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**FOURTH COMMITTEE, 1053rd
 MEETING**

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Chairman: Mr. Adnan M. PACHACHI (Iraq).

In the absence of the Chairman, Mr. Ortiz de Rozas (Argentina), Vice-Chairman, took the Chair.

AGENDA ITEM 43

Question of South West Africa (continued):

- (a) Report of the Committee on South West Africa (A/4464; A/AC.73/3; A/AC.73/L.14);
- (b) Report on negotiations with the Government of the Union of South Africa in accordance with General Assembly resolution 1360 (XIV)

HEARING OF PETITIONERS (continued)

At the invitation of the Chairman, Mr. van Ismaël Fortune, Mr. Mburumba Kerina, the Reverend Markus Kooper, Mr. Jariretundu Kozonguizi, Mr. Jacob Kuhangua, Mr. Sam Nujoma, the Reverend Michael Scott and Mr. Oliver Tambo took places at the Committee table.

1. Mr. TAMBO thanked the Committee for granting his request (A/C.4/443/Add.2) for a hearing, made at the 1050th meeting. He felt that the presence among the representatives on the Committee of members of the black races of the world symbolized the greatest hope for the future of the human race. The Minister for External Affairs of the Union of South Africa, in his address to the General Assembly (905th plenary meeting) on 14 October 1960, had stated that there was a factor in connexion with the present situation which could not be ignored: namely, the increase in the membership of the United Nations, in one single session, by no less than sixteen new Member States from the Continent of Africa. That was indeed true and yet it was precisely the factor which the Union Government ignored in relation to South West Africa. The resolute pursuit of its policies in South West Africa in the face of mounting indignation on the part of the entire people of Africa and of the whole civilized world could only be condoned by the United Nations at the expense of peace and of its own effectiveness as an instrument for safeguarding the welfare and security of the peoples of the world.

2. As a South African national and expressing the views of South Africa's voteless millions, he was ashamed of his Government's record of defiance of world public opinion and of the resolutions adopted by the United Nations and its organs on the issue of South West Africa. His people would spare no efforts in seeking to retrieve their country from the mire of "apartheid" and in presenting it to the world as a self-respecting country dedicated to the observance of the principles of the United Nations Charter and of the Universal Declaration of Human Rights.

3. On 10 December 1959, Human Rights Day, thirteen Africans had been killed and thirty-two seriously injured by police gun-fire at the Windhoek location. The circumstances were no doubt known to the Committee. On 16 December 1959 he had received a telephone message from the Ovamboland People's Organisation, now known as the South West Africa Peoples Organisation (SWAPO), instructing him to proceed immediately to Windhoek for the purpose of taking legal action to prevent or stay the deportation of four African leaders, Sam Nujoma, President of the Ovamboland People's Organisation, Nathan Mbaeva, Publicity Secretary of SWAPO, Jacob Kuhangua, Secretary of the Ovamboland People's Organisation, and Bartholemew Shibama, a member of SWAPO, who had been ordered to leave Windhoek within seventy-two hours. He had flown from Johannesburg on 17 December and on arriving at the airport at Windhoek had been intercepted by two police officers and by Mr. Blignaut, the Chief Bantu Affairs Commissioner, and led to a room in the building. There he had been informed that since he had no permit to enter South West Africa he would have to return to Johannesburg by the next available plane and that in the meantime he would not be allowed to leave the airport. In reply to his protests he had further been informed that white people were not required to obtain such a permit but that "Natives" were. He had been given no opportunity to see the act or ordinance thus being invoked. He had pointed out that, even if there was such a requirement, the issue of the relevant permit could not but be a formality and he had immediately applied for a permit, stressing the fact that he had come to Windhoek at great expense for his clients on a matter of extreme urgency and importance.

4. Mr. Blignaut had informed him that even had he applied for such a permit before leaving Johannesburg it would not have been granted, because of his political record, and that he would not be allowed to enter or remain in Windhoek or any other part of South West Africa, although his purpose in going to Windhoek had been a strictly legal one. He had replied that his political record had no bearing on his legal work and that although that record was known to the Union Government that Government did not interfere in any way with his legal practice. Mr. Blignaut had then allowed him to interview and take particulars from Sam Nujoma and another at the airport.

5. Mr. Blignaut had returned approximately two hours later accompanied by the two police officers who had been with him before and four more, two of them in plain clothes but armed with revolvers, the remaining two in uniform and carrying rifles. The petitioner had been informed that he must not talk or telephone to anyone either with regard to his own position or by way of arranging for legal assistance for the deportees. He had been obliged to spend the night at the airport, the two armed plain clothes men remaining in the room with him while the two police officers carrying rifles had patrolled all night outside the room. Far from meriting such treatment, he had assured Mr. Blignaut that he would do nothing inconsistent with his duties and responsibilities as an official of the Supreme Court of South Africa, in which capacity he had gone to Windhoek. He had returned to Johannesburg the following morning.

6. He drew attention to a letter to the Secretary-General dated 22 December 1959 from Chief Hosea Kutako and Chief Samuel Witbooi (A/AC.73/3, page 109) which stated that it was difficult for the people of South West Africa to have their cases defended in court in South West Africa where there were only white lawyers who had no desire to help Africans.

7. The policy of "apartheid" bred, and in turn was nourished by, racial hatred. Its maintenance and enforcement were impossible in the face of determined opposition except by ever-increasing reliance on force. When, therefore, the Government police resorted to violence, which the South African Government described as "maintaining law and order", they naturally represented themselves as innocent, and so terrorized and intimidated the people involved as to induce the suppression of evidence.

8. If he had had any doubt that the investigations relating to the shootings of 10 December would bear heavily against the victims, a study of the report (A/4464, Annex V) of the one-man Commission of Inquiry had dispelled them. In view of the treatment meted out to four leaders of the people and their attorney, it was not surprising that the Commissioner had accepted the evidence of police and other officials in preference to that of the leaders, or that the police and other officials had been declared innocent and those fired at, killed and injured to be in the wrong.

9. He emphasized that the report to which he had referred was not the judgement of a court. From personal experience he could pay a tribute to the high standard of impartiality of the great bulk of the South African bench, but he also knew from experience that the administration of justice suffered from the constant lies pronounced under oath by the police.

10. South African representatives at the United Nations would tell the Committee of communistic petitioners and communist organizations. They would treat the Committee to learned argumentation on legal doctrines but what their Government would not do was to respect a single resolution or demand of the Committee or the General Assembly which bore on the reign of terror and murder so closely identifiable with the policy of "apartheid" and white supremacy. Over fourteen years of patient pleading to the United Nations and of United Nations resolutions had produced no change save increasing repression and persecution, a growing number of graves, and tensions that had risen to breaking point.

11. The United Nations was not powerless to act, and to act effectively. In the name of the millions of black people in Africa and their friends in Asia he pleaded for immediate intervention as an alternative to large-scale massacres later.

12. Mr. QUAISON-SACKEY (Ghana) recalled that the Reverend Michael Scott had mentioned the possibility of United Nations technical assistance to South West Africa. He would like to hear how the Reverend Michael Scott envisaged such assistance.

13. The Reverend Michael SCOTT recalled that in 1955 the United Nations Commission on the Racial Situation in the Union of South Africa in its third report (A/2953)^{1/} had made detailed proposals regarding assistance from the specialized agencies both in South Africa and in South West Africa. The proposals had covered the educational and health services and there had been a special section dealing with assistance to children through UNICEF.

14. In the course of his statement he had referred to the fact that the Chief Bantu Affairs Commissioner had prevented a scheme of school-feeding on the grounds that it would encourage the well-to-do to evade their responsibilities to their children. In view of the extent of under-nourishment and preventable deficiency diseases in South West Africa, an extensive system of school-feeding for the African and other non-European populations was long overdue. He was sure that UNICEF, if asked, would be able to give substantial help.

15. South West Africa had great educational problems of its own, caused partly by the immense distances separating the population centres, which necessitated the provision not only of school buildings but of hostels where the children could live during the week. The use of television as a means of providing education in South West Africa might be considered, but the Government had shown very little interest in African education. The specialized agencies could be of great assistance in that respect.

16. It had been suggested in previous years that recourse could be had to the specialized agencies, but it had appeared that no action could be taken without a resolution by the General Assembly and a request from the Mandatory Power.

17. Mr. QUAISON-SACKEY observed that the Reverend Markus Kooper had said in his statement that the Administration in South West Africa had continued to make Africans use water from certain wells even though Government laboratories had advised that it was not fit for human consumption. He asked, firstly, how wide-spread that practice was; secondly, how adequate were rural water supplies; thirdly, what emergency steps had been taken by the Territorial Administration to help the Africans during the recent drought.

18. The Reverend Markus KOOPER confirmed that samples of the water in question had been sent to the Government laboratory at Pretoria and that it had been condemned as unfit for human consumption. He had asked the Welfare Officer why, since the water was unsafe, he had erected a windmill over the well and the reply had been that according to the men who

^{1/}Official Records of the General Assembly, Tenth Session, Supplement No. 14.

had drilled the well the water was drinkable. That was the only case of which he knew in which water had been condemned by the laboratory at Pretoria. Very few wells had been drilled for the use of the Africans.

19. The Administration had done nothing to help the Africans during the severe drought of recent years. It had offered to provide mealie-meal but the scheme had been organized in accordance with the Bantu system of communal cooking and feeding, which was unacceptable to the people of South West Africa. They had therefore refused to accept the offer and no further help had been forthcoming.

20. Mr. KOZONGUIZI said that the drought in South West Africa for the past two or three years had brought about a deterioration in the economic position of the Territory. As far as the extent of the problem was concerned, the reservations in which the African population lived were in the most infertile part of the Territory, for example in the Kalahari Desert. If any good water were found in a reservation, the area was handed over to European farmers and the Africans were forced to move away. Some time previously a Commission of Inquiry had reported that in order to be able to live in the Itzawisis area one European family required a farm of some 10,000 hectares, yet it was to that area to which the Rooinasie people had been moved. And hundreds of people were expected to make a living on about 17,000 hectares.

21. With regard to the drought, the representative of the Union Government had claimed at the fourteenth session that assistance had been given to the people of Ovamboland, but in fact the people's own contributions had been used to purchase the maize issued to them during the drought.

22. At a conference presided over by the Bantu Affairs Commissioner earlier in the year, the representatives of the Hereros had asked why the Hereros in the Reserve had not been given any assistance during the drought and the reply had been that they should go to the United Nations for assistance.

23. Mr. QUAISON-SACKEY (Ghana) inquired whether any agricultural extension services existed in the Territory and whether they were at the disposal of African farmers.

24. Mr. KOZONGUIZI said that the guiding principle of the Union Government's economic policy in South West Africa was to protect and encourage European interests even at the expense of the Africans. Accordingly, every considerable assistance was given to the European farmers through such institutions as the Land and Agricultural Bank and the Farmers Interest Fund; African farmers did not qualify for such help, not because they did not need it but because they were black. There was not a single scheme to assist the Africans to improve their lot in the reserves or elsewhere. The underlying idea was that the African existed to minister to the needs of Europeans; if the position of the Africans in the reserves were to be improved, labour for the European farms and the mines would no longer be available. So long as that policy prevailed there was no prospect of any improvement in the condition of the Africans, nor could they hope for permanent homes. Such organizations as the South West Africa Native Labour Association (SWANLA) were merely part of the scheme to consolidate the European position with the help of African labour. In short, no agricultural extension services existed for the benefit of the African farmer.

25. Mr. QUAISON-SACKEY (Ghana) asked Mr. Kerina if he would elaborate his earlier reply to the effect that, even if the Union Government were prepared to appoint Africans to various grades in the Civil Service, they would never accept such posts.

26. Mr. KERINA said that the inhabitants of the Territory considered that the Union Government had violated the basic principles of an international treaty; accordingly they felt that, if they accepted charity from the Union Government in the shape of the offer of posts in the Civil Service, their position would be weakened and the Union Government would be able to say that the situation had been changed. So long as the Union of South Africa was present in South West Africa, the people were not prepared to participate in the Government. His organization was not prejudiced against the presence of Europeans; what it desired was a truly democratic Government in South West Africa. It had no wish for a democracy which would recognize certain exclusive groups or give priority to tribes; individual merit alone should count.

27. Mr. QUAISON-SACKEY (Ghana) said that, at the end of his statement at the 1051st meeting and in words which his delegation had found both moving and important, Mr. Kerina had stated that the people of South West Africa would be free. In the context of that remark, he asked Mr. Kerina for his views on what the terms of reference of the proposed team of observers should be.

28. Mr. KERINA replied that, in speaking of freedom, he did so in full awareness of what had happened to Africans since Europeans had come to their continent. In the past, Africans had flourished in accordance with their own cultural standards; they had once been free peoples with free institutions. When the people of South West Africa appealed to the United Nations, they did so with great restraint and because they were convinced that an effort would be made to bring about a peaceful solution. They trusted the United Nations to carry out the principles of its own Charter. They had appealed to the United Nations for fourteen years; despite the fact that Europeans had continued to kill them, the people of South West Africa had never been discouraged nor had they resorted to violence since they had first presented a petition in 1947. The violence had all emanated from the Government, supported by the Europeans; the object was to provoke the Africans into resistance and then to say that violence had been initiated by the Africans.

29. He did not mean that the people of South West Africa were preaching violence: what he would emphasize was that the present occasion would in all probability mark their last appeal to the United Nations. It was their wish that a committee of observers or an international advisory council from the United Nations should go to South West Africa while the atmosphere was still conducive to a peaceful transition. Its purpose should be to advise the Administration and the Legislative Assembly and to prepare a new atmosphere in which Africans and Europeans of good will could meet at the same table and discuss their differences in complete equality, regardless of race. He hoped that the General Assembly would begin to realize how serious the situation was and would set up such a body.

30. In all humility, he felt that the petitioners had established their claims to represent their people. As to the terms of reference, the petitioners placed

their trust in the representative of Ghana and in other representatives and were sure that they would never be betrayed.

31. Mr. QUAISON-SACKY (Ghana) said that it was clear to his delegation that the petitioners definitely represented the Territory; thanks to their help and to that of the Reverend Michael Scott, his delegation had obtained the information which it required. It was quite confident that South West Africa could not fail to achieve independence. The present phase was a difficult one, but it would pass.

32. Mr. CARPIO (Philippines) said that he had gathered from what the petitioners had said that the situation in the Territory was a desperate one, demanding an immediate solution; otherwise, there was the gravely disturbing prospect that it would degenerate into a racial war. He asked the petitioners to comment at greater length on the gravity of the situation, and more especially to say how long they thought it would be before such a racial war would begin and which peoples would be involved.

33. The Reverend Michael SCOTT said that it had become very clear that two irreconcilable systems of law were involved; that prevailing in South West Africa, under which the law became an instrument of oppression, and the international system of the United Nations, which was aimed at the promotion of human rights and freedoms. What was unique in South West Africa was that the law was based on discrimination by one section of the population against another. He thought that all the petitioners recognized that the United Nations provided a means for bringing peace and justice to their peoples. As yet, the confidence of those peoples in the United Nations had been maintained; but the question was how long it would be possible to retain the confidence of people who were being driven desperate and who were unable to secure redress.

34. He hoped that no member of the Committee had taken the statements of the petitioners to constitute a threat of violence on the part of the people whom they represented. It was not a question of resort to force or of securing weapons to defend themselves against attack in the light of the growing failure of the judicial system to redress wrongs. The law in South West Africa had become an instrument of misrule, an instrument whereby systems like that of migrant labour were perpetuated in the interests of the possessing race. He had often wondered whether, in the days of the slave trade, slaves had not been better off than migrant labour was in South West Africa at the present time. In the case of the slaves, there had at least been someone to whose interest it had been to keep them alive, whereas the Africans, after six months' work on some farm, had no rights; they returned to the reserves, where they found that they were unable to support themselves and their families on the available land and were thus forced to return to work elsewhere. In some parts of southern Africa, that ebb and flow of labour was maintained through the pass laws: Africans sentenced to prison camps for some offence under the pass laws constituted a reservoir of labour on which farmers could draw.

35. It was unreasonable to expect that persons who saw their fellow men, women and children assaulted by the "master race" would not demand the right to defend themselves. The fact that the termination of

the Mandate was long overdue had been stressed by all the petitioners.

36. He wished to make it clear that his reference at the 1051st meeting to Mr. Kozonguizi's visit to Peking had not been intended to reflect on that petitioner's courage or integrity; all that he had meant had been that Mr. Kozonguizi's mandate had been to appear before the United Nations, although as a private person he was of course fully entitled to visit China.

Mr. Pachachi (Iraq) took the Chair.

37. Mr. KERINA said that the people of South West Africa, who numbered only 500,000, were in a most precarious situation. While the policies pursued by the South African Government involved the systematic shooting of indigenous inhabitants, a threat to the people was also implied in the joint manoeuvres held by South African, United Kingdom and Portuguese naval units off the shores of Angola and scheduled to continue in South African territorial waters. The threats uttered by the South African Government against the people of South West Africa constituted an act of aggression committed in the international Territory of South West Africa by a Government which had violated all its responsibilities concerning that Territory.

38. If the United Nations did not act, the petitioners would have no hope of being able to return to South West Africa. They would have to apply to their fellow Africans to give them assistance. They had dedicated their lives to the struggle for the overthrow of the South African Administration but they entertained no grudge against the Europeans who would be prepared to co-operate with the African people and obey the will of the majority.

39. Mr. KOZONGUIZI said that the petitioners looked at the situation in South West Africa not only from the point of view of their people but also from that of the European settlers of the Territory. In an article published in the October 1960 issue of the *Forum*—a publication which did not support the freedom movement in Africa—it had been stated that if the controversy concerning South West Africa was to have the slightest practical effect, it should turn not on the legal niceties of the problem but on the wretched conditions of the people. Wages in South West Africa were lower than in the Union of South Africa and the Africans had no share in the increased wealth produced by agriculture, mining and industry. The article had gone on to say that the total absence of liberal-minded Europeans protected the Administration from informed and pointed criticism. Meanwhile, the Europeans in South West Africa were exposed to nothing but propaganda.

40. The danger did not lie in the Africans resorting to violence but in the attitude of the Europeans. Individuals in responsible positions in South West Africa and in the Union had said publicly that, having shed blood to win South West Africa, the Union of South Africa would not give up the Territory without a struggle. The impact of such statements by people in responsible positions on ordinary Europeans could well be imagined. The Europeans were made to feel that they were at war with the Blacks and should be prepared to shed blood to defend their rights, whereas it should be pointed out that the only thing that the Europeans were being asked to grant the indigenous inhabitants was the rights and responsibilities they

themselves enjoyed. When, therefore, the petitioners talked of threats of violence, they did not refer to their own people but to violence emanating from the Europeans and deliberately whipped up by the European leaders. The campaign by the leaders of South Africa would be stepped up in the interval before the International Court of Justice handed down its decision. In the circumstances, immediate intervention by the United Nations in the South West African situation was called for.

41. Mr. NUJOMA said that the situation in South West Africa, and particularly in the Windhoek location, was very critical. Indigenous inhabitants who had lived in the old Windhoek location were objecting to their removal to the new location of Katutura, which had been built without the people's consent. Moreover, house rents in the new location were £1.18.9-£2 per month as against 3/6d per month at Windhoek. Yet even the old rents had sometimes been too high for the indigenous inhabitants, many of whom had been arrested for failure to pay them. Another reason for which the move to Katutura was being resisted was that in the new location the Hereros, Ovambos and others would have to live in tribal groups and would not be allowed to move freely from one section of the location to another. The Government was determined to move the people by force and he therefore appealed to the United Nations to send a special commission to South West Africa to save the people from victimization.

42. The Reverend Markus KOOPER recalled that after the disturbances at Windhoek it had been reported to the Press that all the firearms in the shops had been sold to European settlers and that further supplies had been requested. Not only were all Europeans even the women and the children, armed, but farm workers had reported that Europeans had fortified rooms on their farms. He was convinced that the European section of the population was organized, armed and ready for action. It was clear that the Europeans were ready to use force early in 1961, when the Administration would introduce the Bantu Education System and the identification pass books which were already in force in the Union of South Africa. The introduction of the Central Tribal Fund would also be backed by force. The situation in South West Africa was, perhaps, more serious than the petitioners could explain.

43. Mr. CARPIO (Philippines) recalled that there were four territorial or national organizations working for the common cause of liberating the people of South West Africa from injustice and the application of "apartheid": namely, SWAPO, the South West African National Union (SWANU), the South West African Coloured Organization (SWACO) and the African National Congress. He asked the petitioners whether those national organizations derived their strength solely from the support of the people in South West Africa or whether any of them were supported by people outside the Territory.

44. Mr. TAMBO replied that the African National Congress was not a South West African organization although it had always concerned itself with the events and the policies of the South African Government in South West Africa and had consequently sent a number of memoranda to the Secretary-General, the latest of which, sent in January 1960, related to the events

at Windhoek. There was a common border between South West Africa and the Union of South Africa; the same African people lived on either side of it and suffered under the same Government which was enforcing the same policies. A description of the tension existing in South West Africa could easily be applied to the conditions in the Union of South Africa and he was quite certain that if disturbances broke out in South West Africa because the people became desperate, there would be immediate repercussions in the Union, where two powerful organizations, the African National Congress and the Pan-Africanist Congress—both of them outlawed—were in existence. The organizations of South West Africa derived their strength from the people and, more particularly, from the common reaction to ill-treatment and persecution.

45. The Bantu Education Act, the pass laws, the Bantu authorities laws and the numerous other Acts which the Government of the Union of South Africa considered necessary for the application of "apartheid" would certainly be applied in South West Africa. The time the Union Government needed to enable it to introduce those measures was being given to it by the delays on the part of the United Nations. Once the South African Government had brought those various laws into force in South West Africa, it would become increasingly difficult for the United Nations to intervene. It could be predicted with accuracy that trouble would break out in South West Africa when the Bantu Education Act was introduced in 1961. The incident at Sharpsville demonstrated the determination of the South African Government to enforce the pass laws. No amount of peaceful opposition had ever succeeded in restraining the Government from enforcing its policies.

46. There was a pressing need for the physical presence of the United Nations in South West Africa. It should be remembered that violence might break out when the people could endure no longer; it was impossible to predict the time and place, because it would be a spontaneous outbreak, without advance plans or schedules. The eleven million or more indigenous inhabitants in the Union of South Africa could quite easily be driven to loss of self-control by the reckless disregard of human rights and life which had been demonstrated in South Africa and which would also be applied in South West Africa.

47. Mr. KOZONGUIZI said that there was practically no difference between SWAPO and SWANU. Both stood and fought for the liberation of the people of South West Africa. Importance should be attached not to the names of organizations but to the tasks facing the people of South West Africa and the future of the Territory as a whole. Moreover, the struggle for the liberation of the people of South West Africa could not be considered in isolation from the struggle in the rest of Africa and from the struggle against colonialism in general.

48. Mr. NUJOMA added that when SWAPO and SWANU had been set up Mr. Kozonguizi had been abroad. Those two political organizations were co-operating against the injustices of the South African Government, such as "apartheid" and racial discrimination. There were no differences between them, although they were two separate organizations.

The meeting rose at 1.5 p.m.