

United Nations
**GENERAL
 ASSEMBLY**

SEVENTEENTH SESSION

Official Records



**FOURTH COMMITTEE, 1370th
 MEETING**

Thursday, 1 November 1962,
 at 3.15 p.m.

NEW YORK

CONTENTS

	Page
<i>Requests for hearings (continued)</i>	
<i>Requests concerning agenda item 57 (Question of South West Africa) (continued)</i>	267
<i>Agenda item 57:</i>	
<i>Question of South West Africa (continued):</i>	
<i>(a) Report of the United Nations Special Committee for South West Africa;</i>	
<i>(b) Special educational and training programmes for South West Africa: report of the Secretary-General</i>	267
<i>Hearing of petitioners</i>	269

Chairman: Mr. Guillermo FLORES AVENDAÑO
 (Guatemala).

Requests for hearings (continued)

REQUESTS CONCERNING AGENDA ITEM 57 (QUESTION OF SOUTH WEST AFRICA) (A/C.4/558/ADD.3) (continued)*

1. The CHAIRMAN informed the Committee that he had received a request for a hearing from Mr. Potlako Leballo, Acting President of the Pan-Africanist Congress (A/C.4/558/Add.3). If there was no objection, the request would be granted.
2. Mr. FOURIE (South Africa) said that he would merely like to recall his earlier statement (1330th meeting) regarding his Government's reservations on the hearing of petitioners on South West Africa.

The Committee decided that the request should be granted.

AGENDA ITEM 57

Question of South West Africa (continued):

- (a) Report of the United Nations Special Committee for South West Africa (A/5212 and Add.1-3);
- (b) Special educational and training programmes for South West Africa: report of the Secretary-General (A/5234 and Add.1)

3. Mr. ATIDEPE (Togo) said that after the statement made by the representative of South Africa at the previous meeting he would like to suggest that what was of importance for the United Nations was not the alleged joint communiqué on which the South African Foreign Minister had laid so much stress, but the established facts regarding conditions in South Africa which had been set out in United Nations documents since 1946. Togo, as a former Trust Territory, took a particular interest in the problem

of South West Africa, which should, under the terms of the Charter, have become a Trust Territory too. His delegation had no doubt that South West Africa was still under a Mandate and that South Africa was answerable to the United Nations for its administration. It was also established that there was racial discrimination in South West Africa and that the most elementary liberties were denied to the population.

4. Mr. HOUAISS (Brazil) expressed the view that the question of the communiqué issued at Pretoria in May 1962, to which the South African representative had given considerable attention, was not the main question before the Committee. The crucial issue continued to be the application of the principle of self-determination to South West Africa and the progress of that Territory towards independence in accordance with the United Nations Charter and the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)). He did not therefore consider that the presence of the Chairman and Vice-Chairman of the Special Committee for South West Africa was essential to the Fourth Committee's discussion or would necessarily be desirable in view of the danger that the Committee might be diverted from the essential problems before it. The Special Committee's report (A/5212 and Add.1-3) made the position of the Committee as a whole perfectly clear. The positions of the Mexican and Philippine Governments on the problem of South West Africa had also been clearly defined. He was therefore unable to support the view that the two delegations concerned should be asked by the Committee to arrange for the presence of the Chairman and Vice-Chairman of the Special Committee.

5. Mr. NDAWULA (Uganda) said that he did not think that the South African Government could derive much consolation from the Pretoria joint communiqué, which, according to the South African Foreign Minister, refuted the charges brought by the United Nations against his country. His delegation considered that the situation in South West Africa did in fact constitute a danger to world peace, as a result of the unyielding application by South Africa of discriminatory policies directed against the Bantu people of South West Africa. Uganda had refused to recognize the Government of South Africa on account of those policies and his delegation would give its fullest co-operation to the United Nations in its efforts to secure the recognition of the basic rights of the South West African people.

6. Mr. CHANAFIAH (Indonesia) said that in view of the persistent failure of the United Nations and its committees on South West Africa to obtain co-operation from the South African Government, the Special Committee's decision to accept that Government's invitation to its Chairman and Vice-Chairman was understandable and justified. It was the first time

*Resumed from the 1365th meeting.

that any representatives of the United Nations had been able to visit the Territory and provide a first-hand report on conditions there. The report which they had furnished was of great importance and confirmed the information already obtained from petitioners and from other sources. The South African Government was not attempting to discredit that report by laying great emphasis on an alleged joint communiqué. His delegation was confident that the Chairman and Vice-Chairman of the Special Committee had performed their limited tasks as ably as possible.

7. Mr. RIFAI (Jordan) agreed with the view expressed by many representatives that the Committee should not allow its attention to be diverted from the essential problems in connexion with South West Africa, which were unaffected by the controversial question of the alleged Pretoria communiqué. The South African representative's statement had caused him no surprise; it was, however, distressing to hear that representative charge the Committee with a lack of respect for the International Court of Justice when he himself showed no respect for the United Nations and its organs and when South Africa had so persistently violated the principles of the Charter and flouted United Nations decisions. Nor could the Foreign Minister of South Africa expect the Committee to take him seriously when he claimed that he alone told the truth.

8. Miss BROOKS (Liberia) said that it had never been her intention to bring pressure to bear on the Philippine and Mexican delegations; indeed, the history of the South West African question itself showed how difficult it was for the whole of the United Nations to bring pressure to bear on a State. The reason for the suggestion she had made at the previous meeting had been her shock at hearing the South African representative refer to the Chairman and Vice-Chairman of the Special Committee in the way that he had done. Her delegation's position on the item under discussion would be based on the Special Committee's report and on its Chairman's repudiation of the Pretoria communiqué.

9. Mr. DELGADO (Senegal) associated himself with previous speakers who had expressed full confidence in the members of the Special Committee, including its Chairman and Vice-Chairman, whose integrity had been called into question by the South African representative in an attempt to confuse the Committee. His delegation would welcome the presence of the Chairman and Vice-Chairman of the Special Committee, who would then be able to repudiate the South African representative's accusations.

10. Mr. FOURIE (South Africa) said that he wished to correct certain statements in the Special Committee's report to which attention had been drawn by the Committee's Rapporteur at the previous meeting. The report itself provided ample proof that the Chairman and Vice-Chairman of the Committee had not been prevented from speaking to anyone to whom they wished to speak in South West Africa. With regard to allegations of Press censorship, it was only in the northern part of the Territory that Press correspondents had been unable to accompany the tour, owing to limited travel facilities and accommodation. The visitors had, however, been accompanied throughout by a representative of the South Africa Press Association, who was representing, with their

agreement, most of the larger news agencies and thus also most newspapers.

11. Mr. ARTEH (Somalia), Rapporteur of the Special Committee for South West Africa, said that he still did not feel that the Chairman and Vice-Chairman of the Special Committee had been given a sufficient opportunity to speak with the people of the Territory.

12. He also remained convinced that there had been Press censorship. If there had been difficulty with regard to accommodation, it would surely have been possible for tents to be provided.

13. Mr. FOURIE (South Africa) explained that the difficulty had been primarily one of transport: no one could have followed the tour except by aircraft and accommodation in aircraft had been limited.

14. With regard to the question of contacts with the people, he felt that there was a contradiction in the Rapporteur's attitude: when it was desired to condemn South Africa, it was stated that the Chairman and Vice-Chairman had heard sufficient evidence on which to base their recommendations; when the conclusions were not condemnatory, then the Chairman and Vice-Chairman had not had sufficient opportunity to speak to the people of the Territory.

15. Mr. ROS (Argentina) agreed with the representative of Brazil that the Committee should not waste time on matters which were irrelevant to the main issue; it was clear from the Special Committee's report that the situation in South West Africa remained as before. He did not consider that the presence of the Chairman and Vice-Chairman of the Special Committee was necessary.

16. Mr. ABDELLAH (Tunisia) supported that position and associated himself with the tributes which had been paid to the Chairman and Vice-Chairman of the Special Committee.

17. Mr. ACHKAR (Guinea) said that he too was in full agreement with the views of the Argentine representative.

18. Mr. NGANDO-BLACK (Cameroon) said that the question of the joint communiqué had clearly been raised by the South African Foreign Minister with the intention of hindering the Committee's work. The South African representative's arguments did not alter the facts regarding the régime imposed on South West Africa by South Africa or change his delegation's conviction that the time had come to consider whether South Africa still had a place in the United Nations.

19. Mr. GUNA-KASEM (Thailand) agreed with the views expressed by the Brazilian representative. The report adopted unanimously by the Special Committee provided the Committee with ample material on which to base its decisions.

20. Mr. COOMARASWAMY (Ceylon) also supported the views of the representative of Brazil.

21. Mr. GUELLAL (Algeria) said that the essential problem was the future of South West Africa. Everything should be done to bring the colonial authorities to a more healthy state of mind before an armed conflict developed such as that Algeria had experienced. Fundamental freedoms must be restored, arbitrary rule must be replaced by law, and negotiations on the basis of the principle of self-determination must be undertaken with authentic representatives of the

people. The position of South West Africa was similar in many respects to that of Algeria before independence, and the representative of the South African authorities might usefully give thought to some of the principles on the basis of which the Algerian problem had been solved.

22. Mr. DIALLO (Mali) agreed with previous speakers that there was no need to devote undue attention to the question of the Pretoria communiqué, to which the representative of the so-called Republic of South Africa had attached so much importance. A fact that might be noted was that the South African Government had been discriminatory even in the invitation which it had extended to the Chairman and Vice-Chairman of the Special Committee: why had not the whole Committee been invited, and why had not the Rapporteur been invited unless for the reason that he was an African. There appeared to be no need to ask that the Chairman and Vice-Chairman of the Special Committee should participate in the Committee's work. It was already abundantly clear that South Africa, which did not grant equality of rights to its own citizens, was not qualified to administer South West Africa and that its mandate over the Territory should be terminated.

23. Mr. CUEVAS CANCINO (Mexico) said that his Government's position on the Pretoria communiqué had been made clear in a letter from the Permanent Representative of Mexico to the Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories (A/5212, annex V), and in a statement made by his delegation at the 1128th plenary meeting of the General Assembly, in reply to the speech of the South African Foreign Minister. His delegation had always done its best to assist the work of the United Nations and the Fourth Committee but he did not think that it would be useful to go over the questions again at the present time. He therefore agreed with those representatives who had urged that the Committee should concentrate on the essential substance of the problem before it.

24. Mr. BRILLANTES (Philippines) said that, having heard the statement made at the previous meeting by the Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories, his delegation had come to the conclusion that the presence of neither the Chairman nor the Vice-Chairman of the Special Committee for South West Africa was indispensable now that the report of that body had been introduced by the Rapporteur, in whose ability the Philippine delegation had full confidence. While it was true that it might be desirable that they should be present in order to answer the attempts in certain quarters to make capital out of the issue of the so-called joint communiqué, it should be remembered that the Committee's main task was to consider the report itself, on which the fate of millions of human beings depended. His delegation therefore agreed with those representatives who thought that the Committee should proceed to consider the Special Committee's report on its merits.

25. Mr. MONGUNO (Nigeria) said that since the Committee was concerned solely with the manner in which the Government of South Africa was fulfilling the terms of the Mandate in respect of South West Africa, it should concentrate on the Special Committee's comprehensive report. The so-called joint communiqué was an extraneous issue.

26. Mr. Afzal KHAN (Pakistan) agreed with the Nigerian representative.

27. Mr. FOURIE (South Africa), speaking on a point of order, pointed out that on two occasions speakers had referred to his delegation as representing the "so-called Government" or the "so-called Republic" of South Africa. Such forms of address had also been used at the sixteenth session of the General Assembly. In the interests of orderly procedure he appealed to the Committee, through the Chairman, to employ the usual forms of courtesy to which every Member was entitled.

28. Mr. YOMEKPE (Ghana) observed that since his Government did not recognize any Government in South Africa he could not be expected to use the term "representative of South Africa".

29. The CHAIRMAN said that, while he could not dictate to members, he would be glad if, in the interests of the dignity of the proceedings, the usual norms of courtesy were used by and applied to all Members.

HEARING OF PETITIONERS

At the invitation of the Chairman, the Reverend Michael Scott, representative of the Africa Bureau, Mr. Potlako K. Leballo, representative of the Pan-Africanist Congress (PAC), Mr. Sam Nujoma, representative of the South West Africa Peoples Organization (SWAPO), the Reverend Markus Kooper, representative of the South West Africa United National Independence Organization (SWAUNIO), and Mr. Mburumba K. Kerina took places at the Committee table.

30. The Reverend Michael SCOTT (Africa Bureau) reminded the Committee that the first African petitioners to have appealed to the United Nations concerning the conditions in South West Africa^{1/} had been the descendants of Hereros exiled to Bechuanaland after the suppression of the Herero revolt against the Germans in 1904 and 1905. In that connexion, he would like to correct the impression which might have been created by the early petitioners and to state that recent research in German archives by Dr. Nichtenhauser had shown that there had been an outcry both in the "Reichstag" and among the German people at large against the excesses which had accompanied the suppression of that revolt, a fact which he had not previously made clear.

31. In the face of South Africa's armed might, the only hope of the inhabitants of South West Africa was the truth, and he was sure that every petitioner would want the full truth to become known about what had happened in the Territory during the preceding twelve months, so that appropriate action might be taken by the United Nations and that the case now pending before the International Court of Justice might go forward on the basis of true evidence.

32. South Africa's representatives had claimed that the conditions prevailing in South West Africa did not constitute a threat to peace in Africa or the world, that South Africa had not engaged in any policies that might lead to the extermination of the indigenous inhabitants and that no attempt had been made to set up military installations in the Territory. It was his understanding that South Africa would produce some kind of evidence before the International Court of

^{1/} See A/C.4/96.

Justice to substantiate its claim with regard to its administration of the Mandate.

33. He did not think that it had ever been alleged by any petitioner—certainly not by himself—that the South Africans were engaged in the physical extermination of the indigenous inhabitants in South West Africa at the point of a gun. It was therefore not surprising that no evidence of such extermination had come to the notice of the Chairman and the Vice-Chairman of the Special Committee for South West Africa. Again, it had been suggested—and denied—that a military post had been established in the Caprivi Zipfel. He did not think that the Committee should spend much time discussing that point.

34. What the petitioners had sought to demonstrate was that the régime established by South Africa in South West Africa constituted a threat to the very existence of the African population there in exactly the same sense as the Nürnberg laws had constituted a threat to certain racial minorities in Nazi Germany after 1933. With reference to the militarization of South West Africa, it was not the existence or the absence of an individual military post that counted but the fact that South Africa, which was perhaps the most industrially advanced State in the continent, had doubled its military expenditure during the preceding twelve months and had purchased not only large quantities of small arms and ammunition but also large numbers of military aircraft. According to The Times of London of 26 October 1962, South Africa had bought from Canada, the United Kingdom, the United States and France various types of bombers, fighter-bombers, maritime reconnaissance bombers, fighters, advanced trainers, military transportplanes of short and medium range, general purpose helicopters, utility helicopters, helicopters designed for anti-submarine operation, and various other types of aircraft which could be used for spotting the movement of crowds and searching for guerilla bands. South Africa's military expenditure now amounted to some £60 million a year. In fact, a great military machine was being built up with the object of defending and reinforcing white supremacy.

35. As an illustration of the forms of tyranny that were being imposed upon the African population, he enumerated the provisions of the General Law Amendment Act, which amended the Suppression of Communism Act, the Public Safety Act, the Criminal Procedure Act and the Unlawful Organizations Act, and which defined and prohibited sabotage, a new offence in South African law. At the 101st meeting of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples he had given the Committee the definition of sabotage under the Act (A/AC.109/PV.101, pp. 26 et seq.). The Act closed every avenue to legal expression for the people of South and South West Africa. If it were vigorously enforced thousands of persons would have to be found guilty of sabotage each year. The Act also constituted a grave threat to the trade-union movement. A study of the provisions of the Act would bring home to the members of the Committee the difficulties under which the leaders of the African people and their organizations must operate in South West Africa at the present time. Because of the treatment accorded to certain African leaders under the provisions of the Act and of other Acts which had preceded it, Mr. Potlako K. Leballo,

the Acting President of the Pan-Africanist Congress, had requested a hearing and would describe his experiences to the Committee. The President of the Pan-Africanist Congress had been in prison for three years. According to his organization he had been kept in solitary confinement in conditions of great hardship. Despite the fact that he was ill as a result of the treatment he had received, he had never been sent to hospital.

36. He drew the Committee's attention to paragraphs 32-38 of annex XI of the report of the Special Committee for South West Africa (A/5212/Add.1), which concerned a libel action brought against Chief Hosea Kutako and Chief Samuel Witbooi. The two Chiefs had accused the Native Commissioner at Ohopuho of having taken a young African to Angola, where he was said to have been sold into slavery or killed.

37. He read out a letter he had received from Chief Hosea Kutako, which described how at a Herero tribal meeting on 6 September 1962 the Chief Native Commissioner had told a gathering of over 600 people that Europeans in South West Africa were not prepared to leave the Territory and simply give it to the Africans, or to abandon all they had built. If force were to be used, he had said, both sides would be hurt. He had informed the tribal meeting that if they asked the Government for schools they would probably get them but that there was no chance of their being given back their land. Chief Hosea Kutako expressed the view that the purpose of the speech had been to create a spirit of antagonism among the Europeans and to break the Africans' resistance to apartheid. He said that the speech confirmed the determination of the South African Government to fight for South West Africa if the United Nations tried to implement the resolutions of the General Assembly. The letter concluded by saying that the Hereros had no hope that the United Nations would ever settle the question of South West Africa with the South African Government peacefully and by negotiation.

38. He drew attention to a statement he had made before the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/AC.109/PV.101, pp. 32 et seq.) concerning a proposal for a blockade of South African ports enforced by the United Nations with the assistance of the great Powers, in the hope that even at the present late stage it might be possible to recall the South African Government to sanity and to a sense of its obligations towards the inhabitants of the Territory and towards the United Nations.

39. Any effective measures designed to deal with the defiance of the United Nations by the South African Government would imply the participation of the whole Organization, and the petitioners' appeal was directed not only to the African countries but to all Member States, including the great Powers. The African countries had shown their patience and wisdom by referring the case to the International Court of Justice, but the procedures of the Court were long-drawn-out and inordinately expensive.

40. In conclusion he read a further passage from Chief Hosea Kutako's letter, which indicated the sense of danger the people felt through the long delay that had taken place. Chief Hosea Kutako had said that although certain imperialist Powers within the

United Nations were trying hard to delay any United Nations action on the long-standing question of South West Africa, his people's confidence in the United Nations was not yet exhausted; their wish was to continue to fight in the United Nations against the oppression to which they were subjected. He had said further that it must be borne in mind, however, that there was no human patience without limit and that any delay by the United Nations in settling the question might therefore produce serious consequences.

41. Mr. YOMEKPE (Ghana), referring to the proposal for a blockade of South African ports, stated that two years previously his Government had ordered a boycott of all goods manufactured in South Africa, which was still in force. Moreover, South African citizens were banned from going to Ghana unless they were prepared to sign a declaration condemning apartheid.

The meeting rose at 6 p.m.