

United Nations
**GENERAL
ASSEMBLY**

SIXTEENTH SESSION

Official Records

**FOURTH COMMITTEE, 1221st
MEETING**

Wednesday, 22 November 1961,
at 3.15 p.m.



NEW YORK

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Chairman: Miss Angie BROOKS (Liberia).

AGENDA ITEM 47

Question of South West Africa (continued):

(a) Report of the Committee on South West Africa (A/4926, A/4957, A/AC.73/4, A/AC.73/L.15);

(b) Assistance of the specialized agencies and of the United Nations Children's Fund in the economic, social and educational development of South West Africa: reports of the agencies and the Fund (A/4956 and Add.1)

HEARING OF PETITIONERS (continued)

At the invitation of the Chairman, Mr. Uatja Kaukuetu, Mr. Charles Kauraisa, Mr. Jariretundu Kozonguizi and Mr. Zedekia Ngavirue, representative of the South West Africa National Union (SWANU), Mr. Ismail Fortune, Mr. Mburumba Kerina, Mr. Jacob Kuhangua and Mr. Sam Nujoma, representatives of the South West Africa Peoples Organization (SWAPO), the Reverend Markus Kooper and the Reverend Michael Scott took places at the Committee table.

1. Mr. IBE (Nigeria) thanked the petitioners for the information they had provided on the evil system prevailing in the Territory and assured them of the support of his Government in their endeavour to restore the rule of law.

2. With reference to the Reverend Michael Scott's statement at the 1220th meeting, he pointed out that the Nigerian Government had had no business dealings with South Africa for two years.

3. He asked the petitioners what was the relationship between the Administration of South West Africa and the South African Government and whether the indigenous inhabitants were associated in any way with the Administration.

4. Mr. NUJOMA (South West Africa Peoples Organization) said that the indigenous inhabitants were not represented in the Government; they were being represented by self-appointed white settlers, who did

their best to retard the progress of Africans. An African was entitled to hold only humble posts, such as that of messenger, in the public service. An African policeman could not arrest a European whom he found stealing; all that he could do was to go to the police station and ask for a white policeman. An African could only work in South West Africa if he held an identification pass; failure to hold such a pass resulted in arrest, fine or imprisonment.

5. Mr. KERINA (South West Africa Peoples Organization) observed that Mr. Van der Wath, the Deputy Minister for South West African Affairs, had been reported in the *Windhoek Advertiser* as having said in September 1961 that the "Bantu group" had its reserves where it could develop and that the "white" areas developed by "white" money and assets must remain "white" areas in respect of both land ownership and political rights. In other words, the indigenous inhabitants were foreigners in their own country.

6. Mr. IBE (Nigeria) inquired what was the legal and constitutional status of the chiefs and what role they played in the local government.

7. Mr. KUHANGUA (South West Africa Peoples Organization) recalled that, in the letter they had addressed to the *Cape Times* on 14 October 1961, the northern chiefs had said that they had not been able to state their views as they were employees of the Government.

8. The South African Government had given a certain status to self-appointed chiefs who had previously acted on behalf of that Government against the wishes of their people. In the early days, until the chiefs in Ovamboland had taken a stand against the South African Government, they had been armed by that Government against their own people.

9. Mr. DIALLO (Mali) thanked the petitioners for the information which they had provided on a tragic problem, for which his delegation hoped that the United Nations would find a definitive solution in 1961.

10. He asked Mr. Kerina whether he thought that, when the Territory had become a free and sovereign State, that might constitute a threat to the United States and United Kingdom interests in South West Africa and whether the majority of the white settlers would be likely to remain.

11. Both the Reverend Michael Scott and Mr. Kozonguizi had referred in their statements to United Nations help in connexion with the withdrawal of South African forces from the Territory. He would like to know whether the two petitioners thought that such a measure could be taken within the framework of the Mandate or whether, on the contrary, they considered that such assistance by the United Nations should be given once the Territory had become independent in accordance with the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)).

12. The Reverend Michael Scott had referred to the moral responsibility of the United Kingdom in the question, while the Fourth Committee's attention had been drawn to the fact that officials of a dependent territory of the United Kingdom had placed obstacles in the path of the Committee on South West Africa. He asked the Reverend Markus Kooper whether he could give any further instances, in addition to the one he had cited at the 1219th meeting, of complicity by United Kingdom Government officials in the perpetuation of South African domination in South West Africa.

13. Lastly, he asked Mr. Kozonguizi whether he considered that the existing situation in his country called for a meeting of the Security Council and what was the attitude of public opinion in South West Africa towards the fact that the United Nations had as yet been unable to liberate South West Africa in the same way as the other former Germany colonies.

14. Mr. KERINA (South West Africa Peoples Organization) replied that relations with foreign companies would be determined basically by the economic policy of the duly elected Government. While not wishing to threaten anyone's interests, he wished to make it clear that the economic conditions that had previously existed would have to be radically changed in order to comply with the circumstances that would prevail under an African Government and the regulations which that Government would make. His organization took the view that the railways, the mines and the electricity and fishing industries must be transferred to the duly elected Government. In the private sector, African industry would receive priority but foreign capital would be allowed to invest in industries controlled by South West Africa.

15. Europeans with economic interests in the Territory would be allowed to remain, provided that they became citizens of South West Africa and agreed to abide by the laws passed by the Government of the African people. It was obvious that those who could not bear to see Africans in charge would leave the Territory of their own free will. He was unable to give any assurances: the future Government would not recognize exclusive rights claimed by any one, whether African or not. Each individual would be judged in accordance with his merits.

16. The Reverend Michael SCOTT said that no one could suppose that South West Africa would remain a Mandated Territory for all time; it seemed to be expected in General Assembly resolutions and in the advisory opinions of the International Court of Justice that there would be a growth in the obligations of the international community towards the Territory. On the other hand, the provisions of the Charter relating to Trust Territories would also change as more countries became self-governing and independent. In the future, the United Nations would be confronted with the problem of how the independence of small States could be safeguarded without their having to spend all their resources on the defence of their frontiers.

17. A statement he had made before the Committee on South West Africa in Accra had not been accurately recorded in paragraph 144 of that Committee's report (A/4926). He had meant to say that the African people would have to achieve full self-government and voting rights before they could say how far they wished to be associated with other African States which were independent or were to become independent in the near future. The boundaries of South West Africa would not necessarily remain in their existing position; they

had been drawn regardless of ecological considerations. The point he had wished to make had been that he did not feel that South West Africa must be regarded as having mortgaged its future if it wished at some-time to become part of the United States of Africa.

18. The question at present was how the people of the Territory were to be liberated. As he understood it, that would require action by the Security Council, where, of course, there was a veto. The petitioners would be glad to know whether there was a possibility of effective action without recourse to the Security Council.

19. Mr. KOZONGUZI (South West Africa National Union) said that assistance from the United Nations would be necessary both at the present time and when South West Africa had become independent. So far as the present was concerned, the United Nations should take action to liberate the people or to help them to liberate themselves; in other words, it should provide the means for achieving independence. After independence, technical assistance would be necessary and could be provided through the United Nations.

20. Unless those with economic interests were prepared to act, it was difficult to believe that the resolutions of the General Assembly would be effective. The South African Government, whether in the Territory or in South Africa itself, was backed by economic power which in turn was derived from the wealth of the country. It was no use passing resolutions against the South African Government and at the same time supporting it materially.

21. The Reverend Markus KOOPER said that he had always understood from his elders that there had been some agreement with the United Kingdom Government for the protection of the people of the Territory. When South Africa had received the Mandate on behalf of his Britannic Majesty, it had never told the people that it ruled the country as a Mandated Territory; in fact, that had only been learned by the people in 1946, as the incidental result of a statement made by the South African Government. The people had then realized that they had a right to express their wishes and to have a say with regard to their status.

22. The people had expected to receive at least moral support from the United Kingdom, which they regarded as responsible for the administration of the Territory by South Africa; instead, the United Kingdom had given the impression of siding with their opponents. When the United Kingdom abstained in the votes on General Assembly resolutions, the fact was always given wide publicity in the South African Press and was quoted as yet another instance of United Kingdom support for the South African Government. Similarly, the contention by the United Kingdom that nothing could be done because the matter was before the International Court of Justice was also regarded as constituting moral support for South Africa.

23. Mr. DIALLO (Mali) said that the reason why he had put his question about the Security Council was that the situation in the Territory was latently explosive and could constitute a danger to world peace. If important decisions affecting the Territory were reached at the current session, it would be wise to take the minimum precaution of calling a meeting of the Security Council so that there would be no need to return to the United Nations in connexion with carrying out those decisions. His delegation was not imbued with any optimism about South Africa; if that

country proved obdurate, the Security Council should take steps to enable the United Nations to carry out its responsibilities.

24. He assured the petitioners of the complete solidarity of his Government, which would be by their side whatever happened.

25. Mr. KERINA (South West Africa Peoples Organization) replied that the petitioners thought that the time had come for the United Nations to sweep aside the legalistic arguments advanced by certain great Powers with interests in the Territory and to take positive and drastic action against the South African Government. The people of South West Africa were threatened with the loss of their homeland and the time factor was therefore of paramount importance. On behalf of his fellow-petitioners and of the people of his country, he appealed to the Committee not to waste any time, since it already was in possession of the facts of the case, but to challenge South Africa and its hidden supporters in the Security Council. If the Security Council failed to take action because of the use of the veto or of manoeuvres over abstentions, the question could be taken up again in the General Assembly, where under the provisions of the Charter a positive stand could be adopted. He appealed to the Committee to refer the question to the Security Council there and then.

26. Mr. NUJOMA (South West Africa Peoples Organization), referring to the reply given by the Reverend Markus Kooper to the Malian representative, pointed out that the United Kingdom gave constant support to the South African Government because it had large interests in South West Africa, whence it exported raw materials.

27. Mr. CARPIO (Philippines) recalled that at the 1218th meeting Mr. Louw, the South African Minister for Foreign Affairs, had described certain findings in the report of the Committee on South West Africa (A/4926) as blatantly false and preposterous distortions of the facts. For instance he had denied the statement in paragraph 112 that the indigenous population could not avoid gradual extinction as a result of the combined effects of poverty, hunger, disease and adverse climatic conditions. He would like Mr. Ngavirue, who had testified before the Committee on South West Africa at Dar es Salaam, and the Reverend Markus Kooper to describe the real situation for the benefit of the Committee.

Mr. Lulo (Albania), Vice-Chairman, took the Chair.

28. Mr. NGAVIRUE (South West Africa National Union) said that it was clear from what he had told the Committee at the 1219th meeting and from his statement to the Committee on South West Africa that the South African Government aimed at exterminating the African population of the Territory.

29. While the bulk of the indigenous population was concentrated in a small area in the northern part of their homeland, a large area, called the Police Zone, had been divided into 5,000 farms and given to the Europeans. It was easy to understand the suffering of the indigenous inhabitants crowded into the Native reserves.

30. In his statement at the 1218th meeting the South African Minister for Foreign Affairs, had told the Committee that the life expectancy of indigenous inhabitants was fifty-four years; the Minister had claimed that the figure in question appeared in the

United Nations Demographic Yearbook. That was far from being the case. According to that publication it was the Coloured people—who enjoyed a special status in relation to the Africans—who had a life expectancy of 48.84 years at the age of five. Their life expectancy at birth was 41.70 years. The life expectancy at birth of the African population was even lower than that. The South African Minister for Foreign Affairs had also referred to the age of Chief Hosea Kutako. That was clearly irrelevant since the life expectancy of a people could not be assessed on the basis of one individual's age.

31. The assertion made by the South African Minister for Foreign Affairs that since 1911 the Herero population had increased by over 300 per cent was also false. In 1911, according to the Minister's own figures, the Hereros had numbered 15,000; in 1956, according to the census returns, they had numbered 38,167. In other words, their numbers had risen by just over 23,000 in forty-five years, which was much less than the percentage quoted by the Minister.

32. The South African Minister for Foreign Affairs had also denied the figures quoted in paragraph 103 of the report of the Committee on South West Africa (A/4926) concerning the fees paid to the Labour Association. In point of fact, those figures had been supplied by the Ovamboland Peoples Organization, which had since become SWAPO, in a memorandum submitted to the United Nations in 1959 (A/AC.73/3, section 10), on the basis of information collected from about 1,000 workers.

33. The Reverend Markus KOOPER said that everyone familiar with the facts of the situation in South West Africa would agree that the indigenous inhabitants were being exterminated by the South African Government. The Africans, crowded into the reserves, had not enough land to enable them to earn a living in farming. They were therefore condemned either to starve in the reserves or to work for wages which were insufficient to enable a labourer to maintain his family.

34. Mr. NUJOMA (South West Africa Peoples Organization) said that the attitude of the South African authorities could be illustrated by the example of the indigenous inhabitants who had been moved from the Augai-Khas Reserve, twelve miles from Windhoek, to the desert in the Sori-Soris Reserve, which was without water or grazing for their livestock. They were therefore compelled to seek employment owned by the Europeans: that was precisely the Government's aim.

35. Mr. CARPIO (Philippines) recalled that the South African Minister for Foreign Affairs had also denied the statement in paragraph 79 of the report of the Committee on South West Africa (A/4726) that there was a denial of the rule of law to the indigenous population. At Dar es Salaam the Committee on South West Africa had been told by Mr. Basner that South West Africa had never been under the rule of law throughout the years of South African administration; that statement had been supported by virtually all the witnesses whom the Committee had heard. He asked Mr. Kerina to comment on that point.

36. Mr. KERINA (South West Africa Peoples Organization) pointed out that the indigenous inhabitants in South West Africa had no say in the law-making activities of the Legislative Assembly of South West Africa, which was composed exclusively of Whites.

The rules, regulations and proclamations by which the lives of the Africans were governed were issued without reference to the people. For instance, when it had been decided to establish a commission to look into the 1959 incident at Windhoek, the matter had been handled not by the Legislative Assembly of South West Africa but by the authorities at Pretoria, who had thought it expedient to appoint a one-man commission.

37. The South African authorities disgraced the rule of law. Yet they asserted that they knew the feelings and mentality of the Africans.

38. When the Europeans had come to South West Africa in search of new homes, the indigenous inhabitants had received them openly and had given them fertile land. The new-comers had retaliated by ill-treating the Africans. The Bushmen, for instance, had been confined to the harsh Kalahari desert, where they lived without shelter and without any contact with the other people of South West Africa. Before the coming of the Europeans the Africans had had no buildings but they had had tribal assemblies; they had had no books but they had had a legacy of oral traditions which the colonialists could not destroy. Those traditions would be the moral source and great inspiration for whatever institutions the Africans would establish in the future for governing their country. The Africans would not accept South West Africa's present laws. Should the United Nations so desire, they would be prepared to draft new legislation on the basis of their traditions.

39. As the questioning proceeded, they as individuals asked themselves more and more—perhaps wrongly—whether the United Nations wished to help the people of South West Africa. No people represented in the United Nations had had to endure man's inhumanity to man to the extent to which the people of South West Africa had done. The latter could hardly be blamed for refusing to continue to suffer for many more years. It was high time that the academic discussion in the United Nations took a new turn that would enhance the South West African people's confidence in the United Nations. Future events in South West Africa should be viewed in the light of what was happening there now, for otherwise it would be impossible to understand the motives that would lead the people to challenge the diabolical system in the Territory in order to create the conditions their children deserved.

40. Mr. KOZONGUIZI (South West Africa National Union) said that although the rule of law was one of the foundations of democracy, it could not itself preserve democracy. The very fact that the indigenous inhabitants of South West Africa were denied the right to participate in the administration of their country, or even to vote, meant that they did not participate in the enforcement of the rule of law. In the Territory there were two sets of laws, one which applied to both white and black people and another that applied to the African population only. Provisions which applied to both Whites and Blacks might be specifically set aside by the so-called Native Laws. Many of the laws which applied to the Africans were mere regulations or proclamations of the Executive. In the case of the Africans the legislature had delegated its powers to the Executive in the person of the Minister for Bantu Administration and Development, who in turn, by proclamation, delegated his powers to the Administrator of South West Africa and the so-called Chief Bantu Affairs Commissioner. If the rule of law really

applied to all the people, both Africans and Europeans, there would obviously be no need for a special set of laws relating only to Africans.

41. The representative of Mali had asked what was the attitude of public opinion in South West Africa towards the fact that the United Nations had not been able to liberate South West Africa in the same way as other ex-German colonies. He would reply that up to the present the Africans had felt every confidence and hope that the United Nations would act. The question was, however, what they would think if at the present session the United Nations failed to take effective action against South Africa. In that event he was afraid they would come to the conclusion that the South African Government had been right in claiming that the United Nations was ineffective and would look elsewhere for help. It was therefore imperative that something should be done during the present session of the General Assembly.

Miss Brooks (Liberia) resumed the Chair.

42. The Reverend Michael SCOTT observed that the absence of the rule of law in South West Africa was in a sense one of the relics of the Mandate. Power had been vested in the Administrator to enact legislation because it had been recognized that the African population had no representation in the institutions of government and that in those circumstances the Administrator was responsible to the League of Nations.

43. Mr. CARPIO (Philippines) drew attention to paragraph 79 of the report of the Committee on South West Africa (A/4926) and asked Mr. Kerina, Mr. Kozonguizi and Mr. Scott to state briefly whether there was or was not a rule of law in South West Africa where indigenous inhabitants were concerned.

44. Mr. KERINA (South West Africa Peoples Organization), Mr. KOZONGUIZI (South West Africa National Union) and the Reverend Michael SCOTT replied in the negative.

45. Mr. YOMEKPE (Ghana) paid a tribute to Mr. Scott, who, like other liberal-minded men, such as for example Mr. Dingle Foot and Mr. Fenner Brockway, in the face of opposition in their country, stood out against the forces of colonialism and thus ensured that the United Kingdom should be regarded as a freedom-loving country.

46. He drew attention to paragraph 148 of the report of the Committee on South West Africa (A/4926), which stated that Mr. Scott had suggested that some of the provinces of South West Africa could immediately become self-governing communities. He would like some further elucidation of that suggestion.

47. The Reverend Michael SCOTT explained that he had had in mind areas such as Okavango, which was very sparsely populated and might be appropriate for treatment in accordance with the principles of regional planning and regional development. The situation was complicated by the fact that boundary lines drawn up regardless of natural frontiers cut across rivers and divided peoples. If an area could be selected as a demonstration area, which might include part of Bechuanaland, it would be possible to demonstrate another way of life. He had not intended to suggest that the peoples' rights should be limited to any form of local self-government.

48. Mr. YOMEKPE (Ghana) said that Mr. Kerina had challenged the members of the Committee to take the

question of South West Africa to the Security Council immediately. He agreed that early action was necessary but he would assure Mr. Kerina that there was no need to go to the Security Council; the delegation of Ghana and others would give an opportunity to all delegations in the Fourth Committee to show whether or not they really wanted the question of South West Africa to be settled.

49. Mr. SALL (Senegal) said that the policy of apartheid was doomed to failure and that South African threats of force would only hasten its decline. The Government of Senegal had always opposed racist policies and would continue to do so.

50. He hoped that the petitioners would never again appear before the Fourth Committee as petitioners but would take their rightful place as representatives of their country.

51. Mr. ACHKAR (Guinea) pledged his country's total support to the people of South West Africa, whose case was the same as that of the people of Guinea and of all men who had known and still knew the human degradation that a certain civilization had imposed in Africa, in America and elsewhere.

52. The Committee now had sufficient information at its disposal to enable it to take the necessary decisions and to ensure that those decisions achieved their aim.

53. The United Kingdom and other colonialist Powers, while wearing the mask of anti-colonialism, were plotting to maintain South West Africa under white domination on account of the vast sums invested in the Territory. The time had come to stop debating the matter and to take resolute action.

54. He would like the petitioners to give details about the deportation of political leaders to Angola and the role of the Salazar Government in the matter.

55. Mr. KERINA (South West Africa Peoples Organization) said that when South West Africa had been a German colony the frontier had not been where it was now, but further north. In 1917 Portugal and South Africa had concluded an agreement establishing a new frontier, as a result of which a number of inhabitants of South West Africa had come under Portuguese jurisdiction.

56. Recently a civilian organization had been formed by the white settlers in South West Africa, devoted to the recruiting of Europeans to fight against the Africans in Angola and to prevent the revolution from spreading to South West Africa. On the other hand, owing to international pressure inside and outside the United Nations and to the strength of the political movements in the Territory, the South African Government, instead of shooting South West African nationalists, was taking them to the frontier and handing them over to the Portuguese authorities. Troops had been dispatched to the north of the Territory to guard the frontier on the pretext that arms were being smuggled across.

57. When the revolution had broken out in South West Africa, South African, Portuguese and British naval vessels had been cruising off the coast of South West Africa and Angola on the pretext of routine manoeuvres. The people of South West Africa, however, were convinced that, inasmuch as the South African Government was interested in protecting its own interests in South

West Africa, it could not close its eyes to what was going on in Angola. At the same time, the people of South West Africa could not calmly stand by and watch the slaughter of their brothers in the Portuguese territory.

58. Mr. ACHKAR (Guinea) asked whether one of the petitioners could state where ships and aircraft carrying produce from South West Africa to the United Kingdom, the United States, Japan and other countries called after leaving South Africa.

59. Mr. KOZONGUIZI (South West Africa National Union) replied that aircraft leaving South West Africa and South Africa went from Windhoek or Johannesburg via Salisbury, Nairobi, Khartoum, Benghazi and Rome to London. Another route was from Johannesburg via Salisbury, Brazzaville and Paris to London. Others went from Johannesburg via Leopoldville, Accra, Monrovia, Dakar and Lisbon to New York. Aircraft sometimes went from Nairobi to Athens, Rome and Frankfurt or Amsterdam on their way to London.

60. The trade unions in Kenya had decided that once Kenya had achieved independence they would prevent South African aircraft from using the airport at Nairobi.

61. He had no details of ports of call used by ships sailing from South Africa to London or Southampton. He could obtain the information if desired.

62. Mr. NUJOMA (South West Africa Peoples Organization) stated that South African troops were passing through Angola, with the consent of the Portuguese authorities, on their way to fight in Katanga.

63. The people of South West Africa would continue their struggle for freedom and independence and would bring the white settlers to trial before the law. They would not seek to avenge the treatment meted out to them.

64. Mr. KUHANGUA (South West Africa Peoples Organization) wished to amplify what Mr. Kerina had said regarding the relationship between the Portuguese authorities in Angola and the Administration of South West Africa and the deportation of political leaders from South West Africa to Angola. The tribes in the north of the Territory had fought the Portuguese at the beginning of the twentieth century, when the Hereros and the Namas had been fighting the Germans. In 1917 the northern tribes had been defeated by the Portuguese with the assistance of troops from South Africa and had been divided by agreement between the Portuguese and South African Governments. Now the South African Government was handing over people from the north of the Territory to the Portuguese authorities on the pretext that they had originally come from Angola and had no right to be in South West Africa.

65. Mr. ACHKAR (Guinea) assured the petitioners of his country's full support. Guinea was not prepared to tolerate the continuation of the injustice which had always been inflicted on the peoples of Africa. The time had come for the African people to achieve freedom both inside and outside the United Nations.

The meeting rose at 6 p.m.