOEK to Ovamboland. On December 24th, 1958, Mr. ja Toivo was arrested when he was due to enter the Tsumeb Corporation Compound without a permit.

He was taken to gaol until December 27th, 1958. While in jail, the police stole his travelling pass. When he appeared before the Magistrate's court, he was found guilty and fined £2. or 20 days imprisonment.

After the sentence was passed on him, the police asked him if he had any pass. He replied that he had a pass. Mr. ja Toivo was put into custody for a second time for having no pass which was already stolen by the police. On the 29th December, 1958, he reappeared before the Magistrate because he refused to sign the prison form for property retained because a pass was missing. The Magistrate told him that the pass he had was in the Magistrate's possession and that it was not a proper one. "You got that pass from the foolish and blind clerks at Windhoek," The Magistrate said. The Magistrate also informed him that he would sent his pass back to the Chief Native Commissioner at Windhoek.

Mr. ja Toivo remained in jail until the 5th January, 1959, when he was escorted to Ovamboland by the police with instructions from the Magistrate of Tsumeb, stating that Mr. ja Toivo must not be allowed to enter the Police Zone or go outside Ovamboland.

Could the Native Affairs Department explain this unlawful and cruel matter made the so-called Christian and Democratic officials of the South African Government?

We appeal to YOUR Government to put an end to such ill-treatment among the African people of South West Africa.

Sgd. by: LOUIS NELENGANI
SAM NUJOMA
THOMAS TJIVUTE
AARON HAMUTENJA
LUKAS NEPELA
TITUS KAHUNGUENA (KANUHUENA)
MATHEUS ANDUNGE.

^c Transmitted to the United Nations together with the petitions reproduced in annexes VIII and XX of this report.

ANNEX XXIV

Petition dated 4 August 1958 from Mr. J. Beukes, Rehoboth Community, to the United Nations^a

Permit me to hereby humbly make mention of my former petitions. What has now happened is that the Honourable Administrator has made a fearsome intrusion on our property.

The Administrator has taken away our right of free residence in block No. 212, a right formerly given to us by the German Government, and he has registered it as the property of the Union Government.

According to the treaty of 1885 the former (German) Government did not have any property rights in our land, except the right of free residence.

According to the treaty which protected our rights, neither the German kings nor the Kaptein could violate our rights to free residence.

The right was taken away by the Administrator without the consent of the Advisory Board and the people. After the world war of 1914, in which we stood side by side with Allied powers the German Government lost its rights on the land and at the same time the rights for free residence returned to us. Under what rights did the Administrator take such steps? Our urgent petition is that drastic steps be taken to restrain the Administrator from taking away our rights.

(Signed) J. BEUKES
Burger Secretary

^a Original in Afrikaans.

ANNEX XXV

Petition dated 17 August 1958 from Mr. Jacobus Beukes, Rehoboth Community, to the United Nations^a

Permit me, as an old pioneer of the Rehoboth Community to report on the most recent actions under which we are now being administered here by the Magistrate and the Advisory Board:

1. I respectfully ask whether the Union Government assigns officials here to Rehoboth in order to place under an arbitrary regime or to deal with us in a politically lawful manner. The situation at the last meeting of the Board is indicative of the treatment we are receiving. The rights that were established by will and testament, that were transmitted by the dead to the living, our rights, are arbitrarily taken from us. This has happened to me personally. My rights, and those of many other persons, have been taken away in a political and arbitrary manner, and not according to the rules of law.

2. Is there no possibility of our being treated according to strict legal procedure? What does the Union Government mean by this, for in this way we are subjected to underhanded treatment that threatens our future existence? As I have done above, I respectfully ask whether this treatment is in conformity with the material and moral obligations that the Union Government assumed as Mandatory. The purposeful continuation of such a situation is something from which only the United Nations can deliver us. Does the Union Government have economic rights under the Mandate

over South West Africa? Does the Mandatory have rights of ownership in the Mandated Territory?

3. The rights that are granted to us and enjoyed by us in our country are nothing more than a semblance of rights. We fear that we shall be placed in the same position as the Hoachanas Nama people who live under the fear that they may at any time be banished. I respectfully ask how the Union Government, as a Christian and Democratic Government, can regard such treatment as lawful and right? This treatment has now attracted attention in connexion with the former right of unrestricted residence under the Treaty of 1885 of the former Imperial German Government, block No. 212, which has now been taken from us. I have already reported this in a previous communication to the United Nations. I ardently and respectfully hope that this time we shall receive the news that our rights and freedom will be assured for the future and that right and justice will now prevail for all mankind.

4. It is asserted that the old League of Nations died without leaving a last will and testament. We believe that the old League of Nations was established, as far as we the inhabitants of South West Africa are concerned, in order to guide us to the point where we could manage our own affairs, and thus we appeal to the United Nations, as the legal successor to the League of Nations, to uphold our rights.

(Signed) J. BEUKES
Burgher-Secretary

^a Original in Afrikaans.

ANNEX XXVI

Petition dated 30 September 1958 from Messrs. J. G. A. Diergaardt, J. H. Mall, P. Diergaardt and forty-five others, Rehoboth Community, to the United Nations^a

We, the undersigned citizens of Rehoboth, earnestly request you, the honourable Members of the United Nations, to give serious consideration to this petition, for we have now reached the point where negotiations with the South West Africa Administration are of no

benefit to us whatsoever; we have been doing this for years without any success.

^a Original in Afrikaans. This letter was enclosed with a letter dated 2 October 1958 from Mr. Jacobus Beukes (see annex XXXIII).

In the years 1952-1953 a petition signed by three members of the Advisory Board (the only one that we have)—namely, Messrs. A. J. Beukes, P. Diergaardt and Gert van Wyk—was sent to you concerning various lands and rights that were taken away from us by the Administration without our consent and without the necessary documents. You gave favourable consideration to that petition and directed that the Government should rectify whatever mistakes or grievances there were or had been, but, instead of even entering into a discussion of the matter, the Administration preferred to go even further by taking the following measures:

1. The South West Africa Administration has now caused a particular parcel of land, designated as 212, in Rehoboth to be registered in its name. This parcel contains about twenty-five hectares. Our Board and the overwhelming majority of the people were opposed to this, but the answer given by His Honour the Administrator of South West Africa was that he had the right to register this parcel, but that he asked so that he might have peace. Note well that this land was given to the Administration for administrative purposes so long as that was necessary.

2. In January of this year, a leadership meeting was held at Rehoboth under the chairmanship of the Magistrate, who is also our white Captain. At this meeting we were told by the Captain that he, the Captain, was alone entitled to make decisions in matters concerning Rehoboth and that the Advisory Board was there merely for the purpose of advising him. This meeting was attended by the Board and by a full assembly of citizens.

3. For the past year we have now been without any law, because we were told that our old patriarchal laws of 1870 have now become outmoded and make no provision for modern conditions. Where there have been assaults, there has been no prosecution because of this lack of law.

4. The economy of the territory is so weak that we must go as far as Walvis Bay in order to earn a living. Most of us are small farmers and labourers, and those who are farmers must lease their farms to white, *bona fide*, farmers in order to live, as they are given no financial help by the Government. This assistance cannot, moreover, be accepted, because it may be granted at the expense of our already small territory. These white farmers must, however, leave the territory by the end of 1959, and the white merchants a little later by order of the Administration. This action by the Administration is regarded by us as an attempt to compel us, through eventual financial difficulties, to sell our farms to the whites, as we farmers do not have any other source of income. Although the railway and the Administration's roads run through a large part of our territory, all the jobs on the railway and the roads are reserved for the whites.

With regard to industrial development, there has likewise been nothing at all done for us. No factories are being opened although other Governments are doing

this for people in our circumstances. The Union Government, however, does not think along these lines. Our territory exists only to make the whites rich.

Wherefore, honourable Members of the United Nations, we earnestly request and beseech you to place the Territory of South West Africa under United Nations trusteeship at this session, inasmuch as we have come to the conclusion that, having tried for years without any success, we shall never recover our lands and rights from the Government. And you will help us to achieve status as a nation, for we shall never obtain this from the Union Government. During the two world wars, we made our small contribution, standing loyally on the side of the Allies, but today we are under a Government that does not even grant us direct or indirect representation in the Legislative Assembly, whose laws we must obey.

The Union Government does not have any financial investment in the territory and so cannot lose anything if we come under United Nations trusteeship. Will it not then be possible for the United Nations to grant financial assistance to the Non-White inhabitants of the territory? Finally, we also think of all the other Non-Whites of South West Africa who are in the same boat as we are. Could you please inform us promptly whether you have received this petition?

Respectfully yours on behalf of the undersigned citizens of Rehoboth, whose original signatures are in our possession.

Signed on this 30th day of September 1958 at Tsumis Park.

(Signed) J. G. A. DIERGAARDT

(Signed) J. H. MALL

(Signed) P. DIERGAARDT

- | | |
|-------------------------|---------------------------|
| 1. W. Diergaardt | 25. Hugo F. Diergaardt |
| 2. Karel van Wyk. | 26. Gerhard A. Diergaardt |
| 3. Giel Gertze. | 27. J. T. Diergaardt |
| 4. V. Diergaardt | 28. Adriaan Diergaardt |
| 5. Vallentyn Diergaardt | 29. Sameul Diergaardt |
| 6. A. Visagie | 30. Paul Diergaardt |
| 7. N. van Wyk | 31. Johnny Mall |
| 8. S. Beukes | 32. Karl Swatz |
| 9. Gert Beukes | 33. D. Nell |
| 10. J. Okhuizen | 34. A. Bezuidenhout |
| 11. N. Okhuizen | 35. M. Diergaardt |
| 12. J. N. Benade | 36. H. Diergaardt |
| 13. J. J. Brandt | 37. A. J. Beukes |
| 14. N. J. Beukes | 38. G. Beukes |
| 15. Piet Beukes | 39. Henry S. Mall |
| 16. Matheus Beukes | 40. Thomas Mall |
| 17. J. J. Visagie | 41. Walter Ram |
| 18. Hermann Diergaardt | 42. M. Beukes |
| 19. G. Diergaardt | 43. T. Beukes |
| 20. E. Diergaardt | 44. H. Beukes |
| 21. M. J. Benade | 45. A. Bezuidenhout |
| 22. J. Isaks | 46. P. Beukes |
| 23. B. J. de Klerk | 47. J. Bezuidenhout. |
| 24. B. de Klerk | |

Petitions, by radiograms received on 16 December 1958, 26 January 1959, and 29 March 1959, and related communication dated 7 May 1959 from Mr. Jacobus Beukes, Rehoboth Community, to the United Nations

1. PETITION, BY RADIOGRAM RECEIVED ON
16 DECEMBER 1958

RHENISH MISSION THREATEN TO CHANGE BASIC PRINCIPLES OF 1870 CHANGING TO LUTHERAN CHURCH CASE SERIOUS PEOPLE DISAGREE SEE REPORT ANNEX 6 CONTACT BARMEN IN GERMANY STOP CONTINUATION OF THE ACT

BEUKES 46

2. PETITION, BY RADIOGRAM RECEIVED ON
26 JANUARY 1959

DRASTIC ADMINISTRATIVE ACTION AT POLICY MEETING SHOCKING VIDE PETITION 3 DECEMBER 1957^a CASE IMPORTANT IMPARTIAL INVESTIGATION ESSENTIAL STOP PROCEED

BEUKES

3. PETITION, BY RADIOGRAM RECEIVED ON
29 MARCH 1959^b

PROTEST AGAINST IRRESPONSIBLE UNILATERAL TRANSFER OF ADVISORY BOARD TO VOLKSRAAD IN VIOLATION OF PARAGRAPH 22 AS AN ASSAULT AGAINST THE PEOPLE'S CAPACITY, AWAIT TRANSFER UNDER STATUS UNITED NATIONS CHARTER, ENTER INTO CONTACT WITH THE UNION GOVERNMENT, PEOPLE IN CONFUSION. OFFICERS OF MEETING REQUEST REPLY.

BEUKES

4. COMMUNICATION DATED 7 MAY 1959^c

I respectfully refer to your distinguished communication of 23 April 1959, TR 240, as follows.

1. Our people's council operates solely within our own frontiers, and has no connexion with foreign Governments such as that of South Africa.

2. Our original Rhenish way of life was an independent life founded on the text of Genesis, chapter 26, verse 22. In the two accounts given, I describe events as follows:

(a) Drastic steps were taken through the Advisory Board and also through a group that was prepared to

^a See *Official Records of the General Assembly, Thirteenth Session, Supplement No. 12 (A/3906)*, annex XXI.

^b Original in Afrikaans.

^c Original in Afrikaans.

achieve its aim, by underhanded methods, the aim being to abolish the people's council by Proclamation No. 28 of 1923, the so-called agreement. What had been unanimously rejected by the people was brought about by the unhappy events of 1925, as a result of which the Government took military measures against us. The consequence was that we were deprived of our rights, which have been taken over by the Government.

(b) The reason that the people resisted the order was that Proclamation No. 28 of 1923, the above-mentioned earlier agreement, at the same time robbed us of our own rights, even the rights granted us by the old League of Nations under paragraph 22 concerning tutelage until maturity, and disregarded the moral obligations assumed by the Union Government.

(c) Whereas under Proclamation No. 9 we were placed under the system of an Advisory Board, which we were forced to accept, and which threatens our existence as an independent people in the future. Nowadays the Advisory Board is functioning as a puppet organization that is being used against our own people. For instance, whenever an inquiry is instituted by the magistrate, he refers the matter to the Advisory Board, and *vice versa*. For these reasons the life of our people is in a very serious and unhappy plight, so that we are fearful about the forthcoming elections in June. I hereby respectfully request that you should immediately approach the Administrator of South West in order to prevent the elections from taking place until there can be an impartial enquiry established by the United Nations.

"Changing the name of the Rhenish Missionary Society to Lutheran"

In no circumstances can we change our sworn allegiance to the way of life founded under the Rhenish Missionary Society in favour of the name Lutheran, our life being founded in God as related in Genesis. The change of name is a threat that may destroy us, for what is founded through Christ cannot be called by another name. We are fearful that this change of name will take place merely to further human ends. Our stand is that what is not from God cannot safeguard our future. Thus our humble petition is that all our petitions shall now have a fortunate outcome, so that we can understand what is to be our lot, in law and justice. This is my position.

(Signed) J. BEUKES

ANNEX XXVIII

Petition dated 11 April 1959 and related communication dated 5 May 1959 from Mr. Jacobus Beukes to the United Nations^a

1. PETITION DATED 11 APRIL 1959

a. *Letter of transmittal*

I would respectfully draw your attention to a memorandum sent in accordance with the provisions of

paragraph 26 (a) of the Mandate, as the contents will indicate. This is a copy sent to you in accordance with the regulations.

I should appreciate a brief acknowledgment of the receipt of this communication.

^a Originals in Afrikaans.

(Signed) J. BEUKES

b. PETITION DATED 11 APRIL 1959, ADDRESSED TO THE CAPTAIN AND MEMBERS OF THE ADVISORY BOARD OF THE REHOBOTH COMMUNITY

After full reflection I feel obliged, as an old pioneer in the interests of the people of Rehoboth, to take the following action in view of the manner in which our people are now governed.

I respectfully request that the following be transmitted to his Excellency the Administrator, for transmittal to his Excellency the Prime Minister of South Africa, so that it can be forwarded to the United Nations in New York, United States of America, in accordance with paragraph 26 (a).

1. Our beginnings were under the Treaty of Friendship of 1885, in which our lawful Captain Hermanus van Wyk, his people's council and the whole country and people were offered the hand of friendship by the representative of his Majesty Emperor Wilhelm I.

2. The hand of friendship has protected our country and our people, with God's help, up to the present time. Moreover our nation is founded on a Christian way of life, introduced by the Rhenish Missionary Society, which has now watched over our existence for three-quarters of a century, and in order to preserve it we have loyally stood together to ensure justice and welfare for our country and our people. In this connexion, His Excellency Mr. Luitwijn has stated that the people of Rehoboth must attach themselves ever more closely to the white people's civilization.

3. The hand of friendship that was extended by each side to the other gave our people preference in all the usual services, and we were regarded as true allies; under this protection we maintained our free justice and independence, and our Captain and his people's council, as also the Constitution of 1870-1871-1872-1874. I now respectfully ask who it was that broke that bond of friendship.

4. When in modern times we were placed under the Mandate, I believed that the result would be an even greater strengthening of that bond of friendship, but to my disappointment that bond was broken, so that the Rehoboth citizen who was formerly respected throughout South West now finds himself in a sad plight. Whenever a citizen goes out to look for work, he has to listen to such remarks as "We have no work for anyone from Rehoboth". The mutual help that existed between a Rehoboth citizen and the white people with regard to employment, and so forth, has been put to an end. We were living together as a peace-loving people. What is the good of our life now that that friendship has been destroyed? In accordance with the purport of this communication, I am asking for the advice of all right-thinking people on this matter.

5. I ask this with all respect, what are the circumstances and intentions of the Christian Social Democratic Governments that prevent them from promoting law and justice for this small nation in South West Africa, that was entrusted to the Government of the Union of South Africa subject to specific conditions and provisions?

I trust that the United Nations will sympathize with our disappointment, and that in the future our life will be administered by them.

(Signed) J. BEUKES

2. COMMUNICATION DATED 5 MAY 1959

I hereby respectfully ask for information from the United Nations, United States of America.

After full reflection, as an old pioneer in the interests of the people of Rehoboth I cannot remain silent, and I refer to my previous letter of 11 April 1959, in order to speak again about the principal features of our life as a people on which our rights are based and must consist of.

(1) Peace on earth was proclaimed by an unarmed multitude, known today as the United Nations—the World Court and Court of Justice. The earthly authorities were established as guardians to preserve the existence of all mankind on earth, not to draw the sword in vain, but only in defence of law and justice alike and to uphold the highest moral obligations. The under-developed people were placed under mandate, which was to train them to stand alone.

(2) The sacred trust has been held in contempt by the Union Government, which may, visibly or invisibly, harm the interests of the Union's own people. Contempt for the sacred trust has already led to ill-fated developments, for example what has happened to the black communities of Rehoboth and Hoachanas. As stated above, the sacred obligation is in relation to a Higher Power, so that the same complaints that are brought before the United Nations are also brought before the invisible Higher Power. The conscious and persistent aim of the Union Government is to annex the land it holds under trusteeship, without the consent of the inhabitants. There is a further allegation in this connexion, referred to in the attached newspaper cutting of 22 April 1959; the Nama people of Hoachanas are among the earliest settlers in South West Africa, and have always had their own independent headman. The former German Government was also aware of this. Full information on this subject is to be found in the United Nations Report. Every right-thinking man should reflect on this matter. If the Union Government is to triumph, what is to happen to us, a still under-developed people?

(3) We cannot resign ourselves to the idea of living without laws; a people living under a Christian dispensation must be governed according to law and order, not by any political dictatorship or in accordance with the whims of those in power. The pitiless contempt with which the Union Governments treats our human rights is clear to me from the fact that the name of Her Majesty Queen Elizabeth II is invoked, and that these things take place under her flag. We feel deeply disappointed that her name should be used in such a connexion, since it is through God's grace that she holds and governs her kingdom. Furthermore, the United Nations is bitterly upbraided. If events turn out as I have indicated in this letter, where is our under-developed people to turn, while legal relations here in Rehoboth are maintained as they are at present?

(4) Now our people are full of fear as a result of the way that legal relations are dealt with here in Rehoboth. The Union Government has taken away all our powers and functions, yet the police and the magistrate assert that there is no law against these aggressions. Our complaints against fatal stabbings are not admitted, with the excuse that there is no law against it. I respectfully ask what the Government means by all this.

(Signed) J. BEUKES

UNITED NATIONS OUTCRY OVER THE RED NATION

CAPETOWN

The moving of a group of Hottentots (the Red Nation) from the Hoachanas site to Itsawisis in Southwest has led to an outcry in the United Nations.

Sapa-Reuter yesterday reported from New York that the United Nations Committee on South West Africa claims the right to interfere over the transfer of the Red Nation. The Union does not recognize the competence of the said Committee.

Victoria Carpio of the Philippines said at the United Nations that the "Africans" who are to be moved are being treated as if they were animals.

Here are the facts of the matter as told by Mr. Johannes van der Wath, M.P. for Windhoek, who until recently was a member of the Executive Committee in South West and in that capacity was concerned in the transfer of the Red Nation.

"The Red Nation are of the Hottentot race. The group concerned have been living as settlers on the Hoachanas site, which has an area of 14,000 hectares. This area is not, and never was a reserve, since the area is too small for the 200 or so Hottentots, and since they are cut off from their fellow tribesmen the South-West Administration decided that it would be preferable if they could be re-united with their tribe. They stand to gain by it, not only through getting

more land and other facilities, but also through better management and promotion of their interests.

The Administration therefore established a committee to find some land for these 200 people. I was the Chairman of that Committee, and we obtained 17,000 hectares of land adjoining the Berseba Reserve, in which the Red Nation's fellow-tribesmen are living.

The group's headmen agreed that the move should be made, but then one of the church leaders came forward and opposed the transfer. Apparently he persuaded those among the 200 who belonged to his church to join him in refusing to move.

However, those who belong to the Rhenish Missionary Society Church have moved.

The Administration then obtained an expulsion order from the High Court, and the above-mentioned church leader was subsequently taken to Itsawisis by the police. Most of his supporters are still at Hoachanas, but we hope that they too will now follow in the footsteps of the Rhenish Missionary Society members and of their own leader.

Itsawisis is some 180 miles from Hoachanas. The Administration will supply additional water for the Red Nation at Itsawisis; it is prepared to pay the transport costs for the group, and help to ensure that it will have a church and good school facilities. Each household with an elderly person at its head will receive a present of 50 goats," said Mr. van der Wath. (From our own correspondent)

ANNEX XXIX

Petition, by radiogram received on 27 June 1959, from Mr. Neville Rubin, President, National Union of South African Students, Cape Town, to the Secretary-General

WISH TO REPORT WITHDRAWAL PASSPORT FROM HANS JOHANNES BEUKES OF REHOBOTH COMMUNITY SWA CAPETOWN UNIVERSITY STUDENT WHO WAS AWARDED SCHOLARSHIP BY NORSK STUDENTSAMBANG TO OSLO UNIVERSITY PASSPORT ISSUED BY SOUTHAFRICAN GOVERNMENT WITHDRAWN 24TH JUNE WHEN BEUKES ARRIVED PORT OF EMBARKATION NO REASONS PROVIDED BY INTERIOR MINISTER DESPITE REQUESTS BY BEUKES AND OTHERS RESPECTFULLY REQUESTS YOU INFORM SOUTHWESTAFRICAN COMMITTEE

NEVILLE RUBIN PRESIDENT

NATIONAL UNION SOUTHAFRICAN STUDENTS

ANNEX XXX

Petition dated 26 June 1959 from Mr. Neville Rubin, President, National Union of South African Students, Cape Town, to the Secretary-General

I should like to confirm my cable to you of today dealing with the question of the refusal of a passport to Hans Johannes Beukes.

For your information, and that of the South West Africa Committee, I enclose copies of newspaper clip-

pings^a from this country which describe the circumstances which surrounded this incident.

However, I should like to set out briefly the following facts in summary form, which I trust will be of use to you and to the Committee:

(1) The Norwegian National Union of Students (norsk Studentsamband) provided a scholarship for a non-white student at a South African University to study for three years at the University of Oslo. This

^a Note by the Secretariat: These clippings have been retained in the files of the Secretariat and are available upon request to Members of the General Assembly.

was communicated through the National Union of South African Students to non-white students at the Universities of Cape Town, the Witwatersrand, University College of Fort Hare and the Non-European Section of the University of Natal.

(2) From among the twelve finalists, a selection committee, consisting of Professor L. M. Thompson (Head of the Department of History at the University of Cape Town), Professor B. Z. Beinart (Professor of Roman Law at that University) and myself, selected Mr. Beukes for the scholarship.

(3) At the same time, Mr. Beukes, having been informed of the need to apply for a passport, an attempt was made to discover whether the issue of this to him had been authorized. After inquiry through several Members of Parliament, to the Private Secretary to the Minister of the Interior, Mr. Beukes was informed that the passport had not yet been issued. The reason given was that information was awaited from South West Africa.

(4) After pressing the matter still further, and after Mr. Beukes had on several occasions been informed that the passport could not be issued because the Chief Immigration Officer in Cape Town was in telegraphic communication with the authorities in Windhoek, authorization of the passport finally was made on 16 June, some six weeks after the original application had been made in Cape Town.

(5) Mr. Beukes then made arrangements to leave the University of Cape Town, at which he is a second-year student, reading Economics and Law, and proceeded on 22 June to entrain for Port Elizabeth where he was to board the Norwegian ship *Templar* in order to travel to Oslo.

(6) On arrival in Port Elizabeth at 7 a.m. on 24 June, he was met at the railway station by three police officers of the South African Police, the most senior of whom was Major Heiberg, and an official of the Department of Immigration.

(7) The Immigration official informed him that the Chief Immigration Officer in Cape Town had instructed him to withdraw Beukes' passport, and proceeded to take it from him.

(8) The Police Officers then searched the baggage of Beukes, removing several publications dealing *inter alia* with education and race relations in South Africa, his lecture notes; later the Police took possession of his personal correspondence which they read, and then took away his address-book.

(9) The Immigration official refused to disclose any official reason for the withdrawal of the passport, but one of the four persons connected with the withdrawal, said to Beukes that the reason was that he had been associating with persons believed to be engaged in subversive activities.

(10) A Member of Parliament approached the Minister of the Interior on the evening of 24 June and took the matter up with him. The Minister informed him that he was well aware of all the circumstances of the case, that he was sorry that the passport had been first granted and then withdrawn, but that further information had come to light subsequent to the issue of the passport, and that there was no purpose in attempting to take the matter any further.

(11) Beukes himself attempted to telephone the Minister but was informed that he could not speak to him.

(12) The incident has aroused considerable disapproval among the South African public. Students of the University of Cape Town demonstrated their opposition to the measure of a silent protest outside the Houses of Parliament; a special session of the Teachers' Educational and Professional Association was devoted to discussing the matter, and the conference of this organization resolved to request the Minister to review his decision. Several students are attempting to raise funds to pay for the fees of Mr. Beukes, who wishes to remain at the University of Cape Town, but is destitute.

We trust, Sir, that this information will be communicated to the South West Africa Committee and that it will contribute to the ability of the Committee to formulate a clear picture of the situation of the South West African non-white community.

(Signed) Neville RUBIN
President

ANNEX XXXI

Petition dated 29 June 1959 from Mr. Hans J. Beukes, Cape Town, to the Chairman of the General Assembly^a

PETITION RE: WITHDRAWAL OF PASSPORT ISSUED BY
SOUTH AFRICAN GOVERNMENT

PETITIONER: HANS J. BEUKES, MEMBER OF REHOBOTH
COMMUNITY, STUDENT AT UNIVERSITY OF CAPE
TOWN

I realize the great amount of work with which you are burdened, and the importance of many matters which demand your attention. It is therefore with some reservation that I turn to you. But as it is the function of your organization to concern yourselves with the welfare of countries and their people, such as South West Africa, I feel that you are the only organization

to which I can appeal, against an injustice which not only concerns myself, but also my people as a whole. I therefore respectfully request you to consider this petition.

I am not well acquainted with the conditions under which South Africa was entrusted with the custody of South West Africa as a mandate, but I am well acquainted with the cynical attitude with which she has executed this "sacred trust of civilization". The social and economic conditions and future prospects of my own and the other indigenous people of South West Africa, are the sad evidence of the complete betrayal of this trust.

I understand that amongst the conditions under which the mandate was granted was the promise to

^a Transmitted to the United Nations by letter dated 7 July 1959 from the Reverend Michael Scott.

aid the people in their social, economic and political development, all of which have been violated to the extent of reversing development to suit South Africa's ruling prejudices about race and colour. South Africa has in fact shown that she was not worthy of the trust confided in her in the first instance.

I was assisted by the Education Department of South West Africa when I applied for a loan to attend a teacher's training school in Cape Town. But when I subsequently approached the same department last year in order to go to the University of Cape Town to study law, an official did his utmost to dissuade me from carrying out my intentions, pointing out the tough competition which faces young lawyers. My application was refused, although four bursaries are ostensibly available annually for non-white students wishing to pursue courses of study in the Union in "fields in which there is a felt need in South West". (Statement appeared in an S.W. Educational Department letter to schools in 1956). Up to date no one has benefitted from this progressive offer.

Thus in order to acquire an education, I was compelled to appeal to the Rehoboth Raad, members of which have frequently petitioned your organization. This year I was very fortunate to be granted by a South African selection committee, a scholarship, by the Norsk Studentsamband. This offered a three years period of study at the University of Oslo to a non-white student in a South African University.

I was very grateful because I thought that afterwards I should be in a position to be of service to my people. People of all groups gave me enthusiastic support and encouragement.

After some delay and indecision, due to the intercession of prominent individuals, my passport was finally granted on 15 June. I was to leave on the Norwegian ship, *Templar*, from Port Elizabeth on 26 June. A week later on the 24th, upon my arrival in Port Elizabeth I was met by three members of the Special Branch, a secret police organization, and an emigration official who seized my passport. The only reason they gave, was that they had evidence that I had associated with person suspected of being engaged in subversive activities. This allegation they proposed to prove by subjecting me to the kind of treatment which might be distasteful to you, but which is normal procedure here, under the pretence that it is in the "interest of the State".

Imagine one's feelings, having to be subjected to a close search of one's person, luggage and intimate correspondence, everything one holds dear without discrimination, being pried into by strangers without a warrant. This happened to me. The police seized publications and books in my possession, one of which was a recently published book on "Civil Liberty in South Africa" by Dr. E. H. Brookes. It is true that most of the publications contained criticisms of the South African scene, but none of them are suppressed by the government. Most of them are learned treatises by eminent scholars (among others Professors Macrone and Gwen

Carter of the United States) on the social, political and economic conditions of South Africa and South West Africa. I considered myself justified for being in possession of these as I am a student of economics and native administration, as well as constitutional law. I consider it a duty and a necessity as a student to be well informed about matters which concern the welfare of others. I expected to be questioned in Norway about matters pertaining to my country, as it was a proposed cultural interchange.

The South African Government is not compelled by law to give reasons for official acts, which might be a violation of civil rights. As a result of protest by an official teacher's body, however, the official reason given, was the retraction of my passport was in the public interest. One must therefore come to the conclusion that considering the fact that I am a South West African, as Mr. Kozonquizi, who was also refused a passport, my presence abroad, may be embarrassing to the South African government and the South West African administration. The latter, who have made it a matter of policy to keep the world uninformed about matters in South West, which they consider to be a domestic issue.

I should like to add that this scholarship, apart from the opportunity it would provide a member of the indigenous population of South West Africa to qualify himself to be of service to his people, an opportunity which has been denied our people by the mandatory power so far, would have solved my own problems in the attempt to get an education.

Could I be impudent enough to request the members to imagine their own reactions if their people and themselves were in the same position?

I should therefore like to pray to you,

(1) To consider how your organization might be able to help me to make use of this opportunity.

(2) To consider how your organization might finally be able, after thirteen years of your existence and our appeals, to open the door of opportunity to the people of South West Africa, who are still suffering under the rule of ignorance of their own and the tyranny of others.

I make this appeal, well knowing that I might become the victim of intimidation, but being born in a dark skin, has done that for me already. Nothing can be worse to a prisoner than being a prisoner, and we are the victims of oppression and degradation, wherever we go in our country of birth.

(Signed) H. J. BEUKES

I enclose some newspaper clippings dealing with the case. Some are editorials, others news items.^b

(Signed) H. J. BEUKES

^b Note by the Secretariat: These clippings have been retained in the files of the Secretariat and are available to Members of the General Assembly upon request.

ANNEX XXXII

Petition, by cablegram received on 14 August 1959, from the Tenth International Student Seminar of the International Students Conference, Wessenaar, Netherlands, to the Committee on South West Africa

TENTH INTERNATIONAL STUDENT SEMINAR WITH PARTICIPANTS FROM THE FOLLOWING COUNTRIES ALGERIA, AUSTRIA, CEYLON, DENMARK, FINLAND, FRANCE, GERMANY, GUATEMALA, ICELAND, INDIA, INDONESIA, ITALY, JAPAN, CAMEROONS, LUXEMBURG, NETHERLANDS, NORWAY, FEDERATION MALI, PERU, PAKISTAN, SINGAPORE, SOUTHAFRICA, SURINAME, SWEDEN, TUNISIA, UNITED STATES CONDEMN WITHDRAWAL OF PASSPORT OF BEUKES ON HIS WAY TO TAKE NORWEGIAN COLARSHIP STOP SUPPORTS THE INTERVENTION OF THE GUATEMALA DELEGATION AND RECOMMENDATION TO GENERAL ASSEMBLY AND URGES YOU TO MAKE ALL POSSIBLE EFFORTS FOR BEUKES TO RECOVER PASSPORT AND CONDEMN SEGREGATION

TENTH INTERNATIONAL STUDENT SEMINAR OF ISC

ANNEX XXXIII

Communication dated 2 October 1958 from Mr. Jacobus Beukes, Rehoboth Community, South West Africa, to the United Nations^a

I hereby respectfully inform the United Nations of our condition and of the disappointments that we must now endure.

It has been a keen disappointment to hear that South West Africa is to be partitioned in order to satisfy the Union Government, the people of South West Africa having already presented many complaints to the United Nations which as yet have not been dealt with.

The partitioning of South West Africa will be a great injustice from which thousands of persons will have to suffer. By refusing to supply information to the United Nations, the Union Government has already delayed the case of South West Africa, an action which, in my opinion indicates gross contempt for the United Nations, from which the Union Government took over the country as a Mandate. Such partition is nevertheless to take place without consulting the inhabitants of the Mandated Territory. What will become of our human rights? As stated above, we are being treated with less respect than animals, because there is at least some demand for animals. We, the people of Rehoboth, were independent as a small people and were lawfully and properly recognized by the Treaty of 1885 as an inde-

^a Original in Afrikaans. This letter was enclosed with a letter dated 30 September 1958 from Messrs. J. G. Diergaardt, J. H. Mall, P. Diergaardt and 45 others in the Rehoboth Community (see annex XXVI).

pendent people. And then the Union Government took possession of us, and the Union Government is itself aware that we stood as an independent people by the side of the Allied Powers and is also aware of our heavy losses in the war, for which we have received no compensation. Our hard-won rights are, as stated above, being taken from us under a dictatorship and arbitrary political exploitation.

I respectfully ask what is to become of this our small people when the Union Government, as mentioned above, contemptuously sends the United Nations on its way.

The contempt towards the United Nations shown by the Union Government arouses keen disappointment in all the inhabitants of South West Africa, and our future existence is now darker with the partitioning of South West Africa. We hope that right and justice will prevail in the present session and that the small people will also be given satisfaction, so that we can return to the teaching of our forefathers according to the Bible, which creates the highest ideal of a nation, under a social democratic way of life.

I hereby conclude with the respectful hope that this communication will reach its destination as soon as it arrives.

(Signed) Jacobus BEUKES

ANNEX XXXIV

Communication dated 9 November 1958 from Mr. Jacobus Beukes, Rehoboth Community, to the United Nations^a

As an old pioneer defending the interests of the Rehoboth Community, I respectfully ask, while the United Nations is dealing with the interests of South West Africa, for permission to speak on various questions and provide explanations in the interests of the people of Rehoboth as follows:

1. In the judgment of the International Court, I felt grateful that the International Court was permitting oral hearings, the same as have been granted by the invisible Higher Power to mankind, this being a measure that will aid in the solution of the entire question and also the question of South West Africa.

2. I was deeply disappointed to learn that Britain opposes this and that under the Covenant of the old

^a Original in Afrikaans.

League of Nations (Article 7 of the Covenant) this is not permitted. In the event that the Mandatory refuses to submit reports, how can the case of South West Africa be dealt with? The Mandatory has assumed the moral and material obligations to make annual reports to the United Nations, a matter of vital interest to the people of South West Africa.

3. I hereby ask the representative, Mr. Eric Louw, what he means by taking his hat and walking out. What does the term "Mandate" mean? This action by the representative is evidence of gross contempt for the United Nations and, on the other hand, of a weakness on the part of Mr. Eric Louw himself, who, whether right or wrong, should have argued the case for his Government or should at least have made a report as provided in the Covenant of the League of Nations. As the Union Government has been administering this Territory in the spirit of the Mandate, this is not the thing to do, for we, the people of South West Africa, are now bobbing about in an unfamiliar darkness and do not know where we are going.

4. I should also like to inform Mr. Eric Louw that the interests of the people of Rehoboth were left pending by the old League of Nations and also that the Mandate was transferred to the Union Government without the knowledge of the inhabitants of the Mandated Territory. We, the people of Rehoboth, were an independent people under the Treaty of 1885, but in accordance with the conditions of that Treaty we were bound to obedience until we became of age, it being added that if we recognized you as sovereign, then we would be violating paragraph (22), and that cannot happen. This can be verified in the documents of the old League of Nations. We were treated as a "B" Mandate. If the Mandatory was reporting in the proper manner to the United Nations, that would mean that it was speaking in the South West Africa matter, but now no information at all is being given to show where the people of South West Africa, who have been placed under the conditions of a Mandate, are going.

(Signed) J. BEUKES

ANNEX XXXV

Communication dated 14 October 1958 from Mr. R. K. Lloyd, Lusaka, Northern Rhodesia, to the United Nations

It is to be hoped that you make every attempt to prevent South West Africa from falling into the hands of the Union of South Africa, because of the injustice caused by their laws in connection with the colour of races.

Several attempts have been made in the past by the South African Government to take over Basutoland, Swaziland, and the Bechuanaland Protectorate, but the United Kingdom has always refused their request, for the same reason.

Though born in London and an Englishman, I have resided since 1919 in Africa, in most of the colonies, and have watched events since that date, and am very concerned at the direction which affairs are taking. The present trials, so called "treason trials", now being held in South Africa, will give you an indication of the policy being followed by that country.

Some years ago I wrote to the then Mr. Churchill, asking that we have federation here to strengthen us against any attempt of the Union to absorb us, which

has been their intention for some years. Federation was the result. But the colour bar is also taking place in the Federation, due to the overwhelming majority of the Union Nationalists here, over the English.

You will recall the attitude of the South African Government in the past, in withdrawing from United Nations, because of UNO's interest in South West Africa. South West Africa should be put under British rule, because we make no colour bar, rule as near as possible with justice, and eventually hand the country to the natives, as well as being the nearest great power to South West Africa.

A glance at the map will show that South West Africa is larger than the Union of South Africa. It is difficult to see how the smaller could rule the larger.

We, as Englishmen, want justice to all races. Please use your influence to see that justice is done to South West.

(Signed) R. K. LLOYD