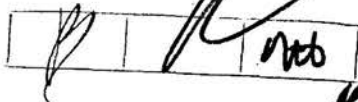


DOCUMENTS  
INDEX UNIT

MASTER

28 MAR 1950



**UNITED NATIONS**



**OFFICIAL RECORDS OF THE FOURTH SESSION  
OF THE GENERAL ASSEMBLY**

# **FOURTH COMMITTEE**

**TRUSTEESHIP**

**ANNEX**

**TO THE SUMMARY RECORDS OF MEETINGS**

**1949**

**LAKE SUCCESS, NEW YORK**

UNITED NATIONS



OFFICIAL RECORDS OF THE FOURTH SESSION  
OF THE GENERAL ASSEMBLY

FOURTH COMMITTEE  
TRUSTEESHIP

ANNEX  
TO THE SUMMARY RECORDS OF MEETINGS

1949

LAKE SUCCESS, NEW YORK

## NOTE

All United Nations documents are designated by symbols, i.e., capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

## TABLE OF CONTENTS

Check list of documents of the Fourth Committee.....	iv
--	----

### Agenda item 12

#### Report of the Trusteeship Council

Document No.	Title	Page
A/C.4/L.3	Czechoslovakia: draft resolution .....	1
A/C.4/L.4	Cuba: draft resolution concerning political advancement in Trust Territories ..	1
A/C.4/L.5	Cuba: draft resolution concerning social advancement in Trust Territories ..	1
A/C.4/L.6	China: draft resolution .....	2
A/C.4/L.8	Canada and India: draft resolution .....	2
A/C.4/L.9	Egypt: draft resolution .....	2
A/C.4/L.11	China, Costa Rica, Egypt, Liberia, Mexico and Philippines: draft resolution concerning the use of the flag of the United Nations in Trust Territories ..	3
A/C.4/L.11/ Rev.1	China, Costa Rica, Egypt, Liberia, Mexico and Philippines: revised text of resolution concerning the use of the flag of the United Nations in Trust Territories .....	3
A/C.4/L.12	Canada, Egypt and India: draft resolution .....	3
A/C.4/L.15	Report of Sub-Committee 5 to the Fourth Committee .....	3

### Agenda item 33

#### Administrative unions affecting Trust Territories: Report of the Trusteeship Council (A/933, A/957)

Document No.	Title	Page
A/957	Note by the Secretary-General .....	5
A/C.4/L.29	Report of Sub-Committee 6 to the Fourth Committee .....	5

### Agenda item 34

#### Question of South West Africa: report of the Trusteeship Council

Document No.	Title	Page
A/929	Letter from Mr. J. R. Jordaan, deputy permanent representative of the Union of South Africa to the United Nations, addressed to the Secretary-General ..	7
A/962	Note by the Secretary-General .....	12
A/C.4/L.56	Guatemala: draft proposal .....	13
A/C.4/L.57 and A/C.4/L.57/ Corr.1	Communications received by the Secretary-General .....	13
A/C.4/L.62	Report of Sub-Committee 7 to the Fourth Committee .....	13
A/C.4/L.66	Documents submitted by the Reverend Michael Scott .....	14

### Agenda item 35

Information from Non-Self-Governing Territories: (a) Summary and analysis of information transmitted under Article 73 e of the Charter: report of the Secretary-General; (b) Information transmitted under Article 73 e of the Charter: report of the Special Committee.

Document No.	Title	Page
A/C.4/L.46	Czechoslovakia: amendment to draft resolution submitted by India (A/C.4/L.39) .....	37
A/C.4/L.47	Financial implications of the draft resolution submitted by Cuba, Ecuador and Guatemala (A/C.4/L.40): note by the Secretary-General .....	37
A/C.4/L.49	India: revision of paragraph 2 of draft resolution submitted by India (A/C.4/L.39) .....	37



## CHECK LIST OF DOCUMENTS OF THE FOURTH COMMITTEE

(Documents in series A/C.4/173 to A/C.4/175 and series A/C.4/L.1 to A/C.4/L.66, classified in numerical order with relevant General Assembly items, titles and information concerning their publication in the present volume or other volumes of *Official Records of the fourth session of the General Assembly*.<sup>1</sup>

Document No.	Item No. <sup>2</sup>	Title <sup>3</sup>	Page in this volume <sup>4</sup>	Reference to other source <sup>5</sup>
A/C.4/173		Letter of the President of the General Assembly to Mr. H. Lannung, Chairman of the Fourth Committee.		See Agenda, Fourth Committee.
A/C.4/174 and Rev.1, Rev.2 and Rev.3		Membership of the Fourth Committee.		See List of Members, Fourth Committee.
A/C.4/175	35	Note by the Secretary-General.		Mimeographed document only.
A/C.4/L.1		List of documents (issued as of 22 September 1949).		Mimeographed document only.
A/C.4/L.2	35	Cuba: amendments to the draft resolution (A/923).		Reproduced in A/1159.
A/C.4/L.3	12	Czechoslovakia: draft resolution .....	1	
A/C.4/L.4	12	Cuba: draft resolution concerning political advancement in Trust Territories .....	1	
A/C.4/L.5	12	Cuba: draft resolution concerning social advancement in Trust Territories .....	1	
A/C.4/L.6	12	China: draft resolution .....	2	
A/C.4/L.7	12	Brazil: draft resolution.		Reproduced in A/1028.
A/C.4/L.7/Rev.1	12	Brazil: draft resolution.		Reproduced in A/1028.
A/C.4/L.8	12	Canada and India: draft resolution .....	2	
A/C.4/L.9	12	Egypt: draft resolution .....	2	
A/C.4/L.10	12	Cuba: draft resolution.		Reproduced in A/1028.
A/C.4/L.10/Rev.1	12	Cuba: draft resolution.		Reproduced in A/1028.
A/C.4/L.11	12	China, Costa Rica, Egypt, Liberia, Mexico and Philippines: draft resolution concerning the use of the flag of the United Nations in Trust Territories .....	3	
A/C.4/L.11/Rev.1	12	China, Costa Rica, Egypt, Liberia, Mexico and Philippines: revised text of resolution concerning the use of the flag of the United Nations in Trust Territories ....	3	
A/C.4/L.12	12	Canada, Egypt and India: draft resolution .....	3	
A/C.4/L.13	12	Cuba and China: draft resolution.		Reproduced in A/1028.
A/C.4/L.13/Rev.1	12	Cuba and China: draft resolution.		Reproduced in A/1028.
A/C.4/L.13/Rev.2	12	Cuba and China: draft resolution.		Reproduced in A/1028.
A/C.4/L.14	12	United Kingdom of Great Britain and Northern Ireland: amendment to the draft resolution submitted by the delegations of China, Costa Rica, Egypt, Liberia, Mexico and the Philippines (A/C.4/L.11).		Incorporated in 96th meeting.

<sup>1</sup> The check list of the A/. . . documents of the session — series A/901 to A/1250 — follows the table of contents in the volume *Annex to the Plenary Meetings*.

<sup>2</sup> The numbers appearing in this column are those designated for the agenda of the General Assembly for the fourth session. For the order of items on the agenda of the Fourth Committee, see the Committee agenda reproduced in the volume *Fourth Committee* (summary records of the meetings of the Fourth Committee).

<sup>3</sup> The titles indicated hereunder are the specific titles of the documents. The text of the relevant agenda item is set forth in the table of contents of the present volume.

<sup>4</sup> In this column appear the page numbers of all listed documents which are reproduced in the present volume.

<sup>5</sup> Information concerning the documents which are not included in the present volume will be found in this column. The incorporation of amendments in the text of the summary records of the meetings of the Fourth Committee is indicated by a reference to the number of the meeting. Unless otherwise indicated, the documents in the series from A/901 to A/1250 which are mentioned in this column will be found in the *Annex to the Plenary Meetings*.

<i>Document No.</i>	<i>Item No.</i>	<i>Title</i>	<i>Page in this volume<sup>a</sup></i>	<i>Reference to other source</i>
A/C.4/L.15	12	Report of Sub-Committee 5 to the Fourth Committee ....	3	
A/C.4/L.16	12	Australia: amendment to the draft resolution proposed by Cuba and China (A/C.4/L.13).		Reproduced in A/1028.
A/C.4/L.17	12	Philippines: amendment to the draft resolution proposed by the delegations of Cuba and China (A/C.4/L.13).		Reproduced in A/1028.
A/C.4/L.18	12	United Kingdom of Great Britain and Northern Ireland: amendment to draft resolution No. 1 submitted by Sub-Committee 5 (A/C.4/L.15).		Incorporated in 99th meeting.
A/C.4/L.19	12	Mexico: amendment to the draft resolution submitted by Brazil (A/C.4/L.7/Rev.1).		Incorporated in 101st meeting.
A/C.4/L.20	12	Philippines: amendment to draft resolution proposed by Brazil (A/C.4/L.7/Rev.1).		Incorporated in 101st meeting.
A/C.4/L.21	12	Union of Soviet Socialist Republics: amendment to the revised text of the draft resolution proposed by Brazil (A/C.4/L.7/Rev.1).		Incorporated in 101st meeting.
A/C.4/L.22	12	Yugoslavia: amendment to the revised text of the draft resolution submitted by Brazil (A/C.4/L.7/Rev.1).		Incorporated in 102nd meeting.
A/C.4/L.23	12	Philippines: amendment to the revised text of the draft resolution proposed by Cuba (A/C.4/L.10/Rev.1).		Incorporated in 104th meeting.
A/C.4/L.24	12	Draft report of the Fourth Committee.		Same text as A/1028.
A/C.4/L.25	33	Iraq: draft resolution.		Reproduced in A/1065.
A/C.4/L.26	33	Cuba, Guatemala: draft resolution.		Reproduced in A/1065.
A/C.4/L.27	33	United States of America: amendment to the draft resolution proposed by Iraq (A/C.4/L.25).		Incorporated in 106th meeting.
A/C.4/L.28	33	Resolution adopted by the Fourth Committee.		Reproduced in A/1065.
A/C.4/L.29	33	Report of Sub-Committee 6 to the Fourth Committee ....	5	
A/C.4/L.30	33	Union of Soviet Socialist Republics: amendment to the draft resolution submitted by Sub-Committee 6 (A/C.4/L.29).		Incorporated in 111th meeting.
A/C.4/L.31	33	Canada: amendment to the draft resolution submitted by Sub-Committee 6 (A/C.4/L.29).		Incorporated in 111th meeting.
A/C.4/L.32	33	China: amendment to the draft resolution submitted by Sub-Committee 6 (A/C.4/L.29).		Incorporated in 111th meeting.
A/C.4/L.33	33	Mexico: amendment to the draft resolution submitted by Sub-Committee 6 (A/C.4/L.29).		Incorporated in 112th meeting.
A/C.4/L.34	33	United States of America: amendment to the draft resolution submitted by Sub-Committee 6 (A/C.4/L.29).		Incorporated in 111th meeting.
A/C.4/L.35	33	India: amendment to the draft resolution submitted by Sub-Committee 6 (A/C.4/L.29).		Incorporated in 111th meeting.
A/C.4/L.36	33	Thailand: amendment to the draft resolution submitted by Sub-Committee 6 (A/C.4/L.29).		Incorporated in 111th meeting.
A/C.4/L.37	35	Egypt: draft resolution concerning the territories to which Chapter XI of the Charter applies.		Reproduced in A/1159.
A/C.4/L.37/Rev.2	35	Egypt: draft resolution concerning the territories to which Chapter XI of the Charter applies.		Reproduced in A/1159.
A/C.4/L.38	35	China: amendment to draft resolution E submitted by the Special Committee.		Incorporated in 118th meeting.
A/C.4/L.39	35	India: proposed revised text on the establishment of a Special Committee on Information transmitted under Article 73 e of the Charter.		Reproduced in A/1159.
A/C.4/L.40	35	Cuba, Ecuador and Guatemala: draft resolution concerning the publication of information relating to Non-Self-Governing Territories.		Mimeographed document only.
A/C.4/L.40/Rev.1	35	Cuba, Ecuador and Guatemala: draft resolution concerning the publication of information relating to Non-Self-Governing Territories.		Reproduced in A/1159.
A/C.4/L.41	35	Mexico and United States of America: draft resolution proposing that the Special Committee concentrate on one functional field each year.		Mimeographed document only.
A/C.4/L.41/Rev.1	35	Mexico and United States of America: draft resolution proposing that the Special Committee concentrate on one functional field each year.		Mimeographed document only.

<i>Document No.</i>	<i>Item No.</i>	<i>Title</i>	<i>Page in this volume<sup>a</sup></i>	<i>Reference to other source<sup>a</sup></i>
A/C.4/L.41/Rev.2	35	Mexico and United States of America: draft resolution proposing that the Special Committee concentrate on one functional field each year.		Reproduced in A/1159.
A/C.4/L.42	33	Draft report of the Fourth Committee.		Same text as A/1065.
A/C.4/L.43	35	Australia: draft resolution on information on technical assistance accorded to Non-Self-Governing Territories.		Reproduced in A/1159.
A/C.4/L.43/Rev.1	35	Australia: draft resolution on information on technical assistance accorded to Non-Self-Governing Territories.		Reproduced in A/1159.
A/C.4/L.44	35	Syria: amendment to draft resolution C submitted by the Special Committee.		Reproduced in A/1159.
A/C.4/L.45	35	Yugoslavia: amendment to draft resolution C submitted by the Special Committee.		Mimeographed document only.
A/C.4/L.45/Rev.1	35	Yugoslavia: amendment to draft resolution C submitted by the Special Committee.		Reproduced in A/1159.
A/C.4/L.46	35	Czechoslovakia: amendment to draft resolution submitted by India (A/C.4/L.39) .....	37	
A/C.4/L.47	35	Financial implications of the draft resolution submitted by Cuba, Ecuador and Guatemala (A/C.4/L.40): note by the Secretary-General .....	37	
A/C.4/L.48	35	United States of America: amendment to the draft resolution submitted by India (A/C.4/L.39).		Incorporated in 120th meeting.
A/C.4/L.49	35	India: revision of paragraph 2 of draft resolution submitted by India (A/C.4/L.39) .....	37	
A/C.4/L.50	35	Cuba: amendment to the draft resolution submitted by India (A/C.4/L.39).		Incorporated in 120th meeting.
A/C.4/L.51	35	Netherlands: amendment to draft resolution submitted by India (A/C.4/L.39).		Incorporated in 120th meeting.
A/C.4/L.52	35	Amendment to the text proposed by India (A/C.4/L.39).		Reproduced in A/1159.
A/C.4/L.53	34	India: draft resolution.		Reproduced in A/1180.
A/C.4/L.54	34	Denmark, Norway, Syria and Thailand: draft resolution.		Reproduced in A/1180.
A/C.4/L.55	34	India: draft resolution.		Reproduced in A/1180.
A/C.4/L.56	34	Guatemala: proposal .....	13	
A/C.4/L.56/Rev.1	34	Guatemala: proposal.		Reproduced in A/1180.
A/C.4/L.57 and A/C.4/L.57/Corr.1	34	Communications received by the Secretary-General ....	13	
A/C.4/L.58	34	Dominican Republic: amendment to the proposal submitted by Guatemala (A/C.4/L.56).		Incorporated in 132nd meeting.
A/C.4/L.59 and A/C.4/L.59/Corr.1	35	Draft report of the Fourth Committee.		Same text as A/1159.
A/C.4/L.60	34	Resolution adopted by the Fourth Committee at its 134th meeting, on 23 November 1949.		Reproduced in A/1180.
A/C.4/L.61	34	Union of Soviet Socialist Republics: amendment to the draft resolution proposed by India (A/C.4/L.53).		Reproduced in A/1180.
A/C.4/L.62	34	Report of Sub-Committee 7 to the Fourth Committee ....	13	
A/C.4/L.63	34	Guatemala: amendment to the Indian draft resolution (A/C.4/L.53).		Incorporated in 136th meeting.
A/C.4/L.64	34	Denmark, India, Norway, Syria and Thailand: draft resolution.		Reproduced in A/1180.
A/C.4/L.65	34	Draft report of the Fourth Committee.		Same text as A/1180.
A/C.4/L.66	34	Documents submitted by the Reverend Michael Scott ....	14	

## AGENDA ITEM 12<sup>1</sup>

### Report of the Trusteeship Council (A/933)

#### Document A/C.4/L.3

##### Czechoslovakia: draft resolution

[Original text: English]  
[4 October 1949]

*The General Assembly,*

Considering that one of the basic objectives of the Trusteeship System, according to Article 76 b of the Charter, is "to promote the political, economic, social, and educational advancement of the inhabitants of the Trust Territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each Territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each Trusteeship Agreement",

Considering that it is in the paramount interest of the non-self-governing peoples to attain their self-determination, self-government or independence as speedily as possible, and

Considering that the information furnished by the Administering Authorities, on the political, economic, social, and educational situation in the Trust Territories, as well as the report of the Trusteeship Council, shows that the development of the Trust Territories has been lagging behind and does not correspond to their required speedy development towards self-determination, self-government or independence,

Calls upon all the Administering Authorities to furnish the next session of the General Assembly with the general plans and an outline of the ways and means by which they intend, in respect of each Trust Territory, to comply with the provisions of the Charter relating to the speediest possible development of Trust Territories towards self-determination, self-government or independence.

#### Document A/C.4/L.4

##### Cuba: draft resolution concerning political advancement in Trust Territories

[Original text: Spanish]  
[4 October 1949]

*The General Assembly,*

Having taken note of the conclusions and observations of the Trusteeship Council on political advancement in the following Trust Territories: Cameroons under British Administration, Cameroons under French Administration, Togoland under British Administration, Togoland under French Administration, Western Samoa, Nauru and New Guinea,

*Resolves:*

1. To express its full support of the recommendations of the Council to the Administering

Authorities with a view to the adoption by the latter of more energetic measures which would hasten the advancement of the Trust Territories toward self-government and independence;

2. To express its satisfaction at the measures adopted by the Governments of France and New Zealand for the increased participation in the representative assemblies of the inhabitants of the Territories under their administration;

3. To express its concern at the fact that the seat of administrative power in the case of the Cameroons under British Administration and Togoland under British Administration lies outside the Trust Territories;

4. To welcome the statement of the representative of the United Kingdom that a special Commissioner for the Cameroons under British Administration has recently been appointed;

5. To welcome the policy of certain Administering Authorities of training increasing numbers of indigenous inhabitants so that they may gradually assume responsible administrative posts in the Trust Territories;

6. To note with special interest the recommendation of the Trusteeship Council with regard to the establishment of a separate legislature for the Trust Territory of New Guinea;

7. To recommend to the Trusteeship Council that it include in its next report to the General Assembly a special section dealing with the implementation by the Administering Authorities of its recommendations concerning the measures adopted to grant the indigenous inhabitants of Trust Territories a larger degree of self-government through participation in the legislative, executive and judicial organs and processes of Trust Territories.

#### Document A/C.4/L.5

##### Cuba: draft resolution concerning social advancement in Trust Territories

[Original text: Spanish]  
[4 October 1949]

*The General Assembly,*

Having taken note of the conclusions and recommendations of the Trusteeship Council on the social advancement of the following Trust Territories: Togoland under French Administration, Togoland under British Administration, Cameroons under French Administration, Cameroons under British Administration, Western Samoa, Nauru and New Guinea, and of the conclusions and observations of its Visiting Mission to East Africa, incorporated in the report of the Trusteeship Council,

*Resolves:*

1. To express its satisfaction at the recommendations of the Council concerning the absolute prohibition in Trust Territories of such uncivilized practices as child marriage;

<sup>1</sup> The Rapporteur's report on this item will be found in the *Annex to the Plenary Meetings* under the symbol A/1028.

2. To give full support to the recommendation of the representatives of Costa Rica and China in the Visiting Mission to East Africa that strong and effective measures should be taken to abolish all forms of whipping in the Trust Territory of Ruanda-Urundi and to the recommendation of the Council that corporal punishment should be abolished immediately in Togoland and Cameroons under British Administration;

3. To express its concern that the Council has not approved any conclusions or recommendations with respect to the existence in some Territories of such important social problems as migrant labour and penal sanctions for breach of labour contracts by indigenous inhabitants;

4. To express its concern at the existence in the legislation and practices in certain Territories of discriminatory provisions inconsistent with the Charter of the United Nations and the Trusteeship Agreements;

5. To ask the Trusteeship Council to include in its next report to the General Assembly a special section dealing with the implementation by the Administering Authorities of its recommendations concerning the improvement of social conditions in Trust Territories and in particular the abolition of discriminatory practices and corporal punishment.

#### **Document A/C.4/L.6**

##### **China: draft resolution**

[Original text: English]  
[5 October 1949]

*The General Assembly,*

*Recalling* that one of the basic objectives of the International Trusteeship System is to encourage respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

*Notes* that in certain Trust Territories discriminatory laws and practices still exist contrary to the principles of the Charter,

*Recommends* that the Trusteeship Council should:

1. Examine all laws, statutes and ordinances as well as their application in the Trust Territories, and make positive recommendations to the Administering Authorities concerned with a view to the abolition of all discriminatory provisions or practices, and

2. Report on the action taken to the General Assembly at its next regular session.

#### **Document A/C.4/L.8**

##### **Canada and India: draft resolution**

[Original text: English]  
[5 October 1949]

*The General Assembly,*

*Having received* the report of the Trusteeship Council covering its fourth and fifth sessions,<sup>1</sup> and

*Considering* that one of the basic objectives of the Trusteeship System, according to Article 76 b of the Charter, is "to promote the political, economic, social, and educational advancement of the inhabitants of the Trust Territories, and their progressive development towards self-government or independence as may be appropriate to the

particular circumstances of each Territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each Trusteeship Agreement",

*Recalling* the resolutions adopted by the General Assembly at its third session which requested the Trusteeship Council to give special attention to the questions of educational advancement in Trust Territories and of administrative unions affecting Trust Territories,<sup>2</sup>

*Takes note* of the report of the Trusteeship Council and observes with particular interest the activities of the Council in sending visiting missions to the territories under trusteeship;

*Expresses satisfaction* at the measures thus far taken by the Council in regard to educational advancement and administrative unions, and

*Requests* the Trusteeship Council:

1. To continue its work in these fields;

2. To review its procedure with the object of expediting action in respect of petitions;

3. To direct visiting missions to report specifically on the steps taken towards realization of the objectives set forth under Article 76 b of the Charter, under the headings of political, economic, social and educational advancement, and in particular on the steps taken towards self-government.

#### **Document A/C.4/L.9**

##### **Egypt: draft resolution**

[Original text: English]  
[5 October 1949]

*The General Assembly,*

*Having considered* the report of the Trusteeship Council covering its fourth and fifth sessions and the various decisions and recommendations made by it in the course of the discharge of its functions,

*Noting* the delays which have occurred in the examination and final disposal by the Trusteeship Council of a number of important petitions submitted by or on behalf of inhabitants of Trust Territories,

*Considering* that the examination of petitions is one of the principal functions of the Council under the Charter, and that prompt and effective discharge of this function is indispensable to the promotion of confidence of the inhabitants of the Trust Territories in the International Trusteeship System,

*Noting* further and with particular interest the observations, conclusions and recommendations submitted to the Trusteeship Council by its Visiting Mission to Trust Territories in East Africa, and considering that the findings of the Visiting Mission are of particular value to the operation of the International Trusteeship System,

*Considering* that the institution of periodic visits to the Trust Territories by visiting missions, acting under its authority and on its behalf, is one of the principal functions of the Council under the Charter, and that the operation of the International Trusteeship System requires a thorough discharge of that function,

*Noting* that the Trusteeship Council thus far has not taken effective action in respect of the observations, conclusions and recommendations of its Visiting Mission,

<sup>2</sup> Resolutions 225 (III) and 224 (III), respectively.

<sup>1</sup> A/933.



*Endorses* the various decisions and recommendations made by the Trusteeship Council during its fourth and fifth sessions in so far as they may contribute to the advancement of the inhabitants of the Trust Territories towards the objectives laid down in Article 76 of the Charter;

*Recommends*, in respect of petitions, that the Trusteeship Council take such measures as it may deem appropriate with a view to facilitating and accelerating the examination and disposal of petitions;

*Recommends*, in respect of the reports of visiting missions, that the Trusteeship Council should take such measures as it may deem appropriate to ensure that the findings of its visiting missions shall be promptly and effectively acted upon.

#### **Document A/C.4/L.11**

**China, Costa Rica, Egypt, Liberia, Mexico and Philippines: draft resolution concerning the use of the flag of the United Nations in Trust Territories**

[Original text: English]  
[6 October 1949]

*The General Assembly,*

*Realizing* that the accomplishment of the objectives of the International Trusteeship System requires not only the closest collaboration between the Trusteeship Council and the Administering Authorities concerned, but also the active co-operation of the peoples of all Trust Territories,

*Mindful* of the fact that one of the most potent means of stimulating the interest and enlisting the co-operation of the peoples of Trust Territories is to keep them constantly reminded of the abiding concern of the United Nations in the promotion of their political, economic, social and educational advancement, and their full enjoyment of human rights and fundamental freedoms, and

*Considering* that the flag of the United Nations symbolizes the ideals and aspirations proclaimed in the Charter, which include the effective implementation of the principles of the International Trusteeship System,

*Requests* the Trusteeship Council to recommend to the Administering Authorities concerned, that the flag of the United Nations be flown over all Trust Territories.

#### **Document A/C.4/L.11/Rev. 1**

**China, Costa Rica, Egypt, Liberia, Mexico and Philippines: revised text of resolution concerning the use of the flag of the United Nations in Trust Territories<sup>1</sup>**

[Original text: English/Spanish]  
[10 October 1949]

*The General Assembly,*

*Considering* its decision of 20 October 1947 by which it adopted the United Nations flag, in accordance with resolution 92 (I) of 7 December 1946,

*Realizing* that the accomplishment of the objectives of the International Trusteeship System requires not only the closest collaboration between the Trusteeship Council and the Administering

Authorities concerned, but also the active co-operation of the peoples of all Trust Territories,

*Mindful* of the fact that one of the most potent means of stimulating the interest and enlisting the co-operation of the peoples of Trust Territories is to keep them constantly reminded of the abiding concern of the United Nations in the promotion of their political, economic, social and educational advancement, and their full enjoyment of human rights and fundamental freedoms, and

*Considering* that the flag of the United Nations symbolizes the ideals and aspirations proclaimed in the Charter, which include the effective implementation of the principles of the International Trusteeship System,

*Requests* the Trusteeship Council to recommend to the Administering Authorities concerned, that the flag of the United Nations be flown over all Trust Territories side by side with the flag of the Administering Authorities concerned and with the territorial flag if there is one.

#### **Document A/C.4/L.12**

**Canada, Egypt and India: draft resolution**

[Original text: English]  
[7 October 1949]

*The General Assembly,*

*Having considered* the report of the Trusteeship Council covering its fourth and fifth sessions and the various decisions and recommendations made by it in the course of the discharge of its functions,

*Considering* that the examination of petitions is one of the principal functions of the Council under the Charter and that prompt and effective discharge of this function is indispensable to the promotion of confidence of the inhabitants of the Trust Territories in the International Trusteeship System,

*Noting* the report of the Trusteeship Council and observing with particular interest the activities of the Council in sending visiting missions to the territories under trusteeship,

*Notes* with satisfaction those decisions and recommendations made by the Trusteeship Council during its fourth and fifth sessions which have contributed to the advancement of the inhabitants of the Trust Territories towards the objectives laid down in Article 76 b of the Charter;

*Recommends* to the Trusteeship Council:

1. To take such measures as it may deem appropriate with a view to facilitating and accelerating the examination and disposal of petitions;
2. To direct visiting missions to report specifically on the steps taken towards realization of the objectives set forth under Article 76 b of the Charter, under the headings of political, economic, social and educational advancement, and in particular on the steps taken towards self-government, and to take such measures as it may deem appropriate on the basis of those reports.

#### **Document A/C.4/L.15**

**Report of Sub-Committee 5 to the Fourth Committee**

*Rapporteur:* Mr. Mohamed A. EL KONI (Egypt)

[Original text: English]  
[11 October 1949]

1. At its 95th meeting on 8 October 1949, the Fourth Committee appointed a Sub-Committee

<sup>1</sup> This text incorporates the amendments of the delegations of Egypt and the Dominican Republic, which were accepted by the sponsors at the 96th meeting.

composed of Brazil, Canada, Cuba, Czechoslovakia, Denmark, Egypt, India and Thailand, with the purpose of correlating the various draft resolutions on the report of the Trusteeship Council and of drafting one single draft resolution to be submitted to the Committee as soon as possible.

2. The Sub-Committee held three meetings on 10 and 11 October 1949. At its first meeting, the Sub-Committee elected Mr. Hermod Lannung (Denmark) as its Chairman and Mr. Mohamed A. EL Koni (Egypt) as its Rapporteur.

3. After an exchange of views, the Committee decided to examine first the possibility of combining the draft resolutions on political advancement set forth in documents A/C.4/L.3, A/C.4/L.4 and A/C.4/L.12. Subsequently it came to the conclusion that it was not practicable to draft a single draft resolution covering all the draft resolutions on the report of the Trusteeship Council. Even in the case of the three draft resolutions on political advancement, which it had attempted to combine, the Sub-Committee considered it preferable to have a draft resolution on political matters and a draft resolution relating to the functions of the Trusteeship Council with respect to petitions and visiting missions.

4. The Sub-Committee adopted two draft resolutions — the first on the political advancement of Trust Territories, and the second on petitions and visiting missions. The first was adopted by a roll-call vote as follows:

*In favour:* Brazil, Cuba, Czechoslovakia, Egypt and India.

*Against:* None.

*Abstentions:* Canada and Thailand.

The second draft resolution was adopted unanimously.

Denmark did not take part in either vote.

5. The Sub-Committee accordingly recommends to the Fourth Committee that it should adopt the two following draft resolutions and that it should vote separately on the draft resolutions on social, educational and economic advancement in Trust Territories set forth in documents A/C.4/L.13, A/C.4/L.7 and A/C.4/L.10 respectively.

#### I. POLITICAL ADVANCEMENT OF TRUST TERRITORIES

*The General Assembly,*

*Having considered* the report of the Trusteeship Council covering its fourth and fifth sessions and the various decisions and recommendations made by it in the course of the discharge of its functions,

*Takes note* of the decisions made by the Council and expresses its full support of the Council's recommendations to the Administering Authorities for the adoption by the latter of measures which would hasten the advancement of the Trust Territories toward self-government or independence, in accordance with the objectives laid down in Article 76 b of the Charter;

*Expresses* the view that the seat of administration in respect of all Trust Territories should be located inside the territories concerned;

*Recommends* to the Trusteeship Council that it should include in its annual reports to the General Assembly information in a special section dealing with the implementation by the Administering Authorities of the Council's recommendations concerning the measures adopted to grant the indigenous inhabitants of the Trust Territories a larger degree of self-government through participation in the legislative, executive and judicial organs and procedures of the Trust Territories;

*Calls upon* all the Administering Authorities to furnish to the Trusteeship Council within one year general plans and an outline of the ways and means by which they intend, in respect of each Trust Territory, to comply with the provisions of the Charter relating to the progressive development of Trust Territories toward self-determination, self-government or independence as speedily as possible.

#### II. PETITIONS AND VISITING MISSIONS

*The General Assembly,*

*Considering* that the examination of petitions is one of the principal functions of the Council under the Charter and that prompt and effective discharge of this function is indispensable for the realization of the objectives set forth under Article 76 b of the Charter and for the promotion of confidence of the inhabitants of the Trust Territories in the International Trusteeship System,

*Observing* with particular interest the activities of the Council in sending visiting missions to the territories under Trusteeship,

*Recommends* to the Trusteeship Council that it should:

1. Take such measures as it may deem appropriate with a view to facilitating and accelerating the examination and disposal of petitions;

2. Direct visiting missions to report fully on the steps taken towards realization of the objectives set forth under Article 76 b of the Charter, under the headings of political, economic, social and educational advancement, and in particular on the steps taken toward self-government or independence.

## AGENDA ITEM 33<sup>1</sup>

### Administrative unions affecting Trust Territories: report of the Trusteeship Council (A/933, A/957)

#### Document A/957

##### Note by the Secretary-General

[Original text: English]  
[23 August 1949]

1. The General Assembly, on 18 November 1948, adopted resolution 224 (III) concerning administrative unions affecting Trust Territories and requested the Trusteeship Council to report specifically to the next regular session of the General Assembly on the results of its investigations and the action taken by it.

2. The Secretary-General has the honour to refer to resolution 109 (V)<sup>2</sup> adopted by the Trusteeship Council on 18 July 1949, the text of which is reproduced below:

*"The Trusteeship Council,*

*"Having received General Assembly resolution 224 (III) of 18 November 1948,*

*"Having established in accordance with this resolution a Committee on Administrative Unions,*

*"Having received an interim report<sup>3</sup> and a report<sup>4</sup> from this Committee and having examined these reports at its fourth and fifth sessions,*

*"Transmits to the General Assembly the report of the Committee, the replies of the Administering Authorities to questions prepared by the Committee<sup>5</sup> and other documentation collected by the Committee during its study;*

*"Informs the General Assembly that in accordance with the penultimate paragraph of this resolution it will continue to study and examine the operation of existing or future administrative unions in all their aspects;*

*"Recalling that the General Assembly approved the Trusteeship Agreements upon the assurance of the Administering Powers that they do not consider the terms of the relevant articles in the Trusteeship Agreements 'as giving powers to the Administering Authority to establish any form of political association between the Trust Territories respectively administered by them and adjacent territories which would involve annexation of the Trust Territories in any sense or would have the effect of extinguishing their status as Trust Territories',<sup>6</sup>*

*"Notes the assurances by the Administering Authorities that the administrative arrangements under consideration do not extinguish the political identity of the Trust Territories;*

*"Takes note of the assurances by the Administering Authorities that the administrative arrangements under consideration by the Council are not inconsistent with the objectives of the*

International Trusteeship System or with the terms of the Trusteeship Agreements;

*"Decides that in order to safeguard the identity and status of the Trust Territories, the Council should continue to study during its regular examination of conditions in Trust Territories the effects of existing or proposed administrative unions on the political, economic, social and educational advancement of the inhabitants, on the status of the Trust Territories as such and on their separate development as distinct entities;*

*"Requests the Administering Authorities concerned to make the fullest possible effort to furnish in their annual reports separate records, statistics and other information on each Trust Territory in order to safeguard the effective exercise of the Council's supervisory functions."*

3. With particular reference to the fourth paragraph of the above resolution, the Secretary-General wishes to call the attention of the Members of the General Assembly to the following documentation:

Interim report of the Committee on Administrative Unions (T/263);

Report of the Committee on Administrative Unions (T/338, T/338/Add.1).

4. The other documentation collected by the Committee in connexion with its study is itemized and to some extent summarized in its reports.

5. The report of the Trusteeship Council to the General Assembly<sup>7</sup> refers to the problem of administrative unions in its chapter V, paragraph 1.

#### Document A/C.4/L.29

##### Report of Sub-Committee 6 to the Fourth Committee

Rapporteur: Mr. José JOBIM (Brazil)

[Original text: French and English]  
[28 October 1949]

1. At its 107th meeting on 26 October 1949, the Fourth Committee appointed a sub-committee composed of the representatives of Belgium, Brazil, Canada, Cuba, France, Guatemala, India, Iraq, Philippines, Poland, Syria and the United States of America "to study the proposals of the delegations of Cuba, Guatemala and Iraq, together with the suggestions presented by other delegations, with a view to submitting a unified text to the Fourth Committee" (A/C.4/L.28).

2. The Sub-Committee held two meetings on 27 and 28 October 1949. At its first meeting, the Sub-Committee elected Mr. Yasin Mughir (Syria)

<sup>1</sup> The Rapporteur's report on this item will be found in the *Annex to the Plenary Meetings* under the symbol A/1055.

<sup>2</sup> T/379.

<sup>3</sup> T/263.

<sup>4</sup> T/338, T/338/Add.1.

<sup>5</sup> T/333 (chapter II), T/361/Add.1 (section 1, paragraph (b)).

<sup>6</sup> See *Official Records of the second part of the first session of the General Assembly, Fourth Committee, part I, page 300.*

<sup>7</sup> A/933.



as its Chairman and Mr. José Jobim (Brazil) as its Rapporteur.

3. The Sub-Committee considered the proposals on administrative unions set forth in documents A/C.4/L.25 and A/C.4/L.26, and a draft resolution submitted by the delegation of Canada (Conference room paper No. 26) which was based on the two previous proposals submitted by the delegations of Cuba, Guatemala and Iraq. The delegations of Brazil, Cuba, the Philippines and the United States of America proposed written amendments.

4. The Sub-Committee, after having considered the proposals before it together with the amendments, adopted a draft resolution by a roll-call vote as follows:

*In favour:* Brazil, Cuba, Guatemala, India, Iraq, Philippines, Poland, Syria;

*Against:* Belgium, Canada, France, United States of America

The draft resolution was adopted by 8 votes to 4.

5. Upon the request of the representative of Cuba the Sub-Committee agreed to substitute the term "*territorios fideicometidos*"<sup>1</sup> for the term "*territorios bajo administración fiduciaria*" wherever it occurred in the Spanish text of the draft resolution. At the same time the Sub-Committee decided to request the Rapporteur to consult with the representatives of Cuba and Guatemala on the Spanish text of the draft resolution before its transmission to the Fourth Committee.

6. The Sub-Committee accordingly recommends to the Fourth Committee the adoption of the following draft resolution:

#### "ADMINISTRATIVE UNIONS AFFECTING TRUST TERRITORIES

*"The General Assembly,*

*"Having noted the action taken by the Trusteeship Council in respect of General Assembly resolution 224 (III) of 18 November 1948, concerning administrative unions affecting Trust Territories,*

*"Having considered the information on administrative unions received by the Trusteeship Council and transmitted by its resolution 109 (V) of 18 July 1949 to the General Assembly,*

*"Considering that the Trusteeship Council has not yet completed the investigation, requested under the aforesaid resolution, with respect to all*

the questions arising out of the said administrative unions,

*"Noting that, although the Trusteeship Agreements authorize customs, fiscal and administrative unions or federations, they do not authorize any form of political association which would involve annexation of the Trust Territories in any sense or would have the effect of extinguishing their status as Trust Territories,*

*"Affirming the view that measures of customs, fiscal or administrative union must not in any way hamper the free evolution of each Trust Territory towards self-government or independence,*

*"1. Recommends to the Trusteeship Council Council to complete its investigation giving particular attention to the following principles and criteria:*

*"(a) The desirability of having the Administering Authorities inform the Trusteeship Council beforehand when they propose to create new administrative unions of Trust Territories with adjacent territories, or extend the duration or scope of any existing union or federation;*

*"(b) That, should it be impossible as a consequence of the establishment of an administrative union to furnish clear and precise separate financial, statistical and other data relating to a Trust Territory, the Administering Authority concerned should accept such supervision by the Trusteeship Council over the unified administration as the Council may consider necessary for the effective discharge of its high responsibilities under the Charter;*

*"(c) The desirability of establishing a separate judicial organization in each Trust Territory;*

*"(d) The desirability of establishing in each Trust Territory a separate legislative body with increasing powers with headquarters within the Trust Territory;*

*"(e) The desirability of taking into account, before any administrative, customs or fiscal union is established or extended in its nature or scope, the freely expressed wishes of the inhabitants of the Trust Territories concerned.*

*"2. Recommends that the Trusteeship Council complete its investigation in accordance with the terms of General Assembly resolution 224 (III) and of this resolution and present a special report to the next regular session of the General Assembly on the results of its investigation and the action taken by it, with particular reference to any safeguards which it may recommend to the Administering Authorities concerned, and that the Council continue likewise to observe the development of such unions and to report to the General Assembly at its regular sessions."*

<sup>1</sup> It was subsequently decided to use the word "*fideicomiso*" in place of "*fideicometido*".

## AGENDA ITEM 34<sup>1</sup>

### Question of South West Africa: report of the Trusteeship Council

#### Document A/929

**Letter from Mr. J. R. Jordaan, deputy permanent representative of the Union of South Africa to the United Nations, addressed to the Secretary-General**

[Original text: English]  
New York, 11 July 1949

I have the honour to inform you, by direction, that the Government of the Union of South Africa have taken due note of the resolution on the question of South West Africa (227 (III)) adopted by the United Nations General Assembly on 26 November 1948, in which the General Assembly *inter alia* maintains its previous recommendations regarding the placing of South West Africa under the Trusteeship System and recommends that the Union of South Africa, until agreement is reached with the United Nations regarding the future of South West Africa, should continue to supply annual information on its administration of the Territory.

At three regular sessions of the General Assembly the Union Government, acting both on their own behalf (as the authority responsible for the administration of the Territory), and on behalf of the peoples of South West Africa, have elaborated their views on the placing of South West Africa under the Trusteeship System, and have fully explained the reasons for their inability to comply with the recommendations of the General Assembly. There is therefore no need in the present communication to add anything to what has been said on this subject at successive Assembly sessions, but the Union Government desire again to express their regret that it has not been possible to achieve an understanding in the United Nations of the unique nature of the circumstances necessarily governing South West Africa's relationship with the Union.

The General Assembly, in its resolution under reference, took note of the statements by the South African delegate that it is the intention of the Union Government to continue to administer South West Africa in the spirit of the Mandate and that the new arrangement for closer association of South West Africa with the Union of South Africa does not mean incorporation or absorption of the Territory by the Administering Authority. The Union Government hereby reaffirm these assurances in the terms in which they were stated by their representative.

The recommendation of the General Assembly that the Union should continue to supply information on its administration of South West Africa has been given most careful consideration.

It will be recalled, however, that the Union Government have at no time recognized any legal obligations on their part to supply information

on South West Africa to the United Nations, but in a spirit of goodwill, co-operation and helpfulness offered to provide the United Nations with reports on the administration of South West Africa, with the clear stipulation that this would be done on a voluntary basis, for purposes of information only and on the distinct understanding that the United Nations has no supervisory jurisdiction in South West Africa. In this spirit a report was submitted in 1947, and in 1948 detailed replies were furnished to a subsequent questionnaire formulated by the Trusteeship Council. It was emphasized at the time that the forwarding of information on policy should not be regarded as creating a precedent, or construed as a commitment for the future or as implying any measure of accountability to the United Nations on the part of the Union Government. The Union Government also expressed their confidence that the Trusteeship Council would approach its task in an entirely objective manner and examine the report in the same spirit of goodwill, co-operation and helpfulness as had motivated the Union in making the information available.

These hopes have not been realized. Instead, the submission of information has provided an opportunity to utilize the Trusteeship Council and the Trusteeship Committee as a forum for unjustified criticism and censure of the Union Government's administration, not only in South West Africa but in the Union as well. Inferences and deductions have been drawn from the information submitted which are quite inconsistent with facts and realities. The misunderstandings and accusations to which the United Nations discussions of this subject have given rise have had repercussions both in the Union and in South West Africa, with deleterious effects on the maintenance of the harmonious relations which have hitherto existed and are so essential to successful administration. Furthermore, the very act of submitting a report has created in the minds of a number of Members of the United Nations an impression that the Trusteeship Council is competent to make recommendations on matters of internal administration of South West Africa and has fostered other misconceptions regarding the status of this Territory.

In these circumstances the Union Government can no longer see that any real benefit is to be derived from the submission of special reports on South West Africa to the United Nations, and have regretfully come to the conclusion that in the interests of efficient administration no further reports should be forwarded. In coming to this decision the Union Government are in no way motivated by a desire to withhold from the world factual and other information regarding South West Africa, published in accordance with the customary practice of democratic nations, and information of this nature previously embodied in annual reports to the League of Nations or the United Nations will continue to be

<sup>1</sup> The Rapporteur's report on this item will be found in the *Annex to the Plenary Meetings* under symbol A/1180.

made available to the general public in the form of statistics, departmental reports, reports by the Administrator to the South West African Legislature, blue books, and other governmental publications.

In accordance with an assurance given by the Prime Minister in the Union Parliament, I am directed to transmit herewith to the United Nations, for information only, a copy of the South West Africa Affairs Amendment Act No. 23 of 1949, together with a summary of its provisions. This Act introduces certain changes in the form of association between South West Africa and the Union of South Africa. In particular, it will be noted from the summary that under the new form of association, which is entirely consonant with the spirit of the Mandate, no greater powers are devolved upon the Union Government in respect of South West Africa than were accorded under the terms of the original Mandate, but on the other hand certain powers previously exercised by the Union Government are now to be exercised by the Legislature of South West Africa, which thus exercises a considerably greater measure of self-government than is enjoyed by a Province of the Union.

(Signed) J. R. JORDAAN  
Deputy Permanent Representative

#### ANNEX 1

#### TEXT OF THE SOUTH WEST AFRICA AFFAIRS AMENDMENT Act, 1949

#### ACT

To provide for the amendment of the South West Africa Constitution Act, 1925, for the representation of the Territory of South West Africa in the Parliament of the Union and for matters incidental thereto.

(English text signed by the Governor-General.)  
(Assented to 19 April 1949.)

#### ARRANGEMENT OF SECTIONS

	<i>Section</i>
Preliminary. Definitions.....	1
Chapter I. Amendment of the South West Africa Constitution Act, 1925.....	2-26
Chapter II. Representation of the Territory of South West Africa in the Parliament of the Union .....	27-33
Chapter III. Miscellaneous.....	34-37

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:

#### PRELIMINARY

##### 1. In this Act:

"the Territory" means the Territory of South West Africa, and includes the port and settlement of Walvis Bay;

"principal Act" means the South West Africa Constitution Act, 1925 (Act No. 42 of 1925).

#### CHAPTER I

#### *Amendment of the South West Africa Constitution Act, 1925*

##### 2. Section *one* of the principal Act is hereby amended:

(a) By the deletion in sub-section (1) of the words "an Advisory Council";

(b) By the deletion in sub-section (2) of the words "the said Advisory Council (hereinafter referred to as the Council)".

3. The following section is hereby inserted in the principal Act after section *one*:

#### *"Appointment of Administrator*

"1 *bis*. (1) An Administrator shall be appointed for the Territory by the Governor-General, who shall be the chief executive officer; and all executive acts relating to

the affairs of the Territory shall be carried out therein in his name.

"(2) In the appointment of the Administrator of the Territory, the Governor-General shall, as far as practicable, give preference to persons who reside or have resided in the Territory, and have special knowledge of the circumstances prevailing therein.

"(3) Such Administrator shall hold office for a term of five years and shall not be removed before the expiration thereof except by the Governor-General for cause assigned, which shall be communicated by message to both Houses of Parliament within one week after the removal, if Parliament be then sitting, or, if Parliament be not sitting, then within one week after the commencement of the next ensuing session.

"(4) The Governor-General may appoint a deputy Administrator to execute the office and functions of the Administrator during his absence, illness, or other inability, or to act as Administrator while the office is temporarily vacant.

"(5) The person holding the office of Administrator at the date of commencement of the South West Africa Affairs Amendment Act, 1949, shall be deemed to have been appointed in terms of the provisions of this section."

4. Section *two* of the principal Act is hereby amended:

(a) By the deletion in sub-section (1) of the words "appointed by the Governor-General" and the words "elective members of";

(b) By the deletion of the word "or" after paragraph (d) of sub-section (4);

(c) By the deletion of paragraph (e) of sub-section (4); and

(d) By the deletion in the proviso to sub-section (4) of the expression "(d) or (e)" and the substitution thereof of the expression "or (d)".

5. Section *seven* of the principal Act is hereby repealed and the following new section substituted therefor:

#### *"Powers of Administrator*

"7. (1) Subject to the direction and control of the Governor-General, the Administrator shall carry on the administration of the affairs of the Territory in regard to all matters in respect of which the Assembly is not competent to make ordinances.

"(2) It shall be competent for the elected members of the Executive Committee to advise the Administrator in respect of his administrative duties under sub-section (1), including:

"(a) Matters of general policy;

"(b) His assent to an Ordinance passed by the Assembly or its reservation for the signification of the pleasure of the Governor-General; and

"(c) Any other matter upon which their advice may be requested by the Administrator."

6. Sections *eight, nine, ten* and *eleven* of the principal Act are hereby repealed.

7. Section *twelve* of the principal Act is hereby repealed and the following new section substituted therefor:

#### *"Delimitation of electoral divisions*

"12. (1) As soon as possible after the date of commencement of the South West Africa Affairs Amendment Act, 1949, the Governor-General shall appoint three persons, being two judges of the Supreme Court of South Africa and a judge of the High Court of South West Africa, to be Commissioners for the purpose of dividing the Territory into electoral divisions for the election of members of the Assembly, and members of the House of Assembly of Parliament.

"(2) The Commissioners shall divide the Territory into eighteen electoral divisions each electing one member to the Assembly, and six electoral divisions (consisting in each case of three of the aforesaid electoral divisions) each electing one member to the House of Assembly of Parliament, and shall divide it in such a manner that there will be, as far as possible, an equal number of voters in each such division (hereinafter referred to as the quota), due consideration being given by the Commissioners to community or diversity of interests, means of communication, physical features, and sparsity or density of population in such manner that, while taking the quota of voters as the basis of division,

the Commissioners may, whenever they deem it necessary, depart therefrom, but in no case to any greater extent than fifteen per centum more or fifteen per centum less than the quota.

"(3) The Commissioners shall, when they have completed the duties so entrusted to them, submit to the Governor-General:

"(a) A list of the electoral divisions into which they have divided the Territory together with the name given by them to, and a description of, the boundaries of each such division;

"(b) A map of the Territory showing those boundaries; and

"(c) Such further particulars in relation thereto as they consider necessary.

"(4) The Governor-General may refer to the Commissioners for their consideration any matter relating to such list of electoral divisions or arising out of the duties aforesaid of the Commissioners.

"(5) The Commissioners shall have the powers and jurisdiction of the High Court of the Territory in relation to the summoning of witnesses, the production of documents and the administration of oaths to witnesses, and the punishment of persons who disregard any summons to appear before them.

"(6) The Governor-General shall publish in the *Gazette* and in the *Official Gazette* of the Territory the names and the boundaries of the electoral divisions as finally settled.

"(7) Whenever a delimitation of electoral divisions is required to be made in the Union, in terms of sub-section (2) of section *forty-one* of the South Africa Act, 1909 (save and except the delimitation that is required to take place in the year 1951), the Governor-General shall proceed again to appoint Commissioners as in terms of sub-section (1), and such Commissioners shall then act in terms of the preceding provisions of this section."

8. Section *thirteen* of the principal Act is hereby repealed and the following new section substituted therefor:

*"Composition of  
Legislative Assembly*

"13. The Assembly shall consist of eighteen members chosen by duly registered voters of the Territory voting at elections held in accordance with the provisions of the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), as applied by section *thirty-four* of the South West Africa Affairs Amendment Act, 1949, in electoral divisions delimited in accordance with section *twelve* hereof."

9. Section *fourteen* of the principal Act is hereby repealed and the following new section substituted therefor:

*"Duration of Assembly*

"14. The Assembly shall continue for a period of five years from the date of its first meeting after each general election, and shall not be subject to dissolution save by effluxion of time."

10. Sections *fifteen* and *sixteen* of the principal Act are hereby repealed.

11. Section *seventeen* of the principal Act is hereby amended:

(a) By the substitution for sub-section (1) of the following new sub-section:

"(1) Any person who is qualified to be registered as a voter in the Territory as by law prescribed shall be qualified to be chosen as a member of the Assembly provided he is not subject to any of the disqualifications specified in sub-section (2)";

(b) By the deletion in sub-section (2) of the words "appointed as a nominated member or chosen as an elective member, or if so appointed or elected", and the substitutions therefor of the words "chosen as a member or if chosen" and by the deletion in paragraph (d) of the said sub-section of the words "or of the Council";

(c) By the deletion of sub-section (3).

12. Section *eighteen* of the principal Act is hereby amended:

(a) By the deletion in sub-section (1) of the words "An elective" and the substitution therefor of the word "A";

(b) By the deletion of sub-section (2).

13. Section *twenty* of the principal Act is hereby repealed and the following new section substituted therefor:

*"Oath to be taken  
by members of Assembly*

"20. No member of the Assembly shall sit or vote therein until he has taken and subscribed before the Administrator or such other person as the Administrator may appoint for the purpose the following oath or affirmation:

"I, A.B., do swear (solemnly and sincerely affirm and declare) that I will be faithful and bear true allegiance to His (or Her) Majesty King (or Queen) (here insert the name of the King or Queen for the time being) His (or Her) heirs and successors according to law. (In the case of an oath) So help me God."

14. Section *twenty-one* of the principal Act is hereby amended by the deletion in sub-section (1) of the words "or dissolution".

15. Section *twenty-two* of the principal Act is hereby amended by the deletion in sub-section (4) of the word "Dutch" and the substitution therefor of the word "Afrikaans".

16. Section *twenty-six* of the principal Act is hereby amended:

(a) By the deletion of paragraph (b) and the substitution therefor of the following new paragraph:

"(b) civil aviation";

(b) By the insertion after the word "organization" in paragraph (g) of the words "or police force".

17. Section *twenty-seven* of the principal Act is hereby repealed.

18. Section *twenty-eight* of the principal Act is hereby amended by the addition of the following sub-sections as sub-sections (2) and (3), the present section becoming sub-section (1):

"(2) No Act of Parliament which imposes a tax, duty, charge or burden upon the people of the Union shall be of force in the Territory, but this provision shall be without prejudice to the provisions of section *eight* of the Excise Act, 1942 (Act No. 45 of 1942), and section *one hundred and fifty-four* of the Customs Act, 1944 (Act No. 35 of 1944), and to the right to continue to apply to the Territory the laws of the Union relating to customs and excise.

(3) Notwithstanding the provisions of section *forty-four*, the provisions of this sub-section or of the preceding sub-section shall not be amended, modified or repealed except with the consent of the Assembly embodied in a resolution communicated to Parliament by message from the Governor-General."

19. Section *twenty-nine* of the principal Act is hereby repealed and the following new section substituted therefor:

*"Assembly may recommend  
to the Union Parliament  
the enactment of laws and  
may advise Administrator*

"29. (1) The Assembly may, by resolution, recommend to Parliament the enactment of a law, or the amending or repealing of any law, relating to any matter in respect of which it is not competent to make ordinances.

"(2) The Assembly may further advise the Administrator in relation to such matters as the Administrator may refer to it for the expression of its views."

20. Section *thirty-seven* of the principal Act is hereby amended by the deletion of the word "Council" and the substitution therefor of the words "elected members of the Executive Committee".

21. Section *thirty-eight* of the principal Act is hereby repealed.

22. Section *forty-four* of the principal Act is hereby repealed and the following new section substituted therefor:

*"Saving as to right  
of Union to administer and  
legislate for the Territory*

"44. (1) Nothing in this Act contained shall be construed as in any manner abolishing, diminishing or derogating from those full powers of administration and legislation over the Territory as an integral portion of the Union which have hitherto been vested in the Union.



"(2) The said full powers of administration are hereby expressly reserved to the Governor-General and may be exercised by himself or delegated by him to be exercised by the Administrator of the Territory.

"(3) As from the date proclaimed for the purpose under the South West Africa Affairs Amendment Act, 1949, the provisions of the Treaty of Peace and South West Africa Mandate Act, 1919, shall be modified to this extent that the powers of legislation granted to the Governor-General thereunder shall be abrogated, so that, save as provided in section *twenty-six*, thereafter only Parliament shall have the power to legislate for the Territory in regard to those matters on which the Assembly is not competent to legislate.

"(4) Notwithstanding the provisions of any other law Parliament may by Act override any Ordinance made by the Assembly.

"(5) Notwithstanding anything to the contrary contained in the Interpretation Act, 1910 (Act No. 5 of 1910), an Act of Parliament which is expressed to apply to the Territory shall not have the force of law in the Territory until it has been published in the *Official Gazette* of the Territory.

"(6) An ordinance made by the Assembly shall, though promulgated, have effect in and for the Territory so long and as far only as it is not repugnant to or inconsistent with an Act of Parliament applicable to the Territory."

23. Section *forty-five* of the principal Act is hereby repealed.

24. The Schedule to the principal Act is hereby repealed.

25. The Preamble to the principal Act is hereby repealed.

26. The long title of the principal Act is hereby amended by the deletion of the words "an Advisory Council", "mandated", and "Council".

## CHAPTER II

### *Representation of the Territory of South West Africa in the Parliament of the Union*

27. (1) The Territory shall be represented in the House of Assembly by six members to be elected in accordance with the provisions of this Act.

(2) The members of the House of Assembly to be elected under this Act:

(a) Shall be elected in addition to the members of the House of Assembly for the election of whom provision is made by the South Africa Act, 1909, and the Representation of Natives Act, 1936 (Act No. 12 of 1936);

(b) Shall have all the rights, powers, privileges and immunities which members of the House of Assembly elected under the South Africa Act, 1909, have and shall be subject to all the duties and obligations to which such members are subject.

28. The members of the House of Assembly to be elected under this Act shall be chosen by the duly registered voters of the Territory for the electoral divisions delimited for the purpose under section *twelve* of the principal Act.

29. The qualifications of a member of the House of Assembly to be elected under this Act shall be as follows:

(a) He must be qualified to be registered as a voter for the election of members of the House of Assembly in one of the provinces, or in the Territory;

(b) He must have resided for five years in the Union or the Territory;

(c) He must be a Union national of European descent.

30. (1) The Territory shall be represented in the Senate by four senators, two of whom shall be nominated by the Governor-General, and the other two elected as hereinafter provided.

(2) One of the senators to be nominated shall be selected mainly on the ground of his thorough acquaintance, by reason of his official experience or otherwise, with the reasonable wants and wishes of the coloured races of the Territory.

(3) Save as provided in sub-section (6) a nominated senator shall hold his seat for ten years and if his seat shall become vacant, the Governor-General shall nomi-

nate another person to be a senator, who shall also hold his seat for ten years.

(4) (a) The elective senators shall be chosen by the members of the Legislative Assembly of the Territory together with the members of the House of Assembly elected for the Territory;

(b) Whenever such an election is contested it shall be conducted according to the principles of proportional representation, each voter having one transferable vote;

(c) The Governor-General may make regulations prescribing the method of voting and of transferring and counting votes, and the duties of the returning officer in connection with any such election, and such regulations shall have the same force and effect as if they were in this Act set forth.

(5) A senator elected in terms of sub-section (4) shall hold his seat for ten years unless the Senate be sooner dissolved, and if the seat of an elected senator shall become vacant, a person shall be chosen, in accordance with the provisions of the said sub-section, to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat.

(6) The senators nominated or elected under this Act:

(a) Shall be in addition to the senators for the nomination or election of whom provision is made by the South Africa Act, 1909, and the Representation of Natives Act, 1936;

(b) Shall have all the rights, powers, privileges and immunities which senators nominated or elected under the South Africa Act, 1909, have, and shall be subject to all the duties and obligations to which such senators are subject;

(c) Shall be subject to the provisions of the Senate Act, 1926 (Act No. 54 of 1926).

31. The qualifications of a senator to be nominated or elected under this Act shall be as follows:

(a) He must be not less than thirty years of age;

(b) He must be qualified to be registered as a voter for the election of members of the House of Assembly in one of the provinces or in the Territory;

(c) He must have resided for five years in the Union or the Territory;

(d) He must be a Union national of European descent;

(e) In the case of an elected senator, he must be the registered owner of immovable property within the Union or the Territory of the value of not less than five hundred pounds over and above any special mortgage thereon.

32. The provisions of sections *fifty-one* to *fifty-six* inclusive of the South Africa Act, 1909, shall apply to every senator and every member of the House of Assembly who is nominated or elected, as the case may be, under the provisions of the Act: Provided that for the purpose of such application:

(a) Any person holding an office of profit under the Administration of the Territory, shall be deemed to be holding an office of profit under the Crown within the Union;

(b) The High Court of South West Africa shall be deemed to be a Superior Court of the Union.

33. A member of the Legislative Assembly of the Territory who shall become a member of either House of Parliament under this Act shall thereupon cease to be a member of that Assembly.

## CHAPTER III

### *Miscellaneous*

34. The Electoral Consolidation Act, 1946 (Act No. 46 of 1946), as amended, and as it may be amended from time to time, together with any regulations promulgated thereunder, shall *mutatis mutandis* be in force in the Territory: Provided that for the purposes of the application of the said Act:

(a) Any reference to a province of the Union shall be construed as a reference to the Territory and a reference to the Union shall be construed as including thereby a reference to the Territory;

(b) Any reference to a provincial council of the Union shall be construed as a reference to the Legislative Assembly of the Territory;

(c) Any reference to a provincial division of the Supreme Court shall be construed as a reference to the High Court of South West Africa;

(d) Any reference to a provincial revenue fund shall be construed as a reference to the Territory revenue fund;

(e) The date mentioned in sections *eight* and *nine* shall be, instead of the first day of May 1946, a day to be fixed by the Governor-General by proclamation in the *Gazette*;

(f) The provisions of section *twenty-seven* shall apply in regard to a new delimitation in terms of section *twelve* of the principal Act.

35. (1) As soon as practicable after the promulgation of this Act the Governor-General shall issue a proclamation declaring that the Advisory Council of the Territory shall be abolished and that the Legislative Assembly of the Territory shall be dissolved, and until such proclamation is issued the said Advisory Council and Legislative Assembly shall continue to carry out their functions as if this Act had not been passed.

(2) After the said proclamation has been issued:

(a) The Governor-General shall proceed to act under section *thirty-five* of the Electoral Consolidation Act, 1946, for the purpose of carrying out the election of members of the House of Assembly authorized to be elected to represent the Territory in terms of this Act as if a general election for the House of Assembly were taking place;

(b) The Administrator of the Territory shall proceed to act under the said section for the purpose of carrying out the first election of the Legislative Assembly as constituted under the provisions of this Act.

(3) As soon as practicable after the senators and the members of the House of Assembly authorized to be nominated and elected to represent the Territory under this Act have been so nominated or elected, as the case may be, the Governor-General shall issue a proclamation declaring that the provisions of sub-section (3) of section *forty-four* of the principal Act, as introduced by section *twenty-two* of this Act, shall be of force and effect.

36. Sections *six* and *seven* of the South West Africa Constitution Act, 1925, Further Amendment Act, 1931 (Act No. 38 of 1931), are hereby repealed.

37. This Act shall be called the South West Africa Affairs Amendment Act, 1949, and, save as provided in section *thirty-five*, shall come into force on the date of promulgation.

## ANNEX 2

### EXPLANATION OF THE PROVISIONS OF THE SOUTH WEST AFRICA AFFAIRS AMENDMENT ACT, 1949

The South West Africa Affairs Amendment Act, introduced in the House of Assembly by the Prime Minister, was read a first time on 7 February and was promulgated on 22 April 1949. The following are the main provisions of the Act:

The Act gives South West Africa six representatives in the Union House of Assembly all of whom will be elected, and four in the Senate, two of whom will be elected and the other two nominated by the Governor-General. One of the nominated senators will be selected mainly on the ground of his thorough acquaintance, by reason of his official experience or otherwise, with the reasonable wants and wishes of the coloured races of the Territory.

The South West Africa Legislative Assembly, in terms of the Act, will consist of eighteen members elected by the registered voters of the Territory. At present the Assembly has twelve elected members and six nominated members.

The Legislative Assembly is to be dissolved as soon as practicable after the Act becomes law and a new Assembly elected in terms of the Act. It will continue for five years from the date of its first meeting after each general election and will not be subject to dissolution save by effluxion of time.

The existing Advisory Council is to be abolished as from the date the Legislative Assembly is dissolved.

As far as is practicable, the Governor-General in appointing an Administrator for South West Africa, will give preference to persons who live or have lived there and have special knowledge of the Territory.

South West Africa will not come under the Union's taxation system. The Act specifically provides that no

Act of the Union Parliament, other than the laws relating to customs and excise, which imposes a tax, duty, charge or burden on the people of the Union, shall be of force in the Territory. South West African representatives in the Union Parliament will, however, have all the rights, powers, privileges and immunities of other members of Parliament. The position will thus be created that while the representatives of South West Africa in the Union Parliament have both a voice and vote on measures imposing taxation on the people of the Union, the Union members of Parliament have no say in regard to the taxation of the people of South West Africa.

The provision that taxes imposed by the Union Parliament will not apply to South West Africa may not be amended, modified or repealed except with the consent of the South West Africa Legislative Assembly embodied in a resolution communicated to the Union Parliament by a message from the Governor-General.

The following matters are reserved from legislation by the South West Africa Legislative Assembly but provision exists in terms whereof the Assembly may make Ordinances on these matters subject to the consent of the Governor-General previously having been obtained:

(a) Native affairs or any matters specially affecting Natives, including the imposition of taxation upon the person's land, habitations or earnings of Natives. Whenever any Ordinance of the Assembly imposes taxation upon persons, lands, habitations, or incomes or earnings generally, Natives and their lands, habitations and earnings shall be exempt from its provisions;

(b) Civil aviation;

(c) The acquisition, construction, management, regulation, control and working of railways and harbours in the Territory; and the organization, discipline and conditions of employment of and the payment of pensions, retiring allowances and financial benefits to persons in the employment of the railways and harbours administration;

(d) The organization of and discipline and conditions of employment of persons in the public service, who are serving in the Territory and the payment of pensions, retiring allowances and financial benefits to such persons;

(e) The constitution and jurisdiction of courts of justice, whether superior or inferior, and the practice or procedure to be observed therein;

(f) The administration, management and working of the postal, telegraph and telephone services;

(g) The establishment or control of any military organization or police force in the Territory;

(h) The movements or operations of any unit of the South African Defence Forces within the Territory;

(i) The entry of immigrants into the Territory or of other persons;

(j) Tariff of customs and excise duties and the control and management of customs and excise;

(k) Currency and banking and the control of banking institutions.

The South West Africa Legislative Assembly is empowered to recommend to the Union Parliament the enactment of a law, or the amending or repealing of any law, relating to any matter in respect of which it is not competent to make Ordinances.

The Assembly may also advise the Administrator in relation to such matters as the Administrator may refer to it for the expression of its views.

The Act declares that nothing contained in it shall be construed as in any manner abolishing, diminishing or derogating from the full powers of administration and legislation over the Territory as an integral part of the Union which have hitherto been vested in the Union.

As from the date when the Act becomes law the provisions of the Treaty of Peace and South West Africa Mandate Act of 1919 will be modified to the extent that the powers of legislation granted to the Governor-General will be abrogated. (He will retain his administrative powers.) Thereafter, except when the Assembly with the prior consent of the Governor-General is empowered to make an Ordinance on a reserved matter, only the Union Parliament will have the power to legislate for the Territory on matters on which the Legislative Assembly is not competent to legislate, or for the purpose of over-riding the provisions of any Ordinance made by the Assembly.

An Ordinance made by the Legislative Assembly shall, though promulgated, have effect in and for the Territory so long as and as far only as it is not repugnant to or inconsistent with an Act of Parliament applicable to the Territory.

The members of the Union House of Assembly to be elected under the Act will be chosen by the duly registered voters of the Territory for the electoral divisions delimited for the purpose under the South West Africa Constitution Act.

A member of the House of Assembly to be elected under the Act must:

(a) Be qualified to be registered as a voter for the election of members of the House of Assembly in one of the provinces, or in the Territory;

(b) Have resided for five years in the Union or the Territory;

(c) Be a Union national of European descent.

A nominated senator will hold his seat for ten years. If his seat becomes vacant, the Governor-General will nominate another person to be senator, who will also hold his seat for ten years.

The elected senators will be chosen by the members of the Legislative Assembly of the Territory together with the members of the House of Assembly, according to the principles of proportional representation as is the case with elected senators in the Union. An elected senator will hold his seat for ten years unless the Senate is sooner dissolved. If the seat of an elected senator becomes vacant, another may be elected for the unexpired part of the ten years.

A senator to be nominated or elected must:

(a) Be not less than thirty years of age;

(b) Be qualified to be registered as a voter for the election of members of the House of Assembly in one of the provinces or in the Territory;

(c) Have resided for five years in the Union or the Territory;

(d) Be a Union national of European descent;

(e) In the case of an elected senator, he must be the registered owner of immovable property within the Union or the Territory to the value of not less than five hundred pounds over and above any special mortgage thereon.

The Electoral Consolidation Act of 1946 as amended will apply to South West Africa. For this purpose a reference to a province of the Union, a provincial council, a provincial division of the Supreme Court or a provincial revenue fund shall be construed as a reference to the Territory, the Legislative Assembly of the Territory, the High Court of South West Africa and the Territory revenue fund, respectively.

The constituencies will be divided in such a manner that there will be, as far as possible, an equal number of voters in each division, due consideration being given by the Commissioners to community or diversity of interests, means of communication, physical features, and sparsity or density of population in such manner that, while taking the quota of voters as the basis of division, the Commissioners may, whenever they deem it necessary, depart therefrom, but in no case to any greater extent than fifteen per centum more or fifteen per centum less than the quota.

The Act requires members of the South West Legislative Assembly, before taking their seats, to take or subscribe to the oath of allegiance before the Administrator or his deputy.

In effect the Act gives the Territory of South West Africa representation in the Union Parliament without in any way curtailing its existing powers of self-government or interfering with its fiscal autonomy. In fact the following matters which were formerly temporarily reserved from legislation by the Legislative Assembly of the Territory have now been added to the subjects in respect of which it is competent to make ordinances:

(1) Primary or secondary education in schools supported or aided from the revenues of the Territory;

(2) The establishment, management or control of any land or agricultural bank in the Territory; and

(3) The allotment, sale, lease or disposal of Government lands in the Territory.

Furthermore, the Legislative Assembly is now competent to make Ordinances on the subjects of mines, minerals, mineral oils and precious stones which were previously permanently reserved from its jurisdiction.

Thus so far from conferring additional powers on the Union Government, the Act provides that certain powers, previously exercised by the Union Government, should now be exercised by the South West Africa Legislature. The position regarding Native interests will, however, remain unaltered. The arrangement will continue under which it is *not* competent for the South West Africa Legislature to make any Ordinance on Native affairs or any matters specially affecting Natives, including the imposition of taxation upon the persons, land, habitations, or earnings of Natives. The obligations of the Union Government vis-a-vis the Natives, which derive from the mandate and are embodied in the original Act, thus remain in full force.

## Document A/962

### Note by the Secretary-General

[Original text: English]  
[25 August 1949]

1. The General Assembly, on 26 November 1948, adopted resolution 227 (III) concerning the question of South West Africa in which it recommended, without prejudice to its resolutions of 14 December 1946 and 1 November 1947, that the Union of South Africa, until agreement is reached with the United Nations regarding the future of South West Africa, should continue to supply annually information on its administration of the territory, and requested the Trusteeship Council to continue to examine such information and to submit its observations thereon to the General Assembly.

2. The Secretary-General has the honour to refer to resolution 111 (V)<sup>1</sup> adopted by the Trusteeship Council on 22 July 1949, the text of which is reproduced below.

#### *"The Trusteeship Council,*

*Having examined,* in accordance with General Assembly resolution 227 (III) of 26 November 1948, certain information transmitted to the United Nations by the Government of the Union of South Africa by a letter dated 11 July 1949,

*"Calls to the attention of the General Assembly the fact that the Union Government has now, according to its letter of 11 July 1949, given effect to its intention to bring about a form of closer association between South West Africa and the Union and has decided not to transmit any further reports on the Territory;*

*"Informs the General Assembly that the refusal of the Union Government to submit further reports precludes the Council from exercising further the functions envisaged for it in resolution 227 (III)."*

3. With particular reference to the first paragraph of the above resolution, the Secretary-General wishes to call the attention of the members of the General Assembly to the letter dated 11 July 1949 from Mr. J. R. Jordaan, deputy permanent representative of the Union of South Africa to the United Nations, addressed to the Secretary-General.<sup>2</sup>

4. The report of the Trusteeship Council to the General Assembly<sup>3</sup> refers to the question of South West Africa in its chapter V, paragraph 3.

<sup>2</sup> See document A/929.

<sup>3</sup> See *Official Records of the fourth session of the General Assembly*, Supplement No. 4.

<sup>1</sup> See *Official Records of the fifth session of the Trusteeship Council*, Supplement No. 1.



**Guatemala: draft proposal**

[Original text: Spanish]  
[21 November 1949]

*The Fourth Committee,*

Considering that representatives of the indigenous population of South West Africa have asked the Committee to grant them a hearing at which they may state their points of view with respect to the position of that territory,

Considering that it is desirable to obtain all the information available on this important subject,

Decides to grant a hearing to representatives of the indigenous population of South West Africa who can provide due evidence of their status by submitting suitable credentials; and

Establishes a sub-committee to study such credentials and to report to the Committee as soon as possible.

**Document A/C.4/L.57 and A/C.4/L.57/Corr.1**

**Communications received by the Secretary-General**

[Original text: English]  
[21 November 1949]

*Note by the Secretariat:* The following extracts from communications received by the Secretary-General are circulated in accordance with a decision of the Fourth Committee at its 131st meeting on 21 November 1949.

1. *Letter from the Reverend Michael Scott to Mr. Hermod Lannung, Chairman of the Fourth Committee*

"... I am enclosing copies of the documents I mentioned to you in conversation the other day. I am here as consultant for the International League for the Rights of Man but came at the request and expense of the Herero people so that I am very much hoping it will be possible for me to be given a hearing by the Fourth Committee on their behalf, in connexion with the question of South West Africa.

"... I need not reiterate how eagerly the African people are looking to the United Nations nor how much their hopes for the future are bound up in the principles of the United Nations and their application in this case. It is right that they should have been encouraged to believe in the United Nations as the instrument of justice and the practical attainment of the principles of a divinely created order of things.

"You may rest assured that their prayers and mine will be with you together with those of many people in different parts of the world in all the important work which lies ahead of your Committee.

(Signed) Michael Scott"

2. *Letter dated 4 October 1949 from the Reverend Michael Scott to Mr. Hermod Lannung, Chairman of the Fourth Committee*

"... When I wrote to the Trusteeship Division regarding the possibility of being given a hearing by the Fourth Committee, Mr. Victor Hoo replied that "the Fourth Committee, or indeed any other Committee, has the right to invite, if they so wish, any appropriate body or person to give evidence on the subject of which it is seized". I should mention that photostat copies of the documents and letters from the Herero

Chiefs, Frederick Mahareru, Hosea Kutako, Nikanor Hoveka and many other Natives of the Herero and other South West African tribes asking me to speak for them have been deposited with the Trusteeship Division (Mr. Aleksander), and reference may be made to the *Official Records of the second session of the General Assembly*, Fourth Committee, 16 September — 6 November 1947, pages 139 to 197, in which some of these documents are quoted at length.

"Whilst the South African Government does not recognize me as 'having any status' to represent the Hereros or other South West Africans this is only consistent with their depriving them of the right of petition and of political representation, and with their refusal to allow a deputation of their chiefs to proceed overseas. (Vide letter of the Secretary of External Affairs to me quoted in documents already sent you.) I ought also to mention that the whole cost of my journey to the United Nations has been borne by members of the Herero tribe.

"As regards my 'appropriateness' in this connexion, I should also mention that I am a clergyman of the Anglican Church in South Africa holding a licence in the Diocese of Johannesburg and, during my visit to the United Nations, am licensed in the Dioceses of New York and Long Island. I am a South African and have worked for ten years amongst the non-European people in South Africa and am deeply concerned we should fulfill our honourable obligations both as a member of the British Commonwealth and of the United Nations.

"The request that I should be given a hearing on the subject of South West Africa has been supported by the United Nations Association of the United Kingdom (*vide United Nations News*, London, May/June, and their resolution sent to the Secretary-General), by the World Federation of United Nations Associations in a letter to General Rómulo, by the Anti-Slavery Society of England and by the International League for the Rights of Man which enjoys consultative status with the United Nations (Category B) and which has appointed me as their consultant at the United Nations.

"Thus, I hope very much that a hearing may be granted me in view of their strenuous efforts to make their voices heard.

(Signed) Michael Scott"

3. *Cablegram dated 9 November 1949, from Chief Hosea Kutako to the Secretary-General*

Confirming our request 1948 our spokesman to proceed to United Nations confirming Reverend Scott representing our case.

Chief Hosea KUTAKO

**Document A/C.4/L.62**

**Report of Sub-Committee 7 to the Fourth Committee**

*Rapporteur:* Mr. Ahmed FARRAG (Egypt)

[Original text: English]  
[25 November 1949]

1. Sub-Committee 7 of the Fourth Committee was established by a resolution (A/C.4/L.60) adopted by the Fourth Committee at its 134th meeting on 23 November 1949. The Sub-Committee was composed of Colombia, Dominican Republic, Egypt, Guatemala, India, Poland and the United States of America.



Under the terms of the resolution, the Sub-Committee was entrusted with the task of studying credentials of one or more representatives of the indigenous population of South West Africa and asked to report thereon to the Fourth Committee as soon as possible and not later than the week ending 26 November 1949.

2. The Sub-Committee met on 25 November 1949 and elected Mr. Robert Robbins (United States of America) as Chairman and Mr. Ahmed Farrag (Egypt) as Rapporteur.

3. The Sub-Committee had before it only one request, from the Reverend Michael Scott, for a hearing before the Fourth Committee. In support of his request, Mr. Scott submitted to the Secretariat the following communications:

1. Statement by representatives of the Nama (Hottentot) people, dated 4 March 1948.

2. Statement by Chief David Witbooi of the Nama (Hottentot) people of South West Africa, dated 4 March 1948.

3. Statement by representatives of the Berg Damara people of South West Africa, dated 7 March 1948.

4. Communication to the General Assembly by Chief David Witbooi, of the Namas, dated 29 March 1948.

5. Statement by eleven Namas, dated 24 July 1948, Keetmanshoop, South West Africa.

6. Communication to the Secretary-General by Chief Hosea Kutako and others, dated 12 October 1948, Windhoek, South West Africa.

7. Communication to the Secretary to the Prime Minister of the Union of South Africa by Chief Hosea Kutako and others, dated 21 October 1948, Windhoek Location, South West Africa.

8. Communication addressed to the Secretary-General by Chief Hosea Kutako and others, dated 23 October 1948, Amenuis Reserve.

9. Statement by Hosea Kutako and others, dated 28 October 1948, Windhoek, South West Africa.

10. Statement by Chief F. S. Mahareru, dated 5 November 1948, P. O. Nahalapye, Bechuanaland.

11. Undated statement by a deputation of the Berg Damara tribe.

12. Statement dated 27 February 1948 by Headmen and representatives of the Herero people.

13. Letter dated 30 April 1948 from S. K. Hoveka to the Reverend Michael Scott.

In addition, the Secretariat received the two following communications directly:

1. Letter by Theophilus R. K. Kaljuongua on behalf of Chief Kutako and the representatives of the Namas and Berg Damaras, dated 14 October 1949, Windhoek, South West Africa.

2. Cable by Chief Hosea Kutako, dated 9 November 1949, Windhoek, South West Africa (reproduced in document A/C.4/L.57).

4. The Sub-Committee, after considering these credentials and after discussing the fundamental juridical questions, taking into account the special circumstances of this request for a hearing, unanimously took the following decision:

"Sub-Committee 7, in accordance with the provisions of the resolution adopted by the Fourth Committee at its 134th meeting (A/C.4/L.60), has examined the credentials of the Reverend Michael Scott as representative of certain groups of the indigenous population of South West Africa and has found that they are in suitable order and should be given full faith and credit."

5. The representative of the Dominican Republic stated that while accepting the conclusions of the Sub-Committee, he reserved his position on the fundamental juridical question of the legal origin of the delegation of power or of the issuance of credentials authorizing an appearance before any organ of the United Nations.

## Document A/C.4/L.66

### Documents submitted by the Reverend Michael Scott

[Original text: English]  
[29 November 1949]

*Note by the Secretariat:* The following documents were received by the Secretariat from the Reverend Michael Scott and are circulated, in accordance with a decision taken by the Fourth Committee at its 138th meeting on 26 November 1949, as annexes to the statement made by Mr. Scott on that occasion.

#### TABLE OF CONTENTS

	Page
I. The tribes send their petition to the United Nations .....	14
II. Letter, dated 23 October 1948, from Chief Hosea Kutako and five other members of the Herero tribe to the Secretary-General of the United Nations, together with attachments.....	17
III. Statement to the United Nations, dated 29 March 1948, by Chief David Witbooi of the Nama tribe .....	20
IV. Statement to the United Nations, dated 24 July 1948, by eleven members of the Nama tribe.....	20
V. Statements pertaining to the dispossession of the tribesmen of their land .....	21
VI. Statements pertaining to labour conditions on farms .....	27
VII. Extract from the <i>Report of the South West Africa Native Labourers Commission, 1945 - 1948</i> .....	29
VIII. South West African referendum .....	34

### I. THE TRIBES SEND THEIR PETITION TO THE UNITED NATIONS

Something of the circumstances in which the petition of the South West African tribes was sent to the United Nations is pertinent to an understanding of the way the incorporation into South Africa is regarded, and also, the hope that is now placed in the United Nations by the tribes.

The referendum had been taken, in November 1946, and the claims of South Africa were being pressed before the United Nations. The serious misgivings about that referendum which many people in the Union felt in regard to what was being presented to the United Nations seemed to call urgently for more light on the subject. Especially was this so in view of the fact that no opportunity had been given to the South African Parliament, Press or public to read the report of the referendum, or the documents submitted to the Union Government, or the elaborately illustrated brochure that was being circulated at

the United Nations in support of the Union Government's claims.

If the truth were not told now, it would be too late to tell it. General Smuts was basing his whole claim to "annexation" on the referendum and the supposed wishes of the Native inhabitants. But, had they understood that the whole future of their country and their rights in the land were at stake? For, once the territory was incorporated, there could be no appeal to any outside body, and by the laws of the Union of South Africa, its government would remain the supreme authority in whom the disposal of their lands was vested. The Native people would have no rights in the land that could not be abrogated by the white Parliament.

It was at this time and under these circumstances, that I received word that Frederick Mahareru, the Paramount Chief of the Herero tribe, wanted to see me. He is living in exile with 15,000 of his people, in the British Protectorate of Bechuanaland. I made the journey from Johannesburg to Serowe in the British Protectorate, met and conferred with Frederick and others of the Herero chiefs and councillors.

They were greatly disturbed, for letters were reaching them from the tribes in South West Africa imploring Frederick to go home to them "with all possible haste".

"Chief Frederick", said one of the letters, "the heritage of your father's orphans is about to be taken from them; and because we cannot speak with one voice, as we are scattered all over the country, our heritage may therefore fall to that side for which we have no liking. Let the Chief, despite pressing duties there, come with all haste to us, we pray you, son of the Chiefs of our fathers. Come quickly to us."

The Bechuana chiefs, so I was told, had also already had an interview with the High Commissioner of the United Kingdom in which their attitude was expressed.

In a letter written to the Commissioner after the interview, the Herero position was stated thus: "We challenge any statements either now or hereafter made by the Union Government in the General Assembly of the United Nations Organization to the effect that the Native people of South West Africa concur in the transfer of that country to the Union free of any mandate."

From Serowe I traveled to Windhoek in South West Africa at the request of Chief Frederick, to obtain the views of the Hereros in South West Africa, to give them a more detailed account of the referendum. With some of the younger men I went by lorry from Windhoek to the Amenuis Reserve, and an incident along the way deserves recounting.

At a certain place the lorry pulled up and I was asked to go with the men through the thicket at the foot of some nearby hills. Rather puzzled, I followed these Hereros, dodging clutching thorn-bushes until we reached a certain tree. Then all knelt down facing in the same direction and I instinctively followed. After a short silence the leading young man prayed in the Herero language, and his prayer was translated by one of the interpreters.

In this way I learned that we were kneeling close to the place where the German war against the Herero people had begun. The prayer asked for a blessing on our journey which after so many

years was being undertaken with the object of restoring the Herero people to the land, and to the life which they had lived before a great wickedness was done to them, a thing which no Herero would ever forget. After asking God to take care of the Chiefs and leaders of the people, and to bring us back safely, the leading young man took a handful of earth and gave each of us a little on the palms of our hands. It was taken into the mouth as in a communion rite and then spat out.

We arrived at one o'clock in the morning and were taken to the kraal of Chief Hosea. I began to explain through an interpreter that I had come many hundreds of miles to see him, bringing word to him from Chief Frederick, the same Chief whom he himself had escorted in the long trek to Bechuanaland after the Hereros' defeat by the Germans.

As my coming was explained to Chief Hosea, the first look of amazement and then incredulity gave way to an expression which I may never be privileged to see again.

That night the Chief Councillors gathered. They sat grouped around a brazier in the Chief's hut while I explained matters to them; and bound up in what was said was the whole history of their people, and the fate of Germany in World Wars I and II, and now, the birth of the United Nations. I left them to make my way back to Chief Frederick and to report to him about the feelings of his fellow tribesmen. Then Frederick, with others of the chiefs and with the tribe's legal advisor, drew up the petition. It still had to be signed, so again I went back to South West Africa and the tribes.

With Chief Hosea and Festus Kandjo, who had accompanied me from Amenuis, we consulted with other members of the tribe at three places: Gobabis, Windhoek and Okahandja. The petition was read to them in the Herero language and discussed by them and thus it was signed.

The ceremony was at the graves of the Hereros' ancestors who had been slain by the Germans. Their own minister conducted the service in Herero, after which I was asked to speak to them and offered a prayer for the Herero nation. Some of their Elders then affixed their signatures to the petition after which hymns were sung.

The power of some still surviving spirit of resistance could be felt as an undertone in the singing of one of their own hymns sung that day as we stood there by the graves of the Hereros.

That same spirit was evident, too, in the prayer offered by Chief Hosea as I bade him goodbye:

"You are the great God of all the earth and the heavens. We are so insignificant. In us there are many defects. But the power is Yours to make and to do what we cannot do. You know all about us. For coming down to earth You were despised, and mocked, and brutally treated because of those same defects in men of those days. And for those men You prayed because they did not understand what they were doing, and that You came only for what was right. Give us the courage to struggle in that way for what is right.

"O Lord, help us who roam about. Help us who have been placed in Africa and have no home of our own. Give us back a dwelling place. God, all power is Yours in heaven and earth."

I left him at Gobabis, standing erect in the sun with his hat in his hand.

So the petition was signed at Okahandja, Gobabis and Windhoek. When it became clear that their own tribesmen would not be permitted to convey their petition themselves, I was asked to make the journey to Lake Success and present their views for them to the United Nations.

After many difficulties their petition was received and is now a part of the official records of the Fourth Committee of the General Assembly of 1947.<sup>1</sup>

I returned to South West Africa with the intention of reporting to the people who had sent me on that long journey. I was allowed a permit for four hours in which to tell the senior chiefs about how their petition had been received by the United Nations and the debate that had taken place there. (I left a verbatim report with the interpreter to read to them, and also a photostatic copy of their petition as it was officially noted at the United Nations.) I was refused permission to show the United Nations film *The People's Charter*. I could not hold a public meeting, nor could I visit their reserves. I had, therefore, to communicate the decisions of the United Nations to the other chiefs in small gatherings held outside of the locations and reserves, in the open air, sometimes at night, under the sky, or by the light of a hurricane lamp.

The Chiefs and their peoples did not know what action the United Nations would take on their petitions. Fearful that their case might not be correctly understood unless continuing representations were made on their behalf, new petitions were drawn up and five Native spokesmen were selected by the tribes to be sent overseas to present their case in Britain and to the General Assembly of the United Nations meeting in Paris in 1948.<sup>2</sup>

A request signed by Chief Hosea Kutako and other Hereros was sent to the Prime Minister, Dr. Malan, on 13 October 1948, that on the occasion of his forthcoming visit to South West Africa, he receive one or two spokesmen of the Herero petitioners and grant a hearing to their viewpoint on the return of their lands and the re-establishment of their tribal organization in one continuous area in South West Africa. The Prime Minister was also respectfully requested that I also be granted an interview and that he receive a memorandum relating to the subject of the Herero petition.

On 20 October 1948 a reply was received from the Secretary to the Prime Minister that Dr. Malan was unable to receive the delegation. The reply further stated "... the Union Government do not consider themselves accountable to the United Nations Organization, to the Government of the United Kingdom, or to the British Commonwealth in respect of their administration of the Territory of South West Africa and cannot, therefore, look with favour upon the proposal that a delegation of the Herero people should visit

Europe for the purpose of making representations along the lines suggested". It was further stated that it was not possible to recognize the possession by me of a status to represent the Herero or any other tribe in the Territory or that could justify my being received if and when a delegation should present itself.

The following day, 21 October 1948, the senior Herero Chief and other Hereros in a letter to the Secretary of the Prime Minister expressed their regret that it was impossible for Dr. Malan to receive a deputation from the Herero people and others who petitioned the United Nations. The letter requested that the peoples' memorandum be conveyed to the Prime Minister. The letter reaffirmed that the Chiefs and Headmen had requested me to make representations on their behalf at the United Nations and that they had authorized me to continue to make such representations.

Two days later, on 23 October 1948, the Chiefs and Headmen of the Herero peoples sent a letter to the Secretary-General of the United Nations, which is reproduced in Section II of this document.

This letter recounted their efforts in attempting to make representations to the United Nations; the denial by the Union Government of permission for their own spokesmen to proceed to the General Assembly of the United Nations; their desire that South West Africa be placed under the Trusteeship System. The letter concluded: "We trust and pray to God that it will be possible for the United Nations to hear the plea of our people for relief from the injustices which have caused so much suffering to our people and have even threatened our very existence as a tribe".

Enclosed with this letter to the Secretary-General was a copy of the memorandum which had been prepared for the Prime Minister. This memorandum is now included in Section II.

In addition to the above documents I was also given a series of written authorizations by deputations from the Nama (Hottentot) people, the Berg Damara people as well as the Herero and Abanderu tribes living in exile in Bechuanaland to speak on their behalf before the United Nations.

With the money collected by these Natives of South West Africa I arranged for an air passage in November 1948, to fly to Paris to lay their case before the General Assembly of the United Nations. In an attempt by Union officials to take away my passport, unfortunate delays occurred which prevented me from arriving in Paris in time to plead the cause of the Natives of South West Africa.

I then proceeded to New York in order to fulfil my pledge to these peoples who wished to be heard when the nations of the world discuss the fate and future of their territory and their lives.

<sup>1</sup> See *Official Records of the second session of the General Assembly, Fourth Committee, Annex 3 e*, pages 172-192.

<sup>2</sup> *Author's note:* The spokesman named in this memorandum to the Union Prime Minister, a copy of which was sent to the Secretary-General, are those who were recognized as speaking for the Herero people in the Union Government's report on the South West Africa referendum, namely, Festus Kandjo, Alfred Katjimuine, Philip-

pus Tjapaka and Stephanus Hoveka. Hosea Kutako is recognized as the Senior Herero Chief (see *South West Africa and the Union of South Africa: The History of a Mandate*, page 88, and also *Report by the Government of the Union of South Africa on the administration of South West Africa for the year 1946*, page 21, paragraph 118).



II. LETTER, DATED 23 OCTOBER 1948, FROM CHIEF HOSEA KUTAKO AND FIVE OTHER MEMBERS OF THE HERERO TRIBE TO THE SECRETARY-GENERAL OF THE UNITED NATIONS, TOGETHER WITH ATTACHMENTS.

Amenuis Reserve  
South West Africa  
23 October 1949

The Secretary-General  
United Nations Organization  
Palais de Chaillot  
Paris

Sir,

We beg to reaffirm the intimation already sent to you that the following members of our tribe have been nominated to go overseas to place our case before the United Nations in the form of a verbal petition:

Festus Kandjo, Stephanus Hoveka, Alfred Katjmuine, Philippus Tjapaka, Simeon Hoveka.

When the Prime Minister of the Union Government visited South West Africa this week we asked whether he would be kind enough to receive a deputation consisting of Hosea Kutako, our senior Chief in South West Africa, and other spokesmen of the Hereros and others who last year sent our petition to the United Nations through the Reverend Michael Scott. The purpose of our deputation, as was stated, was to appeal for the return of our lands, the reunification of our tribe at present divided into eight sections, and its rehabilitation, and for permission to send our representatives overseas to state our case to the United Nations as well as to the Commonwealth Relations Department of the British Government.

Unfortunately, the Prime Minister was unable to receive our deputation although it was found possible to receive a deputation from the German community of South West Africa to appeal for their naturalization and the enjoyment of their rights of citizenship of the British Commonwealth and the Union and to express gratitude to the Prime Minister for the release of those who had been detained as enemy aliens, and were due to be deported.

Those at the United Nations who are acquainted with the history of South West Africa may perhaps understand our regrets that the Prime Minister was not able to receive our deputation and to appreciate the reasons why we feel obliged to make this further and urgent plea for justice to the United Nations.

We believe the United Nations Trusteeship System to be an impartial instrument for bringing peace and justice amongst those various sections of the population in South West Africa — both European and non-European which formerly were enemies — the British and the Germans, the Afrikaners and the Hottentots, the Bastards and Berg Damaras and Hereros.

Members of the Hottentot (Nama) and Berg Damara tribes have also been chosen, we are informed, to accompany our spokesmen for the purpose of similarly making a verbal petition.

We are enclosing herewith a copy of the memorandum and covering letter which we forwarded yesterday to the Prime Minister through the Secretary for External Affairs when we learned that he was unable to receive our spokesmen, but had charged his secretary to do so.

Since we have not been granted permission to proceed overseas ourselves or to send the chosen

representatives of our tribe we have asked the Reverend Michael Scott again to make representations on our behalf, though the Government refuses to recognize this.

We trust and pray to God that it will be possible for the United Nations to hear the plea of our people for relief from the injustices which have caused so much suffering to our people and have even threatened our very existence as a tribe.

We have the honour to be,

Yours respectfully,

(Signed) Hosea KUTAKO, Chief

E. J. MUVAUGUA

F. UZAKIZA

Gideon TJIRANBA

E. TUTONDERUMBI

F. KAATURAFF

Kantoor van die

Office of the

Administrator: Windhoek

20 October 1948

Dear Sir,

I have the honour by direction of the Prime Minister to acknowledge receipt of your letter of 13 October 1948.

In reply, I am to state that the Union Government do not consider themselves accountable to the United Nations Organization, to the Government of the United Kingdom, or to the British Commonwealth in respect of their administration of the Territory of South West Africa and cannot, therefore, look with favour upon the proposal that a delegation of the Herero people should visit Europe for the purpose of making representations along the lines suggested.

As to the reunion of the Herero tribe, both with regard to the groups of that tribe domiciled in South West Africa and the Bechuanaland Protectorate, permit me to invite attention to the fact that the branch of the tribe now domiciled in the Protectorate fled to and took up residence in that Territory before the advent of the Union's administration of South West Africa. Consequently no responsibility for the Bechuanaland Hereros rests upon the shoulders of the Union Government. Furthermore, as has been previously indicated, there is no land in South West Africa which under present conditions could be made available to those Hereros.

I am to add that the Union Government and the Administration in South West Africa have never failed to accord a sympathetic hearing to the reasonable representations of any of the Native peoples of the Territory or, as far as lay in their power, to comply with reasonable requests. In conformity with this practice they will be happy to listen to any representations which a truly representative delegation of the Herero tribe in South West Africa may wish to make. But it is not possible to recognise the possession by you of a status to represent the Herero or any other tribe in the Territory or that could justify your being received if and when a delegation should present itself.

As you will be aware, Dr. Malan is at present in Windhoek for a specific purpose and his pre-occupations in that connection are such that unhappily he will be unable to receive the delega-

tion himself. He has, therefore, charged me to discharge that duty on his behalf.

I have the honour to be, Sir,

Your obedient Servant,

(Signed) D. D. FORSYTH  
Secretary to the Prime Minister  
and for External Affairs

The Reverend Michael Scott,  
P. O. Windhoek

Windhoek Location  
21 October 1948

The Secretary  
to the Prime Minister  
Government Buildings  
Windhoek, S.W. Africa

Your Honour,

We regret very much that it is not possible for the Prime Minister to receive a deputation from the Herero people and others who petitioned the United Nations. Also that it would not be possible for the Reverend Michael Scott whom we have asked to assist us in making our representations to be present at any discussion that might take place with you regarding our petition.

Since we should not like to discuss the matter of our representations to the United Nations without the Reverend Michael Scott being present and since the Prime Minister is unable to receive our deputation, we are therefore respectfully sending you herewith a memorandum which we would ask you to be kind enough to convey to the Prime Minister.

Since there appears to have been some misunderstanding in the Press with regard to the Reverend Michael Scott acting on our behalf, we should like to reaffirm that we did ask him to make these representations for us at the United Nations and that we have authorised him to continue making representations on our behalf.

Yours very respectfully,

(Signed) Hosea KUTAKO  
Gideon TJIRANBA  
David ZAARUKA (x)  
GERHARDO  
WAZUKUAUI  
Lukas KONDJII (x)  
Hars NOBIRIZA  
Zachariae MAZIRIZO  
F. KAATURAFF

P. O. Windhoek  
S. W. Africa  
20 October 1948

The Right Honourable Dr. D. F. Malan  
Government Buildings  
Windhoek, S.W. Africa  
Your Honour,

We have respectfully asked your permission to approach you in order to place before you our request that permission may be granted for the chosen spokesmen of our tribe to proceed overseas to express our views regarding the future of our people both to the British Commonwealth Relations Department of the British Government and to the United Nations Organization in the form of a verbal petition.

The views which we desire that our spokesmen should have an opportunity of expressing to those

who are concerned may be summarised in the following points:

It is the desire of our people that our tribe should be reunited and our tribal organisation re-established on the lands which were traditionally ours before we were deprived of them by force and stealth. When the German nation which had come amongst us as evangelists and traders made war upon us, our men, women and children were pursued into the desert and destroyed by the thousand until our tribe was decimated. There are to this day more than fifteen thousand of our people still living in exile in British Bechuanaland whither they had fled across the Kalahari taking with them our Chief Frederick Mahareru on whose behalf the British Government has recently been in correspondence with the Union Government regarding the possibility of his return with his fellow tribesmen to South West Africa.

It has always been the faith and prayer of the Herero people that our tribe will one day be reunited and our traditional lands, of which we were dispossessed by the Germans, will one day be restored.

We believe that this will be a necessary step in the rehabilitation and recovery of our people from the grievous wrongs which we have suffered, and that it will come about in God's good time and with the growth and strengthening of the human conscience.

Certain Government commissions and even officials at the present time have condemned the Hereros as a people who have become degenerate in both morals and physical and mental attributes, accusing us even of apathy and despair to the point of racial self-destruction. If there is truth in the assertions that more of our people are dying than are being born annually (see report of the South West African Commission and the Administration's report to the United Nations, 1946), we can only appeal to the conscience of the civilised world not to apportion blame for the consequences of oppression but to assist us now in finding the remedy which we seek in order to bring about the fundamental restoration of our people.

Our prayers and our faith will endure as they have endured throughout the period in which three wars have brought sorrow and ruin upon the German nation and have failed also to bring about the restoration of the Herero people who were the first victims in Africa of the illusion of the German people that "Might is Right".

Despite the many problems and disputes which confront the United Nations after their victory, we trust that our voices may yet be heard and that the wrongs which have been done to us may be rectified. Last year we made our petition to the United Nations that this country being a mandate of the former League of Nations should now be brought under the United Nations Trusteeship System, believing this to be an impartial instrument for bringing peace and justice amongst those various sections in South West Africa, both European and non-European which formerly were enemies — the Germans, the British and the Afrikaners, the Hereros, the Hottentots and Berg Damaras, all of whom must now find a way to live in peace and goodwill based upon justice.

Through you, Sir, we would appeal to the Union Government to comply with the twice-repeated wish of a two-thirds majority of the United Nations that a trusteeship agreement for the Territory should now be submitted for the approval of

the General Assembly at its present session. We trust that any proposal regarding the restoration of our lands may be submitted to the United Nations and included in the terms of such a trusteeship agreement.

At present the African people, whether in South West Africa or in the Union of South Africa, have no absolute rights in land rights, that is to say, which cannot be abrogated by others at their will; and it is this which has formed the subject of comment by the Trusteeship Council's Drafting Committee on the Report on the Administration of South West Africa for 1946 in its draft report.

In section 2, paragraph (c) (ii) dealing with indigenous land rights the committee "expresses apprehension at this indication that the Union Government has not seen fit to restore the traditional land rights which were taken away from the indigenous inhabitants under the German regime. The Council, for want of a fuller explanation, is concerned lest this policy may have been the cause of long-standing hardship to the indigenous population" (T/209).<sup>1</sup>

In section 3, paragraph (a) the opinion is expressed that "any arbitrary division of the indigenous inhabitants and their allocation to fixed areas is not conducive to their general advancement and that the system of confining indigenous inhabitants to 'native reserves' is to be deplored in principle. The Council considers that by a revision of its policy the Union Government should be able gradually to eliminate whatever reasons might at present explain the existence of such reserves and of the restrictions on residence and movement."

In section 2, paragraph (c) (iv) the report "notes that various parts of the Herero tribe, which was broken up by the Germans, are accommodated in eight different reserves, and that one of the reasons why it has been impossible to reunite the tribe in a single area, according to the replies given by the Union Government, is the fact that no area large enough to accommodate a whole tribe in the Police Zone could be made available unless private rights of occupation were violated, which was out of the question (T/175, page 222).

"The Council considers that the degree to which land has been alienated is a factor in keeping the Herero tribe physically divided, and that the interests of this tribe constitute an additional reason why the whole question of land distribution should be re-examined by the Union Government."

In this connection we must recall that during the period of the Mandate many thousands of square miles of land have been allocated to white settlers from outside South West Africa; five hundred families were brought from Angola against the advice of the local authorities. Yet it is claimed that there is insufficient land to provide for the reunification of the Herero tribe or to "absorb Chief Frederick Mahareru and his followers".

The land which had been offered to us recently in separate areas was considered by those who inspected it to be too unhealthy and too unproductive for settled human occupation and sustenance.

<sup>1</sup> See *Official Records of the Trusteeship Council*, third session, Supplement, pages 223 to 231.

## Political rights

The Native inhabitants of South West Africa remain after thirty years of mandatory administration by South Africa without any form of elected representation in the House of Assembly or Executive Council.

It has been claimed that the Native inhabitants are insufficiently qualified to be taken into consultation.

"If then one considers the backwardness of the indigenous population, it becomes clear that there is no reasonable expectation of their acquiring those mental, moral and civic qualities which would justify their being seriously taken into consideration before a time so remote as hardly to merit present consideration." Such was the conclusion of Mr. Justice Van Zyl's Commission in 1935.

Such a conclusion is hard to reconcile with the conduct of a referendum amongst the Native people in 1946 which, it was claimed, showed that the overwhelming majority of the Native inhabitants were in favour of the incorporation of the Territory into the Union.

But the fact that the Native inhabitants have no elected representation in the Parliament would seem to reinforce the opinion of the Van Zyl Commission that "as the Mandate was conceived in the interests of these people (the Native inhabitants) it was clearly intended that their future should not be mortgaged by any disposition of the Territory, while the mass of the population still labours under the very incapacity which justified the institution of the Mandate". The Commission had previously laid down that the Mandate intended "that the indigenous people should be placed under tutelage and that safeguards in their interest should be maintained so long as they were not yet able to stand by themselves under the strenuous conditions of the modern world".

All these considerations of the Trusteeship Council and the South West African Commission of Mr. Justice Van Zyl support our appeal that the status and constitution of the Territory should continue to be that of a Mandate or Trust Territory rather than that it should be absorbed in the Union where it is now proposed that existing political rights of Natives should even be curtailed rather than extended.

In South West Africa, whatever can be said regarding the qualifications of the Native inhabitants for consultation, it is clear that they (the Native inhabitants) have suffered from the consequences of the lack of political representation. There is evidence of this not only in their position in relation to the land but in their generally backward economic and social circumstances, the deplorably low wage levels that prevail even as contrasted with South African standards and in the slum conditions prevailing in the the locations.

Yet the African population, being ten times as great as the European, contributes much to the general prosperity through its labour and through taxation and tariffs.

Such are some of the grounds of our appeal to the consciences of the civilised nations of the world expressed through the United Nations. We have nominated the following members of our tribe to act as our spokesmen:

Festus Kandjo, Stephanus Hoveka, Alfred Katjmuine, Philippus Tjapaka, Simeon Hoveka.

We respectfully ask you to give favourable consideration to our appeal, believing that peace and goodwill, which we all desire and which



is the desire of all nations, will be brought nearer to realisation in this land of racial differences by allowing our appeal to be heard for justice and for a constitutional system of trusteeship to be established whereby all races can look forward with confidence and hopes of fulfillment for the right aspirations of all sections.

(Signed) B. H. HIMUMINE

Interpreter

Hosea KUTAKO, Chief

E. Joshua MUVANSUA

Zakalio UOZIKIZA

(Illegible)

G. R. KAMOZAUUNYE

G. RIRUAKO

Timon KANARI

F. KANAGAU

III. STATEMENT TO THE UNITED NATIONS, DATED  
29 MARCH 1948, BY CHIEF DAVID WITBOOI  
OF THE NAMA TRIBE

(Translated from Afrikaans)

Windhoek, 29 March 1948

To the General Assembly of the United Nations  
meeting in September.

With these words I pay a visit to the General  
Assembly of the United Nations.

Honourable King and General Assembly, I hope  
that the King and the Assembly will understand.  
We, the Nama and Herero and Berg Damara  
tribes — we Natives of South West Africa — have  
great confidence in the British Government and  
have had this from the days of our older chiefs  
up to the present time. Our Chief, Hendrik Wit-  
booi, made an alliance between this country and  
the British Government; he allowed this country  
to be supervised from the year 1885 to the present  
day. I do not want to be incorporated into the  
law of the Union; I have clearly seen the reason.  
We shall be destroyed if we are incorporated. I  
have a strong desire that the Reverend Michael  
Scott prepare a record of our life in South West  
Africa. Up to the present time we have not had  
a high school, and because we are lacking in high  
school education we cannot attend meetings of  
the United Nations.

But I should like us to be in on everything.  
I should like to go there to attend the Assembly,  
but I do not have the money. This is, in particular,  
my petition and prayer: to present everything  
to the honourable Assembly with great humility.  
The most important thing that we lack is school-  
ing and education. There is a lack of both edu-  
cation and money. Without money one can do  
nothing. Another important item is that the pass  
system must be eliminated from our country,  
South West Africa. This has been our prayer  
up to the present day. Because we have been  
suffering since 1904 from this pass law, we ask  
that this law be done away with. I hope that  
the Assembly will understand me without diffi-  
culty and do for us that which I mention here.

Chief D. WITBOOI

IV. STATEMENT TO THE UNITED NATIONS, DATED  
24 JULY 1948, BY ELEVEN MEMBERS OF THE  
NAMA TRIBE

(Translated from Afrikaans)

*The general situation in our Reserve, Dorpe, and  
treatment in general*

Between 1945 and 1948 conditions in the re-  
serve became much worse. The number of small

livestock that we were allowed to keep was only  
300. During the period mentioned the numbers  
decreased until the Natives in the reserve were  
obliged to leave in order to go where they could  
find work, and especially to Dorpe where they  
were employed at starvation wages, namely, two  
shillings, two shillings and sixpence per day, or  
were otherwise driven away without cause.

All good things in the shops are intended for the  
whites; the same is also true in the butcher shops.

At the beginning of 1948 the death-rate among  
children was at its peak; the cause was famine.  
The parents were then called together and told  
that they were to blame and would be punished.  
Our children were then given maize porridge  
without salt, and this was cooked and set before  
them each day. What sort of body-building  
vitamins does this food contain?

Those persons found in the village without  
work are given a pass to look for work valid for  
six days. If the holder of this pass is unable  
to get work within that period, he is put out of the  
village. Where he must go, how he must live or  
whether he has a family to care for is not taken  
into consideration.

A faithful servant is dismissed for no real  
reason and through no fault of his, and a white is  
hired in his place for the same work. No enquiry,  
no thorough investigation is made, but the op-  
posite is true in the case of a white man.

There is a law that deprives us of the right  
of property. This law is applied to us by the  
village authorities. Every person who owns a  
house is expected to pay five shillings annually;  
and four shillings a month is expected for water  
and, so it is said, latrines, which are constructed  
in an undesirable manner. These latrines fill the  
older people with embarrassment as they must  
sit together with their children in a latrine without  
a partition in the middle. The ordinary wages  
of men are twenty to twenty-five shillings a week,  
and the average wages of women are fifteen,  
twenty and twenty-five shillings a month. All  
the above charges must be paid out of these wages.  
It is with this salary that a father must try to find  
wood to build a house. He must look for the  
tinplate, which constitutes the entire house, in  
places where rubbish and old paraffin tins are  
thrown away or in any other place where he is  
able to collect old tins in order to provide shelter.  
It is absolutely impossible for him to pay for  
good tins, and these will very probably not be  
sold to him when they are scarce. All this con-  
cerns the house on which he must pay the afore-  
mentioned taxes. If he falls into arrears in pay-  
ing taxes for a certain period, he is given four-  
teen to twenty-one days to pay, and if he is  
then still unable to pay, the house is sold and  
he is put out of the village.

One of the most oppressive laws in our country  
is the pass law. Under this law old persons are  
persecuted. Even when one is very old, he does  
not escape this law. There have been cases where  
persons between seventy and eighty years of age  
have been persecuted under this law. They must  
first produce a proper certificate from a doctor  
in order to be exempt from work and be permitted  
to live in the village. Under this law we feel like  
slaves, for we are daily persecuted and oppressed  
under this law.

*Education*

The most important problem, which we must  
touch on time and time again, is the very de-  
plorable education provided for young people.

This is so limited that we do not see the need for allowing it to continue further. We, the Namas, Hereros and Berg Damaras, who are indigenous inhabitants, are, in particular, kept at a very low level of education by contrast with the coloured people, who after all are not indigenous inhabitants but only descendants of white and black. Just because he has a little white blood in his veins he is given preference over us in every respect, and we cannot be content with an injustice of this kind, inasmuch as we do not wish to be slaves of the coloured man to a greater extent than we are now.

We approached the Administration with two requests: to give us schools under our own church, namely the African Methodist Episcopal Church, with the same support that is given to other mission schools; otherwise, to give us Government schools with the proper subjects of study. Both requests were silently rejected.

The missions schools, especially those of the Rhenish Mission, prepare our youth only to be wood-cutters, water-carriers or good cooks. The Administration knows this, but, merely in order to please the whites, will make no change. Since all our attempts have been without satisfactory results, we decided to take our children out of the said mission and to plod along on our own until the Government realizes its obligations towards us and gives assistance. We do not, however, have any means to provide teachers, but this is the only way that we see for furthering the progress of our race.

Although we know that we shall be persecuted and put in jail and accused on the basis of distorted facts, we can nevertheless not retreat, for we seek nothing else than development and education.

We, the Namas, support the appointment by the Hereros of the Reverend Michael Scott as their representative to the United Nations, and we ask him at the same time to represent us. Chief D. Witbooi is our leader and that of other chiefs such as those of Keetmanshoop, etc.

We also request the Reverend Michael Scott to clear the way for us to the United Nations so that we may ourselves present our difficulties to this Organization.

(Signed) Simon Petrus HOOPMAN

Abram JACOBS  
Jakobus FEBRUARIE  
Dawid DRAAIER  
Isak JACOBS  
Hans SWARTBOOI  
David BOSTANDER  
Jakob SWARTPOOI  
Simon GERTZE  
Paul ENGELBRECHT  
Petrus GERTZE

Keetmanshoop, South West Africa  
24 July 1948

#### V. STATEMENTS PERTAINING TO THE DISPOSSESSION OF THE TRIBESMEN OF THEIR LANDS

Many of the African people had been led to believe that at the conclusion of World War I the lands which had been taken from them by the stealth and force of Germany would be returned to them.

Both the Nama and Herero people had been given to understand this by the Governor-General, Lord Buxton, who had addressed them during the war. Chief Samuel Mahareru of the Hereros

had had the same understanding and had sent his son, Frederick, to South West Africa to urge the Hereros to take the side of the Allies. As a result of this participation, many were hanged or shot.

After the war some of the Nama tribesmen, believing their lands would be restored to them, made their way back from Namaqualand into South West Africa.

A "revolt" amongst the Bondelswarts (Nama tribe) was put down with great severity when aeroplanes were used for the first time against a primitive people and men and women were killed.

The Hereros were driven from the lands they had occupied at Owambu and elsewhere and also at Rehoboth. These descriptions were given of incidents which took place soon after peace was declared following World War I.

#### A

The following statement is from a member of the Bondel tribe who participated in the war between the Bondelswarts of Warmbad and the Afrikaners in South West Africa in 1921. It arose out of the return to the area of a Nama group from South Africa, who, presumably, believed that with the defeat of the Germans, the Namas were to have their lands restored.

"At that time, 1921, the number of livestock of the people Bondelswarts (Nama tribe) increased, which was actually against the wishes of the Government. The Europeans began to look in envy for reasons against us. Now and again the Africans were told that they own too many cattle and have therefore no inclination to work and are also setting themselves against the Europeans.

"In the period following, the people were forced to pay a dog tax of £1 per dog. They refused to pay the tax.

"They were forced to brand their cattle with branding irons that the Government would provide. This the people also refused to do. As a result a great deal of dissatisfaction arose between the Namas and the Afrikaners.

"Whilst this dissatisfaction had not yet cooled down, a group of people under the leadership of a certain Abraham Morris came over from South Africa. This leader had his own weapon for which he had a purchase slip. As this is not in keeping with regulations in South West Africa it was demanded of him that he give up his gun to the authorities. He refused . . . and stood by his decision.

"A few days after the patrol left him the people could see an aeroplane coming towards them early in the morning. This aeroplane simply dropped bombs on the Bondelswarts people.

"The menfolk had only four guns in their possession of which only two were in a satisfactory condition. The men took refuge. Among other weapons there was also a great cannon used against them, by means of which the cattle were mowed down.

"While they were still fleeing the men asked among themselves: 'What shall we do now and how shall we find a solution?'

"Hereupon the Captain answered: 'If it is so difficult man must look towards the East (Bechuanaland) and he will find a solution.'

"The men were against this attitude of the Captain (because of the great distance) and



wanted rather to go to the banks of the Fish River as they had no food and it was days since they had eaten and they were very hungry. On the grounds of the last mentioned reason, the Captain gave way and they went to the banks of the Fish River.

"During the night, while it rained, they held a meeting right through when they asked one another: 'What are we going to do now? We are short of weapons and we have no food. We must rather give up because even though we go on in flight we shall not be spared as they will send their aeroplanes to overtake and bombard us. Therefore we shall rather give up although it will not help us.'

"The following morning on their way back they met an aeroplane that came very low down. The men in the aeroplane commanded, 'Hands up'; whereupon all the men raised their hands.

"Immediately after this the aeroplane returned. Then the Afrikaner horsemen came storming upon the men standing about ten feet away from their guns that were all empty. Next to them the Captain was laying on his stomach on the ground. When the Afrikaners came they asked where the Captain and A. Morris were. They said that Abraham Morris fell with the first shots and that the Captain was with them. The Captain and his other officials were then tied together by their arms with thongs . . .

"When they were brought to their homes they found they were deprived of all their belongings such as linen, crockery and furniture.

(Signed) "David WITBOOI, Captain  
"Solomon WITBOOI, Raad  
"Willem FREDRECK, Raad"

The police version of this same incident is given in Thursby Attwell's history of the South African police, *The Fighting Police of South Africa*.

The following statement is taken from that book:

"For the first time in the history of Native uprisings aeroplanes were used as a weapon of offence. Of the terror which these 'great birds' inspired upon the Natives there can be no doubt. For scouting purposes their efficiency was clearly proved. It was their use that made it impossible for the Hottentots to escape into the fastnesses of the Orange and Fish Rivers . . .

"Thus ended another little war which no doubt will result in teaching the Bondelswarts that it is useless to fight against the organized forces of the Government."

## B

The conditions under which the African people are living in the "Police Zone" of South West Africa and the methods by which they were forcibly driven from the land by the Mandatory Power are described in the following account by Chief Hosea Kutako of Amenuis and Chief Festus Kandjo of the Namas. The statements were recorded near Gobabis, 29 February 1948.

The two men were asked to give an account of how they came to be placed in the Amenuis Reserve, in the central eastern part of South West Africa. Their explanation follows:

FESTUS: "In 1913 the Germans promised that we should be given land which we could develop for ourselves at Orumbo and elsewhere.

"The war broke out in 1914 and nothing came of this promise. So in 1917 we left for Orumbo

from Windhoek and near Windhoek. While we were at Windhoek, a certain Englishman named Major Lattery (?) got hold of the German book in which it was written that Orumbo and other places were reserved for the Natives. He then approached the Herero people and told them that they have been given those places and that it was high time they left Windhoek for Orumbo and all the places round about — Okatumb, Seeis, Okaruikakao, Otjinunaua, Orumbo, Okamuraere, Oputae, Orutekavahona. After we had been at those places for four years we were given additional lands.

"When we were given these additional places, there was no open water. So boreholes were put down for which we paid with Trust money (tribal money) and we put up windmills . . . We only stayed three years in these new places. After that we were chased away. The following is on the way in which we were chased away.

"We were told that the grass was finished at Orumbo and that we should now move to the new places. Then all the cattle had been removed to the new places and the Government put a fence between the new places and Orumbo. Then they told us not to return to Orumbo as Orumbo was to be given to white farmers.

"We wanted to know why we were being chased away from the places where there was water in the river beds or not far below the surface.

"We were told that the white farmers are always complaining to the Government that we Africans steal their cattle. We told them that if we steal cattle there are policemen there and there is the welfare officer who brands all the cattle. No cattle are branded without producing a certificate.

"We were then ordered to remove all our belongings from Orumbo to the new places where our cattle were, and never to dream of Orumbo again. In this way Orumbo became the land of the white man's farms.

"The people at first refused to leave Orumbo. Capt. Bowker, the location superintendent, then came from Windhoek and set our houses and gardens on fire. Although the houses were burned, we remained at Orumbo for some time. But most of our cattle were on the other side of the fence and they were not allowed to return to Orumbo. So in this way, in the end, we were obliged to leave.

"We stayed for two years at the new places. Towards the end of the second year we were told that the Government was going to look for a big and fertile place and that this place was to the northeast of Gobabis — what is called Ovitoro (now known as the Angola settlement).

"The Government told Chief Hosea and Chief Nicanor that they should go to Ovitoro with twelve men and see if it is a good country.

"The twelve men were chosen. Before these men set out they were told to explore the country from Makan North towards the east and the Bechuanaland border, and from there to Epu-kiro."

CHIEF HOSEA KUTAKO: "When they came back they told us the country is good country and worth living in. I and Nicanor went down to Windhoek and told Mr. Smit, the Secretary for South West Africa, that the country is a good country and worth living in, and that we should like to go there and live there as a nation undivided.

"There were no people there. It was a wild country.

"We were then told that the Government would inform the Magistrate at Gobabis that from Ovitoro up to Epukiro will become the Herero land and will be given to the Hereros. This took place in 1924.

"The Magistrate at Gobabis, after hearing this, told the Secretary for South West Africa that the country is the best in South West Africa and should not be given to any Natives.

"Then the Secretary told us that the Magistrate at Gobabis had said that that part of the country is good and is wanted by the white people.

"We were then told to go and explore north-east of Gobabis toward Epukiro."

FESTUS KANDJO: "In 1924 Chief Frederick Mahareru, Chief Hosea and all the leading Hereros set out for Epukiro. Epukiro (itself) was a Roman Catholic Mission and we thought we were meant to go there. But when we arrived at Epukiro, we found there a man by the name of Van Niekir who had been specifically sent by the Government. He said: 'No, you are not to stay here but to go further east. That is your country which has been set aside for you.'

"On their passes, though, was written Epukiro, so they took their passes and said: 'There is no Epukiro further to the east. Where are you now sending us?'

"They said: 'Go to the east. What is meant is the District of Epukiro.'

"From Epukiro we travelled for about thirty miles. On our arrival we found a borehole dug by the Government in the desert country."

CHIEF HOSEA: "We slept there. The following morning I and Chief Frederick and Mr. Cope went out to see the place and travelled over the whole country which is now the Reserve. We came back at night and slept there. The following morning they pumped out water from the borehole. We were then told this is only the first borehole. Others will be dug and this will become your country.

"Chief Frederick was then on a visit from Bechuanaland and Mr. Cope said to him: 'I know your people want you back here. What do you think of this country?'

"Chief Frederick replied: 'I have nothing to say. I am only a visitor. My uncle Hosea will tell you what is his opinion.'

"I then told Mr. Cope: 'We are a big nation and as such we shall not develop in country like this where there is only deep borehole water. In fact it is a desert where no human being ever lived before. It is a country only good for wild beasts. On top of that it is not healthy for the people or the cattle. I told them only one farm can depend upon borehole water. It is no use for a whole nation.'

"We told Mr. Cope: 'We are the original inhabitants of South West Africa and we know the best and worst parts of the whole country. We know the parts which are good for cattle. We know the parts which are good for wild beasts. We are human beings and we do not want to be changed into wild beasts. Only wild beasts can live without water.'

"Mr. Cope was dissatisfied when he heard this. He left us there and he went back to Windhoek in his car. We travelled from Epukiro to Windhoek on horseback.

"We went down to Windhoek and Mr. Cope told the Secretary that I had refused to go to that country. On arrival I told the Secretary that that part of the country has no water. Nothing can be grown there. It is unhealthy. Once the windmill is broken it is very difficult to get parts. So please give us a place where there is more open water.<sup>1</sup>

"I told Mr. Smit: 'How is it that when we inhabited South West Africa and the coloured people (Bastards) were wanting land and came to Chief Samuel Mahareru, he gave them a country to live in which had open water. Now you want to drive us to places where there is no water. When the Coloured people came, they were only a handful, but because they had a land given them by us they are becoming a big people. Why do you not do for us what Chief Samuel Mahareru did for them?'

"Mr. Smit said: 'Why are you so obstinate? If you speak like that, we will give your land back to the Germans and you can then go and ask for it from the Germans.'

"Then I said that what I had meant was that it was a good example of how a great leader knew how to treat a people. And they had grown up and become a great people. I said I should have to refuse to move from the places where we were.

"Now the matter became more serious (1925). A strong army under the leadership of Colonel De Jager was sent out to chase away all the Hereros from Rehoboth where we were. The leading Hereros were sent to prison for three months or were to pay a fine of thirty pounds each.

"That is how it came about that we came to the Amenuis Reserve."

## C

The following statement relating to the land problem was made on 10 March 1948 by Mr. J. A. Montgomery at his farm Stella, Omitara, near the Amenuis Reserve:

"The Native people in the Police Zone, especially the Hereros, have been given the most unhealthy parts of the country to live in for their animals. They are losing thousands of large and small stock every year. Around the Epukiro Reserve not far from here there are enormous quantities of wild dogs and other vermin, which are destroying their cattle. The Natives are without arms and must continually be on the watch.

"The Native Reserves of Amenuis and Epukiro are both badly infected with poisonous plants, and the Natives are losing thousands of stock every year through gallamsiekte and lam-siekte. The vaccine which is supplied by Onderstepoort is ineffective. The disease is caused by a poisonous species of plant for which the vaccine is not an antidote.

"The only prevention against this disease is the removal of the plants. If proper instructions were given to the Natives they would undoubtedly take steps to save their cattle by removing this species of plant, the various varieties of *Kalanchoe*. There are about fifty European farmers whose cattle suffer in the same way but the Native people have been confined within these sickness belts. Some of these lands could form good grazing areas, if the right steps were taken to remove

<sup>1</sup> Author's note: Open water means water at or near the surface; water which sometimes flows and which can even be dug for by hand. Herero water holes can still be seen in many parts of the country.

these plants, but the area is much too small, the grazing too sparse and a good deal of it is maramba land.

"Mr. Pack, the owner of the trading stores at Amenuis Reserve, is buying enormous quantities of skins belonging to Natives which come from animals which are dying from these diseases. This can be verified by reference to him, but he tells me that the cattle there are dying like flies, and that is all their livelihood. . .

"If the Hereros were given the lands, say from here to Grootfontein and across to the Bechuana-land border, it would be nothing compared to what they had, but it might enable them to live and develop, especially if they were given proper training and agricultural education. Some steps should also be taken to protect them from the wild animals which are at present infesting the reserves. These are mostly wild dogs and wolves.

"The conclusion I have come to after thirty-three years experience here is that anything is good enough for the Natives, and no consideration is due to him in the eyes of the Government.

"I shall go on trying to defend what I know to be right here, as long as the British flag still flies, but there are things being done here for which Britain will one day be held to blame and that will not be right for it is not Britain which is committing these crimes against humanity. It is the name of Britain and the British flag which is being used to cover up the brutal and unjust rule of the Natives which is being carried on here.

"These things are not usually discussed with Europeans by the Natives, but under the surface the growth of discontent goes on and is spread from one district to another, one tribe to another, and may in the long run end in an outbreak of hatred which will do irreparable harm both to the white and black races here. In the same way there is great danger of many of our loyal white people turning against us because so many promises have been made to the people by General Smuts and are not being fulfilled.

"I have lived for thirty-one years in South West Africa. I love the country and my own farm. I served in the police here both as a sergeant and whilst on active service as a commissioned officer. My purpose in making this statement is to try and secure remedies for some of the wrongs which are being inflicted on all sections of the people in this country and to try and ensure that we British people should face the great responsibilities which are ours and which others are relying upon us to face.

(Signed) "J. A. MONTGOMERY  
(Witness) "M. S. MONTGOMERY

"Farm Stella, Omitara  
"South West Africa  
"10 March 1948"

## D

The following statement by Festus Kandjo, spokesman of the Hereros, also made near Gobabis on 29 February 1948, has to do with the way the Hereros were driven from Rehoboth where some of them had gone to graze their cattle. The land was that which their former Chief, Samuel Mahareru, had given the Coloured people (Bastards) years before. The trouble, from this account, arose not between the two African peoples, but as a result of a difference with the Union Government as to the status of the Coloured people. The Union Government, according to Festus Kandjo, sought to bring the Coloured people's territory within the Police Zone and sub-

ject to Union law. The Coloured people wanted to remain independent, that is, under a form of indirect rule, and put forward their desire to become a British Protectorate. The headmen of the Coloured people had been imprisoned, as this account opens.

"On the first of April 1925, a messenger was sent to the whole district that all the people should come to Rehoboth. On the afternoon of the same day we saw the dust of the mounted forces streaming into Rehoboth. These forces began coming in on the second and until the third were still coming in.

"At about 5 p.m. on 4 April, there came a certain gentleman sent by Colonel De Jager. And this gentleman brought an ultimatum as to whether the people approved the Union Government or not. The reply must be in the hands of the gentleman by 5 April at 8 p.m. We were given the choice. Those who wanted the Union Government were to stand to the north and those who did not to the south, on either side of the railway line. They said that to those who were standing to the south they would do to them 'what they had come for'; that is what they said.

"We told Colonel De Jager: 'We have absolutely nothing to do with this matter. We do not even understand about some standing to the north and others to the south. What does it all mean?'

"We then sent two of our men to go and fetch our horses in the veld. Before they could get any further they came back and told us the whole place had been encircled by four rows of mounted forces one behind the other. It was at seven o'clock on the 25th April when we sent those men to fetch our horses and it was 7.30 a.m. when they returned. We then moved from the place where we slept, and went to the meeting place where the Coloured people were.

"While we were sitting there with the Coloured people, we saw three aeroplanes approaching us. It was a quarter to nine and the time at which the business had been planned to take place was at nine o'clock. At a quarter to nine the aeroplanes started flying above us and the forces were nearing us, ready to shoot, and with fixed bayonets against all on the south side. At ten minutes to nine the division under Lieutenant Uys charged us. They stopped only five yards from us. He stood there for about five minutes. Colonel De Jager came on horseback and ordered Lieutenant Uys to start in with the business right away.

"'Give them a good hiding', shouted Colonel De Jager. The other division was reinforcing. No shots were fired. But they went for us with *kerries* and knives and sticks. Together with the Coloured people there were about nine hundred people present, and they were all wounded in different ways and there was much bloodshed.

"The two divisions — the one under Lieutenant Uys, and the second division — their main work was just to hit us as hard as they could and stab with their bayonets. There are people who have still got their marks. Some of them died from the wounds they received that day.

"A certain Native constable named Michael Kazandanga ran and told Colonel De Jager that all the people are helplessly lying on the ground, and that they had absolutely no chance. Everyone was running for his life. I was one of them. As soon as Colonel De Jager blew his whistle, the soldiers stopped beating the people. Some of us tried to assist those who had fainted from their wounds. As soon as the whole thing stopped, Captain du Preez looked for me, and I was sent



to prison. Captain du Preez rode on his horse and made me run to the prison about a mile away.

"I was put into prison and in the evening there came twenty-nine prisoners, all Hereros. All the other Hereros and the Coloured people were put into a big kraal made of stones and full of mud. The kraal had two gates. On the one gate there was a machine-gun and a cannon, and at this other gate also there was a machine-gun and a cannon. And the whole kraal was surrounded by two rows of troops. That was the prison for the ordinary people. The leaders were sent in to the gaol. The people had to sleep on the wet mud. At night the rain was falling on them and they had no blankets. During the day they were beaten upon by the sun. Those who were sent to prison, their sentence was three months or thirty pounds. We remained in prison for twenty-six days. We were supposed to be there for three months, but it happened that the Prince of Wales came to the Union in 1925, so, because of this we left before our time expired.

"When we were released, we were brought before Colonel De Jager—all the Hereros. He told us that all the Hereros were to be chased away from Rehoboth because Rehoboth was not our place. 'We thought you had only come for the grass and the water for your cattle, which you did not have somewhere else. Now we see you are a no good people. You are a very bad people who have come to make trouble for the Government with the Coloured people. Now we are, therefore, going to chase you away. You are going where the other Hereros are. We have the names of all the leaders. Wherever you go and we hear about you causing trouble to any white men, we shall have you brought together and cut your heads off. So go back to your homes. Collect all your cattle. And the day will come when the police will give you your passes so that you may leave Rehoboth.'

"We went to our homes to collect our cattle. As soon as we got home, we were told that when the aeroplanes left Rehoboth they flew to Orumbo.

"While we were still busy collecting our cattle, the police came and asked us when we were going to leave. We told them that Chief Hosea and the Hereros at Orumbo were chased away, so where were we going to go now? They said: 'It is for you to know where you are going but you must certainly leave Rehoboth Gebeath. That much we know.'

"We asked them, 'By what means are we going to carry all our belongings?'

"They said, 'That is up to you.'

"We asked for permission to train our young oxen for the wagons and to buy wagons by means of which we can carry our luggage. But this they would not allow. While we were still busy trying to get permission to stay until we could get wagons to carry our things, the word came from Windhoek saying we should be left there for a little while until water was arranged for our cattle on the way, and that this was being done. While we were still waiting to hear that they have arranged for water, word was sent to us that we should leave there and then, and we told them that, as water had not been arranged yet, we could not leave.

"A few days after this Lieutenant Wood, who is now at Omakara, came to us with a strong division, and started hitting all our men, and forced them to leave with whatever they had in their houses and in their hands, and to leave there whatever was in the veld.

"Those who were questioning 'How are we to move our luggage?' were put into prison. While those men were in prison, their women were forced to leave with whatever they had in their hands and to leave their men in gaol. All the cattle, horses, goats, and other things belonging to the people in the prison were left at Rehoboth.

"We were told: 'You can only drive the cattle near your house. Those in the veld you must leave alone there.' When we wanted to know how we are to get the cattle to Amenuis, we were told to go to Amenuis, and then to ask the Welfare Officer there for a pass to come back and bring our stock. When we arrived at Amenuis, we asked the Welfare Officer for passes to go to Rehoboth and he told us he had been informed that no Herero is to be allowed to put his foot in Rehoboth. If he does, he will be put in prison. We asked about our stock. The answer we got from Windhoek was that no one is allowed to go to Rehoboth. In this way we lost the stock which we had at Rehoboth up to this day."

## E

Another statement is from Frodolain Kazombiaze, made at Windhoek, 23 July 1947.

"When the Union Government took over our lands from the Germans, the Administrator was Mr. (George) Hodges. At that time the flag was the Union Jack flag. The passes that were carried under the German regime were abolished. The cattle which we were prohibited from owning were restored. At least the right to own cattle was restored to us. After that we were given back some of the land which we occupied formerly. These are the names of the lands which were returned to us: Okonjama, Augaikos. Then we were driven away from these two areas. Then we were given the Okotumba and after that Seeis, Orumbo, Okakurame, Otjiunde, Otjimbondona, Tsaitos, Okapendje. Those are the lands which we occupied at the time of Administrator Hodges.

"The successor to Administrator Hodges was Mr. G. R. Hofmeyr. Then we were given Ovitoto, Neubrun, Waterbuerg. Many Hereros then came and occupied some parts in the district of Rehoboth where the Bastards were.

"In the time of Administrator Hodges (immediately after South West Africa passed from German to South African control) there arose a misunderstanding between the Europeans and African people.

"Chiefs Hosea Kutako, and Nikanor Hoveka were driven away from Okotumba, Seeis, Orumbo, Okakurame, Otjiunde, Otjimbondona, Tsaitos, Okapendje. All the people were expelled from these districts with the chiefs. In Okotumba and Orumbo the houses of the people were burned because the people refused to leave. Leonard Maekopo and Alex Mize who are here now were present at the time this happened. They saw it with their own eyes. Their own huts were burned. The windmills were taken away at Tsaitos and Okakurame, Otjimbondona, and Okapendje, and the people were forced to leave because the pumps had been taken.

"Some of the people went to the Amenuis Reserve under Chief Hosea and Epukiro Reserve under Chief Hoveka. After that Chief Salatiel Kamgazenbi was driven away from Waterberg. The houses of Salatiel were burned at Waterberg. Waterberg was the burial place of his father. He was forced to go and live at Okakarara with the people under him. At his death-bed he made a

plea that he might be returned to Waterberg to be buried at the graves of his fathers.

"The land at Waterberg was given or sold to a German named Schneider who is still living there. All these lands were handed over to Germans or settlers from the Union. We do not know if they were sold or given to them. This was about 1922.

"In 1925 a dispute arose in the District of Rehoboth. The Government insisted on the cattle there belonging to the Hereros and the Bastards being branded. Both Hereros and the Bastards refused and the Government sent aeroplanes over them and the police, who were also armed, charged the people and beat them with sticks. Of those present here this afternoon the following were there: Christoph Katjitae, who was then corporal in the South African police; John Mpongoshe, who was in charge of twenty men with the task of making landing grounds for the aeroplanes. There are, of course, still very many people who remember this happening.

"All these people who refused to have their cattle branded were put into concentration camps. Fortunately the Prince came to South Africa and these people were then released. After they were released, they stayed for a little while, about a year; a police regiment left Windhoek and drove all the Hereros from Rehoboth and they went to Amenuis and Epukiro Reserves. The term of office of the Administrator Mr. Hofmeyr expired then and he went back to the Union. Then came Mr. Werth as Administrator. He is the man who took away the Union Jack and placed the Union Flag in its stead. From this time the Pass Laws again came into existence. These Pass Laws have existed from that time until this very day.

"These grievances added to the other oppressions made us not to feel well towards the Union Government.

"The whole Herero people are convinced that the Union Government has not fulfilled its obligations to the League of Nations. Under the Mandate the Union Government was made the trustee of the African people and their land. Education was denied to us and the wages which we are paid are really the wages of starvation.

"Emphatically I conclude with the plea that our lands should be returned to us. After our lands are returned, our Chief and the people in exile should return to South West Africa. Our country should be given to a Trusteeship Council and not incorporated into the Union of South Africa, or failing that it should be held as a Protectorate under the British Government as the Bechuanaland Protectorate is."

F

Statement at Windhoek, 5 August 1947, by Festus Kandjo:

"I said: 'I am Festus Kandjo, a Herero man who lives in the Amenuis Native Reserve, in the district of Gobabis.' I went on to say that this country belonged to five African tribes, and two of these tribes still inhabited the parts which they inhabited before. The other three tribes — the Berg Damaras, the Hottentots and the Hereros — are the tribes which have lost portions of their lands. The portion of the country which belonged to these three tribes was stolen from them by the Germans. The reasons for my saying that the Germans have stolen my country are the following.

"When the Germans first came to this country, the first man who came was a minister (a reverend).

"The second man who came here after Hugo Hahn, that Minister, was a man who at the same time was a surveyor. This man went about preaching the gospel with his wagon. At the same time he surveyed the boundaries belonging to the Herero people.

"This man measured the length and breadth and the two ends which the Herero people inhabited and decided where the stations for the soldiers should be placed. After he had surveyed the lands, this man wrote to Germany and asked the German authorities to send over their troops, their traders. These traders disguised themselves as the benefactors of the people although in reality they were concerned with the land. These traders came to steal away the lands in a cunning way. The missionaries gave information to the soldiers that they should station their men at Swarkopmund, Outjo, Okaukuejo, Namutani, Grootfontein, Waterberg, Omaruru, Okahandjo, Windhoek, Gobabis, Seeis, Sandfontein, and Ritzfontein, Kub, Naugas and Otjimbingue. These military stations surrounded the lands inhabited by the Herero, the Namas (Hottentots), the Berg Damaras.

"After they had surrounded us, they asked that our guns be handed over to them to be numbered. After the guns were taken, they were numbered and they took away that part which enables the gun to let the bullet off (i.e., the striking pin). They cut that part off. After they had finished with the guns they burned the ammunition workshop of the Herero people. This shop was there before the Germans came to South West Africa and thus they prohibited the African people from buying bullets, guns or cartridges.

"After the Germans had made sure that the guns had been made useless, had prevented them from buying cartridges, and had burned down the ammunition workshop, they then started to shoot at Africans: one over there, one over there, and one over there who had committed no fault. The traders then started to take possession of the land where they had first been granted permission to open their trading stations for the purpose of trading with the people. And then they started taking possession of the cattle which they had taken by force when the traders started to shoot at the people who ran.

"The aim of the Germans was that they should attack the Hereros unexpectedly and take their Chief and cut his head off and then claim the country as their heritage. The Germans were well aware that they had taken away the arms of the people, that they were defenceless and at the mercy of the Germans. The Herero, seeing that their people were being shot in cold blood and that the German people were taking possession of their lands, and taking their cattle by force, the Herero began attacking the Germans with their knobkerries. The ill treatment by the Germans resulted in the war of 1904. This is how the war started between the Germans and the Herero people.

"The German troops tried by all means to get hold of the Chief but they failed. The Herero troops tried by all means to protect their Chief from falling into the hands of the Germans, until they succeeded in getting their Chief across the border of South West Africa into the Bechuanaland Protectorate.

"These troops protected their Chief armed only with knobkerries until they brought him into a land where he could be sheltered.

"The aim of the Herero in trying so hard to protect their Chief was to maintain their claim to the land because 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.

"We know that from our law that as long as the Chief of the tribe is not captured or killed it cannot be said that the land has been captured.

"Our second claim is that the Germans came in a cunning way. They did not come in a straightforward way to fight with us for the possession of our lands. Thus they cannot claim to have conquered our land and these lands are theirs.

"Our third point is that in our own law such a man who comes stealthily to take away our land is called a thief and not a warrior.

"In the first World War in 1914, the Union troops came to fight against the Germans in South West Africa. The Germans who were in South West Africa asked the Berg Damaras, the Hotentots, the Hereros to fight against the Union troops and to prevent them from entering the territory. All these African tribes refused to side with the German troops.

"All the Herero people refused because they said that their Chief was now in the lands which were protected by the British people and they could not therefore fight against the British people. When the South African troops reached Luderitz Bay our Chief, Samuel Mahareru, who was then in Bechuanaland, sent a message to the people of South West Africa saying: 'I, Samuel, the Chief of the Hereros, inform you that the troops which are coming from South Africa are the enemies of the Germans and you should not fight against them. To clear away all doubts and in order to confirm that these troops are coming with my approval I am going to send my son Frederick Mahareru and my other son Alfred Mahareru to accompany these South African troops.' On account of that many people were shot and some were hanged by the Germans. Although we had been shot like this, we did not fear because we knew it was our duty to obey the Chief.

"In the second great war of 1939 the King of England with the Allies declared that they are fighting for the freedom of the world.

"Hearing that the King of England and the Allies are fighting for freedom of the world we the oppressed Africans thought that it was golden opportunity to throw in our lot with the English people and fight so that the Allies and the English people may attain their aim of fighting for the freedom of the world and of all people irrespective of colour. We gave our sons to the fight and thus we gave our money to assist the King of England and the Allies to win the war. Thus we hoped that we who had been the oppressed by the Germans and who were still suffering under the Union Government may enjoy freedom. As the war has now ended, we would also like to be free as the other nations that have been freed.

"Now that the war has ended, we would like that this country of South West Africa be given back to the African people and that it should not be incorporated into the Union of South Africa. And that also it should not any longer remain as a Mandate under the Union Government but that it should fall under a Trusteeship Council or, failing that, that it should fall under the United States of America. If this country falls under the Union of South Africa, the reorganized policy of the Union Government to keep the African in

servitude will have to be brought to an end.

"That is the speech which I delivered at the meeting with the Administrator and the hundred leaders of the Herero people, including Chief Hosea, who were present."

Present at the above meeting on 5 August 1947 and to whom this record was read over:

Chief Hosea KUTAKO

Festus KANDJO, Secretary of the Chief Hosea

Christoph KATJITAE

Gabriel UKARERARI

Herman MUNGUNDA (Neumann)

Berthold HIMUMUINE

Aron TJIVUTE

Theophilus KATJJIUNGUA

Titus TJILONGO.

(Signed) MICHAEL SCOTT

Windhoek, South West Africa

5 August 1947

#### VI. STATEMENTS PERTAINING TO LABOUR CONDITIONS ON FARMS

The following statement was made by a leading Ovambo at Windhoek in the presence of, and substantiated by, an Ovambo agricultural labourer who had spent three years on the farms as a contract labourer:

"These Ovambos, when they go to the farmers and find that some of them do not treat them well, sometimes ask for a permit because they want to go to the police. The masters of course refuse them a permit and then they go off on their own to the police. When they arrive there, the first question is, 'Where is your pass?' Reply is, 'I have no pass.' Question, 'Why?' Answer is, 'I ran away from my master; he treats me badly.' Question, 'Where are you from?' Answer, 'So and so place.' Answer, 'All right, because you got no pass we stick you in jail. You got no right to come here with no pass, no permit, no nothing.'

"They go to jail for fourteen days to one month. When that time is finished, they give the boy a pass to his master. As I look at it the boy is perhaps frightened to go back on account of the beatings and because of being away for two weeks in jail. Then he will come sometimes to Windhoek. Here he is asked in the street, 'Where is your pass?' He must answer, 'I got no pass.' Question, 'Why you got no pass?' He must answer, 'I ran away from my master because he is bad.' They say, 'We cannot receive you as a complainer; first of all, we got to let you fall under the Pass Law. We got to show you you got to have a pass before you come here to Windhoek.' Then he is getting another fourteen days or one month, unless he pays the fine.

"I have got no record of this. But this is how it is. He does not serve his sentence in Windhoek. They send him to the place nearest his work. Then in the courts the interpreter does not always understand. Secondly, that man does not understand the law here. So you see these poor men, they get the sjambok from the master but the law he cannot make it understand.

"I tried to make a case through the Advisory Board but the Chairman of the Board will ask many questions I cannot answer. 'Who is the employer?' 'What is the name of the employee?' 'What is the district?' 'How many cases have come to your notice from that man?' 'Did anyone hear it?' 'Did you go to them or did they come to you?' 'Did you see it?' 'Have you got the evidence?' 'Why you didn't investigate at the



time?" I am saying the case will die on all these questions.

"Why should the police take the farmer's side against the Ovambo? They ought to be on both sides and inquire themselves. Why should the police threaten them and chase them away? I cannot prove this but I will try to collect evidence and make a case.

"The wages of these men is between eleven to thirteen shillings or sometimes a pound a month. I do not know how the people can live. The hours on the farm start at about 5 o'clock. They wash buckets, clean stables, take cows to grazing and bring them back to the kraals by dark. The men who look after the sheep start at about 6 a.m. and finish 7:30 p.m.

"Yes, I am sure the sheep must be brought back as the sun sets and then the lambs divided from the sheep. And then all must be counted. Sometimes there are a thousand, two thousand, up to seven thousand Karakul sheep on a farm. If the sheep is lost, some farmers make them pay £1.10.0 or £2.0.0. One farmer may be angry that he sends the man to jail and then makes him pay for it when he comes out. Some of the bad farmers prefer to give the meat from the Karakul lambs to their pigs and fowls rather than their labourers if there is not enough. Sometimes the sheep and cattle have better shelter than the labourers. They are not given any time or opportunity to make their own huts, because it is dark when they finish the first few days. After work is finished, whole meals are given out but they take a long time to cook."

Another statement reads:

"The sheep that I have been speaking of here are Karakuls. Each sheep may be worth £4. The sun burns this poor fellow looking after the sheep. Sometimes the rain falls and he must take them home before sunset. Sometimes it is cold and he has no clothes or shoes. He works in rags and tatters. If each sheep is worth £4 then seven hundred sheep are worth £2,800. But what does this poor fellow earn every month?

"This shepherd looking after all these sheep earns anything between five shillings and seven and sixpence or eight shillings per month as his salary. And from this he has to feed his wife and children. He only gets about a sixpence worth of mealie meal per day. During the lambing season this poor shepherd must collect all the lambs from the sheep, tie them around his body and carry them home. He carries them home alive and his master kills them when they get home after separating them from their mothers. Each pelt from a lamb is worth about £2. The Karakul is the black diamond of South West Africa.

"The man who has most sheep is the wealthy man, but much of his wealth is derived from the labours of these poor Native shepherds. In your opinion what should the shepherd be paid as a wage? That poor man has only seven or eight shillings and with that money he has got to clothe his family and buy food. And in some cases, the children of such poor shepherds die from starvation and underfeeding.

"That poor shepherd is not supposed to bring in the flock before sunset and when he brings in the sheep he must also bring wood the same evening, fetch the water from the well, and he has got to be there again in the evening to wash the dishes after supper.

"The shepherd leaves his hut by 5 o'clock in the morning. Then he gets back to his hut by 10 p.m. Do you regard such treatment as good treatment for a human being, sir? Would you regard such a person as a free person or a slave? He has no time to wash his clothes. He does not know even whether his own children are in good health because he leaves very early while they are still asleep, and when he comes home in the evening he finds them asleep also. Through dirt and hunger these poor shepherds often become sick and die.

"When he is sick, if his master calls him, and he does not run, his master says he is cheeky and then he will be punished or thrashed. And then if he is so thrashed and he runs away from his master's farm, and if his master finds out that his shepherd has run away, he either goes out himself or he sends somebody to go and look for him. And if along the way he finds the shepherd, he ties a piece of rope around his neck and drags him back home."

Another man here took up the account.

"This is how labour is recruited from Ovamboland and the Reserves: If a Reserve does not supply enough labour it is looked on as a bad Reserve. A message comes from the Native Commissioner to the Welfare Officer. The Welfare Officer calls the Headman and the Reserve Board Members. The Welfare Officer reads the letter to the Board Members and tells them they want a certain number of labourers to work on the farms or on the roads, and this number *must* be supplied.

"If that number is not supplied, the Headman and the Board Members are scolded.

"As far as those labourers who come from Ovamboland are concerned every farmer who wants an Ovambo labourer from Ovamboland has to deposit £8.10.0 with the Government Native Affairs Department for each man. I do not know whether the money goes to a private company now or where it goes. All I know is that it has to be deposited and that it has always been done through the Native Affairs Department.

"Then they send the Ovambo off with a ticket. He does not know where he is going. Then the name of the master and the place is written on the label and the people at the railway station send him where he has to go.

"After the station master has read the label, he rings up the police station to come and fetch this 'parcel' and he is then taken to the police station from where he is fetched by the farmer or taken by the police to the farmer. Sometimes they have to walk for fifty or sixty miles. They may be just shown the road and told to go."

Question: "Do they not escape?"

Answer: "No, there is nowhere for him to escape to. He will not know the country or have enough food or speak the language. Sometimes after they have been badly treated they try to escape.

"Now we have just told you about the conditions under which the Ovambos are being treated and are made to work in this country. Do you think, in your own opinion, that such people who are treated as lifeless articles should know anything about incorporation? It is being said that Ovambos favoured incorporation. And yet they are the most ill-treated people in the whole of this Territory. A person who does not know his own name, how can he know what incorporation means?"

Chief Hosea Kutako then stated: "Our Government may not permit any of us to go to New York to present our case before the General Assembly and we are again humbly requesting the General Assembly to send out a commission of five men to come to South West African Natives. And if that may not be, the General Assembly itself should ask the Union Government to send out two or three Hereros to go and place their case before the United Nations Assembly. These are our requests."

#### VII. EXTRACTS FROM THE "REPORT OF THE SOUTH WEST AFRICA NATIVE LABOURERS COMMISSION, 1945-1948"

##### *Appointment and terms of reference*

By Government Notice No. 216 of the 18th August, 1945, your Commissioners were appointed to enquire into, report on and make recommendations in regard to:

1. The recruitment from Ovamboland, Okavango and the Native Reserves of labourers for service on farms in mines and industries and more particularly with regard to the conditions of service attaching to such spheres of labour and the housing and feeding of such labourers, especially on farms;

2. Existing organizations for the recruitments of Native labour and their policy and activities;

3. The transport provided for such labourers from their place of domicile to their places of employment and subsequent return to their domiciles;

4. The necessity for proper medical examination of all Native labourers;

5. The desirability or otherwise of recruiting domestic servants for urban areas, outside of locations, from the regions mentioned in (1).

##### *General*

That South West Africa, a country of approximately 40,000 European inhabitants and 325,000 Native inhabitants (of which over 200,000 live outside the Police Zone), should be faced with a shortage of labour so early in its history is extraordinary but, none the less, true.

At the present moment the shortage is being experienced principally by the farming industry. Until recently it had not assumed serious proportions, but, in view of certain alarming developments in the supply of labour and the threatened drying-up of the flow of labour to South West Africa, the problem has become one of urgency to farmers and Government alike.

The shortage is ascribable chiefly to two causes:

(a) The remarkable development of the farming industry in South West Africa from 1935 onwards and the consequent increased demand for Native labourers for farms; and,

(b) The opening up of a new channel from the Territory's labour reservoir to the Union Gold Mines and the consequent decrease of the flow of labour to the Territory. Almost overnight the trickle which initially passed through this channel has developed into a torrent, draining away the labour supply which is so essential to the continued prosperity of the Territory, and creating a labour problem of very considerable urgency (paragraph 8).

#### *Demand for Native labour*

To summarize under this heading:

(a) There has been a marked expansion of farming activities during the past decade and the labour requirements of farmers are likely to increase in the near future. It would be unwise to estimate the immediate requirements of this industry at under 40,000 labourers;

(b) The Territory is entering a period of industrial and mining development the extent of which is difficult to assess, but a reasonable estimate of the requirements of mining and other industry in the Territory—making due allowances for expansion—would be 8,000 to 10,000 labourers;

(c) The European urban population has increased in relation to the expansion of business and this has brought in its wake an increased demand for labour. This demand of between 15,000 and 20,000 male and female labourers has to a large extent been met by the influx of local Natives to urban areas;

(d) The number of Native male labourers employed in the Territory in 1946 has been officially estimated as follows:

Employed in urban areas.....	11,722
Employed on mines .....	2,992
Employed on roads .....	915
Employed on railroads .....	2,507
Employed on farms .....	33,967

TOTAL 52,103

As pointed out above, there has been considerable expansion since 1946, and there is likely to be further expansion in the near future, so that a very conservative estimate of the Territory's immediate labour requirements is 60,000 to 65,000 male labourers (paragraph 19).

##### *The supply of Native labour*

Of the 52,000 labourers in employment in the Territory in 1946, approximately 30,000 were local Natives and Coloureds, the others being recruited or detribalized Extra-Territorial and Northern Natives now permanently resident within the Police Zone. If one bears in mind that the official estimate for 1946 of local Natives resident in the Police Zone, excluding Ovambos and Okavangos, was 104,000—made up of 34,000 males, 35,000 females and 35,000 children—then it is clear, after making allowance for the 24,000 Natives (males, females and children) resident in reserves, that the male element of the local Native population is fully employed, with the possible exception of the Herero tribe, which has a larger percentage of males resident in reserves than in the case of the other tribes. Here one must remember, however, that the Hereros are by tradition cattle farmers and as soon as they become the owners of sufficient stock to supply their own needs they prefer to farm on their own account in the reserves set aside for them.

Your Commission heard quite a number of complaints from farmers that large numbers of local Natives of employable age are lying about the reserves and in the urban locations without work.

The Commission has carefully investigated these complaints and has found them to be largely unfounded and based on lack of knowledge of the true state of affairs. The investigations have shown that in the urban locations all Native males of employable age are in employment, and that a



considerable proportion of the Native females are engaged in part-time, mainly laundry, work.

At most, it can be said in support of these complaints that a percentage of the Native women resident in urban locations derive their sole income from illicit beer-brewing and prostitution, but as they are in most cases members of families lawfully resident in the locations, they cannot be ejected unless convicted of these offences.

In the reserves, it is true that a number of employable Natives are to be found, but in most cases they are either stock-owners tending their own stock or, otherwise, looking after the stock of aged parents or relatives. With isolated exceptions, the Commission found the Native male population of the reserves to be usefully employed. Such exceptions as the Commission encountered consist of young men who leave the reserves for seasonal employment, e.g. in the fishing industry, and then return home to rest during the off-season. While undoubtedly in the reserves there is a much larger percentage of unemployed women of employable age than is the case in the urban locations, the position in regard to Native males is satisfactory.

The Commission accordingly finds that there is no foundation for the complaint that the reserves and locations abound with unemployed local Natives (paragraphs 20 and 21).

Not only do the local Natives appear to be fully employed at present, but vital statistics indicate that the local population is not increasing to any marked extent and that it would be more correct to describe it as just maintaining its present strength. That being so, there is but little prospect of increase of the local labour supply. Any considerable expansion in the demand for Native male labour can, accordingly, not be satisfied by the local Native population. It becomes necessary, therefore, to investigate the extent to which the increased requirements can be met from Extra-Territorial and Northern labour sources (paragraph 22).

To summarize:

(a) It is clear that South West Africa is not securing the full labour potential of the Northern Territories. The Commission is unable to state categorically why there is an annual shortfall of at least 3,000 Natives, but it suggests that the following factors contribute to this state of affairs:

(i) That many of these labourers are finding their way down the Okavango River to Bechuanaland and from there to the Union and Rhodesian labour markets;

(ii) That the Okavango Natives have found trading with the Ovambo and Angola Natives passing through the Okavango Territory on their way to work in the Union and Rhodesia and, more particularly, on the return journey, to be so profitable that a very small percentage of the labour potential is tempted to go out to work;

(iii) That recruiting in both Ovamboland and the Okavango has, hitherto, largely taken the form of enrolling Natives who offer themselves for recruitment, and not of any active canvassing for recruits.

(b) It is equally clear that according to the 1946 figures, during which year the Extra-Territorial Natives recruited formed a smaller percentage of the total than was the case for many a year, no fewer than 5,000 to 6,000 Extra-Territorial Natives, mainly from Angola, were recruited in order to satisfy the Territory's labour

requirements. If provision is to be made for the Territory's expanding labour demand of 60,000 to 65,000 labourers, and if it is borne in mind that the local Native labour supply is unlikely to increase, it becomes obvious that the Territory will be dependent to the extent of 10,000 to 15,000 Extra-Territorial Native recruits in order to meet its annual labour requirements.

(c) From the above conclusions the inference is inescapable that any interference with the flow of Extra-Territorial recruits from Angola to the Territory's labour market constitutes a direct and very serious threat to the Territory's economy, a threat which can only be viewed with the deepest concern by employers and Government alike (paragraph 26).

### SWANLA

The recruiting agency for procuring Native labour from Extra-Territorial and the Northern Territory is a South West Africa Native Labour Association (Proprietary) Limited (SWANLA) which was formed in 1943 with a share capital of £19,500.

The recruiting charges made by SWANLA for the services they render are:

<i>Class of recruit</i>	<i>Period of contract</i>	<i>Recruiting fee (shillings)</i>
Class C (farm and general labour).....	13 months	12/0
	25 months	20/0
Class B (heavy farm labour and surface mine labour).....	13 months	18/0
	25 months	26/0
Class A (underground mine labour).....	13 months	24/0
	25 months	32/0

(Paragraph 59)

The Commission is of the opinion that the criticisms of SWANLA on the score that the recruiting costs are too heavy and that some organization will be able to render the same service more cheaply are without foundation.

The Commission has carefully examined the various complaints made by employers against SWANLA and has come to the considered conclusion that they are in all important respects unfounded and that SWANLA is rendering as good a service to the employers in the Territory as could be expected from any such organization.

### Health of Native labourers

In the past such remedial medical treatment could not be undertaken, nor was it possible to devote much attention to raising the standard of health of the Natives, because of the shortage of medical personnel and hospital accommodation. Recently the position was improved somewhat by the appointment of a full-time District Surgeon for the Okavango Territory and the projected erection of an adequate Native Hospital at Runtu. It must be remembered, however, that the total population of the Okavango Territory is less than 25,000 souls and that the number of recruits offering from that Territory is small in proportion to its population. The erection of a larger Native hospital at Grootfontein has also done much to improve matters in regard to the treatment of outgoing and incoming Extra-Territorial and Northern recruits at the distribution centre (paragraph 107).

In the main recruiting area, Ovamboland, the position is, however, far from satisfactory. Although there are two Finnish Mission hospitals, one Church of England hospital and several mission clinics with highly-trained sisters who pro-

vide a great deal of medical treatment for Natives, there are no state hospitals to serve that Territory. The final responsibility for the health of the 150,000 inhabitants rests on the shoulders of the District Surgeon for Ovamboland. In the past there were two Finnish Mission doctors who could assist the District Surgeon but now there is only one such doctor stationed at the Onandjokue Mission Hospital close to Ondangue. The District Surgeon does most of his medical and surgical work at the Onandjokue Mission Hospital, which, in common with the other mission hospitals and clinics, is subsidized by the Administration. This subsidy has recently been increased, but, in view of the steady expansion of medical services in Ovamboland, the time is not far distant when the Administration will have to consider building its own hospital or otherwise to increase substantially the existing subsidies to the mission institutions (paragraph 108).

In the light of the evidence that malaria is rife in Ovamboland and is being spread in the Police Zone by the Extra-Territorial and Northern recruits, that hookworm, anaemia and onychiasis—a form of disease similar to scurvy—are common, and that malnutrition occurs during a certain period of the year and forms the basis of the defects of the Ovambos—in the light of all this evidence it is clear that the District Surgeon, despite the increased staff, would have a full-time job. By his efforts he would be able to raise the standard of health considerably, would be able to reduce the percentage of Natives who are unfit for employment appreciably, and would make a substantial contribution towards easing the labour-supply problem (paragraph 111).

The Commission does feel, however, that the medical and health services provided for both Extra-Territorial and Northern and local Natives in the Police Zone bare much to be desired and wishes to associate itself with the recommendations of the Health Commission in so far as they advocate the expansion of medical and health services for Natives and the erection of hospitals and clinics in the most important towns and Native Reserves (paragraph 112).

#### *Labour conditions in the Territory*

In regard to farm labour, however, there was a chorus of complaints about wages, housing and food from Extra-Territorial and Northern labourers as well as local Natives. It would not be overstating the case to say that the Natives of South West Africa are unanimous in their criticism of the low wages paid to farm labourers and that there is a strong body of criticism of the bad housing conditions and unsatisfactory feeding on many farms (136 c).

#### *Food*

A mass of evidence was given by both employees and employers on the subject of the feeding of Native labourers. From the evidence it was possible for the Commission to form an accurate picture of feeding in the Territory. The main diet of the Ovambos in the Northern Territories is a form of millet called *omahangu*. According to medical evidence, *omahangu* is very nearly a complete diet, with the exception of vitamin C, and it is much better and far more nourishing than mealie meal. This diet is invariably supplemented by some such food as chicken and rich fat sauces. During and shortly after the rainy season the Ovambos have sufficient food

with the necessary vitamins. But in drought periods, when there is a shortage of *omahangu*, they tend to suffer from malnutrition (paragraph 137).

From the medical and other evidence given, it would appear that the main deficiency in the diet of Extra-Territorial and Northern labourers, while employed in the Territory, is the lack of or insufficiency of meat and milk. The South of the Territory is essentially a sheep-raising country, where most farmers keep only a few cows for their own domestic requirements. The greatest difficulty is often experienced in getting milk for their own consumption. Even in the North of the Territory there are periods when farmers have no milk for their own consumption (paragraph 143).

The Commission has found, too, that there is considerable truth in the allegation that on many farms the only meat which the employees get is that of game shot during the hunting season, or of cattle or sheep that die, or of Karakul lambs slaughtered during the lambing season. The reason for this is that cattle and sheep fetch such high prices for slaughter purposes that it is considered uneconomic to slaughter these animals for Native consumption. The Commission feels that this state of affairs is thoroughly undesirable and that it should not be allowed to continue (paragraph 144).

After careful consideration and having due regard to the different areas in which Extra-Territorial and Northern labourers are employed and to the procurability of foodstuffs in such areas, the Commission has decided to recommend that the following basic ration should be prescribed in the service contract of all Extra-Territorial and Northern labourers:

#### *Essential:*

- (1) Mealie meal, 12 pounds per week.
- (2) Meat, 1½ pounds per week or 3 pounds per fourteen days.
- (3) Sugar, ½ pound per week.
- (4) Beans, 1 pound per week.
- (5) Salt, as required.

In addition the Commission recommends that employers should be asked to supply their employees with the following foodstuffs if and when available:

#### *Optional:*

- (a) Milk, ½ pint of whole or 1 pint of separated milk during the season, or otherwise goat's milk.
- (b) Any vegetables or fruit, 2 pounds per week.
- (c) Fat, ½ pound per week (paragraph 146).

Although there is no sanction in the service contract for any breach of the terms relating to feeding, other than cancellation of the contract, the Commission considers that where a Native Labour Inspector is satisfied that any particular employer is consistently underfeeding the Extra-Territorial and Northern Natives, he should be empowered to place such an employer's name on the black list, in which event he will be deprived of the privilege of employing Extra-Territorial and Northern Labour for a stated period (paragraph 149).

#### *Housing*

The main burden of complaint against bad housing conditions was directed at housing—or

more correctly stated — the absence of housing on farms. The evidence of European and Native witnesses alike, and this evidence was confirmed by the Commission's own observations, revealed the regrettable fact that, with isolated exceptions, housing for Natives on farms in the Territory is primitive and unsatisfactory, and in some cases non-existent. This state of affairs is second only to the complaints against the low wages paid on farms in the list of grievances advanced by Extra-Territorial and Northern Natives against accepting farm employment (paragraph 159).

Unfortunately, there are still farmers whose attitude towards Native housing is that the Natives in their natural state are accustomed to living under a bush and that accordingly they are not entitled to anything better from their employers. In point of fact this idea is erroneous. The huts in which the Extra-Territorial and Northern Natives reside in Ovamboland and the Okavango are well-constructed, well-ventilated, water-tight structures, which are cool in summer and warm in winter. One of the most frequent complaints made by Extra-Territorial and Northern labourers to the Commission was that their employers never gave them time or the necessary materials with which to construct houses similar to those they occupied at home. They were told that they could construct a hut for themselves in their free time. To say the least of such an attitude, it is short-sighted in the extreme, for a labourer who has not slept well or warmly is a disgruntled and sleepy workman and cannot be expected to render the same satisfactory service as the labourer who has a good night's rest and who, moreover, has the feeling that his employer shows some regard for his welfare and comfort (paragraph 160).

It is in the light of the conditions disclosed by our investigations that we have come to the conclusion that such conditions can no longer be tolerated in a country which professes — and with considerable justification — to be very prosperous, and in which the European population has in a sense assumed a sacred trust to promote the material and moral well-being and the social progress of the Native inhabitants. We agree, therefore, with the recommendation made by the Health Commission in paragraph 227 of its report, to this extent, that it should be made compulsory on every farmer to supply his Native employees with a certain minimum standard of housing. The Commission does not feel, however, that it is necessary to insist on a standardized type of hut, provided the housing complies with certain basic requirements as to air-space, light, ventilation and provided materials are used which will render the structure water-tight and which are otherwise suitable and provided, too, that huts can be locked up (paragraph 161).

The Commission lays down standards of minimum housing including a sketch plan. The structure suggested is 8 x 10 x 10 feet and is estimated to cost £30.

### *Wages*

The most serious complaint by a farm labourer was inadequacy of wages. The Commission deplores that a minimum wage and labour condition standard had not been enforced as yet, and prescribes minimum wages for different categories of labour. The wages at which the Witwatersrand Native Labour Association Ltd. recruits Extra-Territorial and Northern Natives for labour on the Rand mines are as follows:

(1) During the first twenty-six days of employment the recruit shall, as an acclimatization period for underground mining, undertake any surface work which he may be required to do and while so employed he shall be paid at mine surface rates of pay with a minimum of 1s. 4d. per day.

(2) Upon completion of the acclimatization period of surface work the recruit, if medically fit, is transferred to underground work and he is then paid a minimum wage of 2s. 5d. per shift.

(3) The Native is recruited for 330 shifts but on completion of these he may re-engage for another 165 shifts.

(4) From the wages in excess of 10 shillings earned by the Native for each completed ticket of thirty days, there is deducted the following:

Clothing	£2	0s.	0d.
Bus-fare (Ondangwa to Grootfontein)	0	13	9
Rail-fare (Grootfontein to Johannesburg)	3	10	3
Food	0	6	3
	£6	10s	3d
Plus a sum not exceeding in respect of return rail-fare and food for return journey	4	10	3
<b>TOTAL</b>	<b>£11</b>	<b>0s</b>	<b>6d</b>

It will be seen that even after these deductions have been made the wage received by Extra-Territorial and Northern labourers on the Rand mines is considerably higher than those paid on the mines in South West Africa and set out hereunder (paragraph 184).

The following scale of wages has hitherto applied to Extra-Territorial and Northern labourers recruited by SWANLA under service contract:

#### CLASS A — MINES AND WORKS

(For periods of 90 shifts each)

Contracts of —	1st 9d.	2nd 10d.	3rd 11d.	For last 60 shifts 1s.
----------------	---------	----------	----------	------------------------

#### CLASS B — FARM LABOUR

(For four-month periods, per month, in shillings)

	Raw			Experienced		
	1st	2nd	3rd	1st	2nd	3rd
1st year	11	12	13	13	14	15
2nd year	15	16	17	17	18	19

#### CLASS C — FARM LABOUR

(For four-month periods, per month, in shillings)

	Raw			Experienced		
	1st	2nd	3rd	1st	2nd	3rd
1st year	9	10	11	11	12	13
2nd year	13	14	15	15	16	17

Up to the present deductions have been made from this wage in respect of the forward and return bus-fare, while the costs of recruitment, of provisions, of clothing and the forward and return rail-fare are borne by the employer. It has been recommended (see paragraph 130) that in future the employer should also bear the cost of the bus journeys and that there should be no wage deductions on that account. If such recommendation be accepted, the cost of an Extra-Territorial and Northern labourer engaged as a general labourer on a farm adjoining Windhoek in the centre of the Territory for a period of twelve months would be bus-fare 16/6; recruiting costs 12/-; food 5/-; clothes £1.6.0; rail-fare £3.1.8; or an amount of £6.1.2. Esti-

mated on a monthly basis this would amount to 10/2 per month. Were the Commission's recommendation in regard to the payment of a subsidy on rail-fares to be accepted, this amount would be correspondingly reduced (paragraph 185).

The fact of this initial expenditure should not be lost sight of when wage increases are considered and when the relationship between the wages of Extra-Territorial and Northern labourers and those of local Natives are fixed. Bearing all these factors in mind, the Commission has decided to recommend the immediate introduction of minimum wage scales. It should be clearly understood that the wage scales suggested are the bare minimum and that they should be regarded only as a first step in the process of improving labour conditions. It is hoped that employers will increase these wages of their own accord, where the services rendered by the employee merit an increase over the minimum. The Commission has found that in a very large proportion of cases the minimum wages suggested are already being paid and that in many cases these wages are exceeded. This is a welcome sign and indicates that there should not be

a serious objection to the proposed increases, except, possibly, from a small minority of employers (paragraph 186).

The Commission has not found it possible or desirable to recommend minimum wages for casual labourers. The Commission considers that it is in the interest of Natives as well as of European employers that labour contracts of some permanence should be concluded between employer and employee. The disinclination of the local Natives to enter into such contracts has been largely responsible for the Administration's inability to insist on medical examination and labour classification in the case of local Natives or to improve their wage rate and labour conditions generally. The Commission is of opinion that this dislike will to a large extent be overcome if protection in the shape of minimum wages is given to all Natives who enter into contracts of not less than one month's duration. Its recommendations in regard to minimum wages are applicable only to Natives who enter into contracts of not less than one month's duration (paragraph 187).

#### PROPOSED NEW SCALE OF NATIVE WAGES

<i>Type of labour</i>	<i>Type of employee</i>	<i>Minimum wage if food and housing provided</i>	<i>Minimum wage if food and housing not provided</i>	<i>Minimum wage if only food provided</i>
Mines, works and industries	E.T. & N. labourers	1/- per shift for first year. 1/6 per shift for second year with same employer.		
	Local Native labourers	Ditto.		
Farm work (a) shepherding	E.T. & N. labourers	25/- per month for first year. 30/- per month for second year with same employer.		
	Local Native labourers	25/- per month for first year. 30/- per month for second year with same employer.		
Farm work (b) general labour	E.T. & N. labourers	20/- per month for first year. 25/- per month for second year with same employer.		
	Local Native labourers	Ditto.		
Town work (other than mines, works and industries)	E.T. & N. labourers	20/- per month for first year. 25/- per month for second year with same employer.		
	Local Native labourers	35/- per month for first year. 40/- per month for second year with same employer.	70/- per month for first year. 75/- per month for second year with same employer.	45/- per month for first year. 50/- per month for second year with same employer.
Light labour whether on farms or in towns	E.T. & N. labourers	Five-eighths the wage of the able-bodied E.T. & N. labourer of the particular category.		
	Local Native labourers	Five-eighths the wage of the able-bodied local Native labourer of the particular category.		
Females engaged in full-time domestic labour whether on farms or in towns	Local Native labour	Five-eighths the wage of the able-bodied male local Native labourer of the particular category.		

(Paragraph 188.)



The Commission recommends that half the wages earned should be retained and paid to the recruit in a lump sum and by way of deferred pay after his return to the recruiting centre. "If this recommendation be adopted the immediate result will be that the turnover of the SWANLA stores in the Native Territories will increase very considerably" (paragraph 192).

The Commission considers that the contract with WNLA by which SWANLA recruits a minimum of 3,000 labourers per year for the Rand mines should be terminated. The Commission considers that if increased wage rates and other improvements proposed are given, the reluctance of labour to go to farms in South West Africa would be remedied. They recommend the appointment of a senior Native affairs official to be stationed in each magisterial district to supervise Native affairs and Native welfare.

Many complaints were made by Native witnesses in regard to the treatment they receive from the police, when they go to complain about some or other injustice suffered at the hands of their employer. Doubtless, there has been a considerable amount of exaggeration of such complaints, but the Commission suspects that there is a substratum of truth to many of these complaints. Whatever the truth may be, the Commission finds as a fact that the Extra-Territorial and Northern Natives in general have no confidence that justice will be meted out to them by the police in their disputes, whereas they have such confidence in their Native affairs officials. In the opinion of the Commission, therefore, it is essential that such officials should be appointed to every magisterial district and that all disputes between master and servant should be dealt with by them. If this recommendation is accepted by the Administration, the Commission is convinced that the conduct of Native affairs in the Territory will be improved considerably and that it will result in better relations between Europeans and Natives (paragraph 214).

#### *General*

In submitting this report, the Commission cannot but stress the gravity of the labour problems which will face this country if the European community refuses to consider the recommendations and ameliorations, herein proposed, in a generous and enlightened spirit. The good relations between Europeans and Natives which, so happily, still exist in this country are a precious asset. The task of preserving them and of preventing any deterioration is one which rests not only on the Government, but, perhaps, even more so on the individual employer. One employer who treats his Natives unjustly or harshly can spoil the name of a whole district, from the point of view of future employment. The Commission is glad to state that it has found that the large majority of employers appreciate this fact and are prepared to follow such lead as the Administration may give in this important matter (paragraph 218).

#### *Comments*

The whole object of the Commission was to discover reasons for the unwillingness of Native labour to take up work on South West African farms.

The Commission, during the course of its visit to Ovamboland, was able to convince itself of the serious difficulties experienced by SWANLA in obtaining recruits for farm labour. At a re-

cruiting parade at Ondangua attended by the Commission, there were approximately 500 able-bodied recruits seeking employment. Mine employment was offering for less than 100 boys and yet when it came to calling for volunteers for labour on farms, and after the terms of employment were read out, the only boys who stepped forward were about a dozen youths aged 14 or 15 years. An adult boy who was about to come forward was laughed at by his companions to such an extent that he shamefacedly retired into the ranks. It is clear to the Commission that while the present wage-scale for farm labour is in force, SWANLA will have increasing difficulty in fulfilling orders for farm labour and that, except for boys returning to their former employers, the number of adults offering for this type of labour will be extremely small, and the farming community will be dependent on the class of adolescents who are physically not sufficiently mature for employment on the mines (paragraph 64).

There has been no attempt to describe the hardship and ill-treatment of labourers. There are several authenticated cases. For instance, there is the case of a labourer in Windhoek Location who absented himself from work one day owing to illness and on a complaint is said to have been beaten up. This was enquired into and verified by a Government officer, and the only action taken was to issue strict orders that in future such incidents should not occur.

The Commission, after considering the increasing desertions without fulfilment of contracts, considered the figures alarmingly high and suspects there must be an underlying cause of dissatisfaction with labour conditions in the Territory in general and with farm labour in particular (paragraph 92).

#### VIII. SOUTH WEST AFRICAN REFERENDUM

The South African Government has based its claim for the annexation of South West Africa on "the wish clearly expressed by the overwhelming majority of all the Native races in South West Africa".

It is therefore important that certain facts about the referendum which was conducted by South African Government officials should be made known, especially in the light of the persistent refusal of the Permanent Mandates Commission of the League of Nations to countenance any such suggestion of incorporation, or administration of the Mandated Territory as a fifth province of the Union (P.M.C., C.251.M.123, page 161).

1. If the Union Government's figures are accepted at their own face value, it still appears that approximately as many Africans voted against incorporation into the Union as the total number of Europeans in the Territory who were said to be unanimously in favour of incorporation, whilst again a larger number were not consulted. (See *South West Africa: History of a Mandate, Referendum.*)

2. The result of the referendum amongst the Natives however shows *not* that there was a majority in favour of incorporation but that there was a majority in favour of not being incorporated in the Union and of not being removed from the "shadow of the Crown of King George of England". Thus they believed their rights in land would be maintained. The purpose of the United Nations Trusteeship System had not been

explained to them. Many of the Native Chiefs of South West Africa know the difference between the British Protectorate system of Bechuanaland and that of the Union of South Africa. In the former the land rights of the Native tribes have been guaranteed as they have been by certain other administering Powers in Africa. In the Union of South Africa the disposal of all lands is in the hands of a white Parliament and there the Natives numbering more than three-quarters of the population have been reduced to ownership of 13 per cent of the land. Before the referendum was taken by means of a vote cast by the Chiefs and Headmen of the tribes a gross deception was practised upon them which bears comparison only with other devices whereby the indigenous population has been cheated out of its lands and natural rights.

The Chiefs asked for a certain assurance and they were given this assurance by officials who had no conceivable justification for giving it. They were led to believe that what was being proposed by incorporation would bring them permanently "under the shadow of the Crown of King George of England".

This is borne out by a statement of the Bishop of Damaraland just after the referendum and quoted in the Hereros petitions to the United Nations (see A/C.4/94, 95, 96, 97<sup>1</sup>) and by the statements of some of the Africans themselves after the voting had taken place: "We thought they meant the British Crown", etc.

The Union Government's own report to the United Nations which was not made available to the South African Parliament or public before it was issued at the United Nations reveals the manner in which this deception was carried out.

"If there was one question which recurred more than others it was whether any change in the administration of the Territory would remove them from under the shadow of the Crown of King George of England. Once assured that the change implied no departure from South Africa's partnership in the British Commonwealth of Nations, the Natives declared themselves fully satisfied on this point" (*South West Africa, History of a Mandate*, page 84). Only after receiving this assurance were the Natives willing to vote, though even then the Hereros refused.

No officials had any conceivable right to give such an assurance. South Africa has the constitutional right to secede from the British Commonwealth at any time. The official opposition at that time, which has since become the Government, was pledged to secession from the British Commonwealth and the establishment of a republic.

A statement by a leading Ovambo, whose people were said to have voted for incorporation, shows the extent to which his people were deceived by this assurance. The statement is noted in the Hereros petition (A/C.4/96/13 (b)).

"What they told me that they had said was that their country should fall under the British Government, not that it should fall under the Union.

"The man who conducted the referendum, mainly the Chief Native Commissioner, Major Hahn, who was also a delegate to the United Nations Organization, conducted the referendum in this way.

"He said the Government had come to ask them who they want from among these people. Do they want an Italian? Do they want a Chinese? Do they want a Russian? Do they want a Portuguese? Or do they want an Englishman?

"The people replied, 'We do not know the other nations except the English people.' Major Hahn didn't mention anything about the incorporation into the Union of South Africa. Taking it for granted that they were being asked if they wanted to be under the British Crown, they said they wanted to be under the British.

"Now as regards the numbers given in the Union Government's book on South West Africa at the time of the United Nations debate, I want here and now to dispute that 129,760, more than half the total claimed, voted in favour of incorporation. Since no mention was made of incorporation into the Union, it must be stated that in reality they voted against incorporation and for being brought under British rule."

No attempt was made to explain the constitutional position, nor the effects on their land rights of being brought within the Union's system of land laws and colour bar legislation without any international supervision. Nor was any explanation given of the possible alternative, the Trusteeship system of the United Nations and how this would affect their lands and other rights including the right of petition which they had enjoyed under the League of Nations.

The fact, however, that such an assurance was given to the Natives and that on that assurance they voted for "incorporation" not only vitiates the claims which the Union Government has been making for three years at the United Nations; it shows on the contrary that these Natives were not in favour of incorporation since they desired an assurance that it would not mean what clearly it did mean, namely, the possibility even probability of their being removed from the protection of "the Crown of King George of England".

Nevertheless the results of this referendum have been persistently advanced at the United Nations as the main reason for South Africa's refusal to comply with the thrice-repeated recommendation of the United Nations that the Territory be brought under the Trusteeship System.

In a letter to the United Nations dated 23 July 1947, the Union Government declared:

"The clearly expressed wish of the overwhelming majority of all the Native races in South West Africa and by unanimous vote of the European representatives of the Territory that South West Africa be incorporated in the Union, therefore, debars the Union Government from acting in accordance with the resolution of the General Assembly and thereby flouting the wishes of those who under the Mandate have been committed to their charge.

"In the circumstances", the letter concluded, "the Union Government has no alternative but to maintain the *status quo* and to continue to administer the Territory in the spirit of the existing Mandate." (United Nations Document A/334).

Since this letter was written, the Union Government has not only refused to fulfil its own undertaking to submit information to the United Nations but through its Prime Minister, Dr. Malan, has claimed that the Mandate "no longer exists"; that "it is now recorded in this legislation passed by South Africa for the world to see that we no longer recognize the existence of

<sup>1</sup> See *Official Records of the second session of the General Assembly, Fourth Committee, Annexes 3 c, 3 d, 3 e and 3 f.*

the Mandate". (Dr. Malan speaking in the South African Parliament during the passage of the recently enacted South West Africa Affairs Amendment Act. *Parliamentary Record*, 4 April 1949, col. 3294 and 3297.)

Since South Africa's honour and that of the British Commonwealth have now become very much involved in this question it will be appropriate to quote a statement by General Hertzog, a former South African Prime Minister (1934) quoted by Mr. Eric Louw when he was acting as the Union Government's representative at the Permanent Mandates Commission:

"The Government has not the least intention in relation to the Mandate for South West Africa to act otherwise than faithfully to carry out its duties as Mandatory and to continue to perform them until such time as the object which was contemplated when the Mandate was handed over to us has been attained; and I hope we shall accept that as a fixed policy and decision not only of the present Government, but of any government that succeeds it" (C.489. M.214, page 51).

Finally the South African Government's present claim that she has no moral or legal obligation to place the Territory under trusteeship of the United Nations or to submit reports or allow the right of petition must be contrasted with her expressed intention recorded in the last resolution of the League of Nations which reads *inter alia*:

"Recalling that article 22 of the Covenant applies to certain territories placed under mandate the principle that the well-being and development of peoples not yet able to stand alone in the strenuous conditions of the modern world form a sacred trust of civilisation;... 3. Recognises that, on the termination of the League's existence, its functions with respect to the mandated territories will come to an end, but notes that Chapters XI, XII and XIII of the Charter of the United Nations embody principles corresponding to those declared in article 22 of the Covenant of the League; 4. Takes note of the expressed intentions of the Members of the League now administering territories under mandate to continue to administer them for the well-being and development of the people concerned in accordance with the obligations contained in the respective Mandates, until other arrangements have been agreed between the United Nations and the respective mandatory Powers."<sup>1</sup>

This was certainly not the spirit of the pronouncements of Mr. Eric Louw in the General Assembly of 1948 or of Dr. Malan in 1949 in

the Union Parliament: "I hope that the danger to which we have been exposed — a danger which flowed from the attitude of the United Nations — has now been finally warded off... The Trusteeship Council adopts the same attitude in connection with Tanganyika that it adopted with regard to South West Africa. It completely rejects any idea of a colour bar or racial barriers with the result that they are afraid today. I believe there are indications that it is going to happen that they will be deprived of their property and their land because it is to be given to the Natives. We can be grateful that South West Africa has not been placed in that position or will not be placed in that position in the future." (Dr. Malan, *South African Parliamentary Record*, April 14, col. 3297.)

It will be recalled that the Permanent Mandates Commission on various occasions disapproved of any suggestion of incorporation of South West Africa into the Union, or too much attention being paid to the views of the white settlers, declaring: "In territories where white settlers lived amongst a Native population there was always the tendency to reduce the Natives to a purely ornamental status. The policy of the Mandate was, however, to improve the position of the Natives even possibly at the expense of the white settlers." Objections were also made to the extension of the Union's colour bar laws to South West Africa (C.251. M.123, page 161).

Relevant references to the proceedings of the Permanent Mandates Commission are: C.489. M.214, pages 51, 163, 165; C.251.M.123, pages 11, 159 sqq., 229, 211; C.274.M.178, page 193.

Relevant references to proceedings of the United Nations are:

Resolutions 65 (I), 141 (II), 227 (III); A/334 and A/334/Add.1; A/C.4/SR.31,33/40, 76,83,78,94,95,96,97,118.

Summary records of the Fourth Committee, 1946: Part I<sup>2</sup> and Part III.<sup>3</sup>

Summary records of the Fourth Committee, 1947: South West Africa debate, and Annex 3 c.<sup>4</sup>

Summary records of the Fourth Committee, 1948: South West Africa debate.<sup>5</sup>

Trusteeship Council, second session, September-December 1947.

Trusteeship Council, 1947 report to the General Assembly.<sup>6</sup>

South African Government's replies to the Trusteeship Council's fifty questions, T/175<sup>7</sup>

(Signed) Michael SCOTT

<sup>1</sup> See League of Nations *Official Journal*, Special Supplement No. 194, Records of the twentieth (conclusion) and twenty first ordinary sessions of the Assembly, text of the debate at the plenary meetings and minutes of the First and Second Committees, Geneva, 1946 (page 58, 7th meeting, 18 April 1946).

<sup>2</sup> See *Official Records of the second part of the first session of the General Assembly*, Fourth Committee, Part I, pages 63, 64, 65, 70, 78, 84 and 111.

<sup>3</sup> *Ibid.*, Part III, pages 41, 42, 45, 47, 52 and 55.

<sup>4</sup> See *Official Records of the second session of the General Assembly*, Fourth Committee, 31st, 32nd, 33rd, 38th, 39th, 40th, 44th, 45th and 47th meetings.

<sup>5</sup> See *Official Records of the third session of the General Assembly*, Fourth Committee, Part I, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th and 85th meetings.

<sup>6</sup> See *Official Records of the third session of the General Assembly*, Supplement No 4.

<sup>7</sup> See *Official Records of the third session of the Trusteeship Council*, Supplement, page 51.

## AGENDA ITEM 35<sup>1</sup>

**Information from Non-Self-Governing Territories: (a) Summary and analysis of information transmitted under Article 73 e of the Charter: report of the Secretary-General; (b) Information transmitted under Article 73 e of the Charter: report of the Special Committee**

### *Document A/C.4/L.46*

**Czechoslovakia: amendment to draft resolution submitted by India (A/C.4/L.39)**

[Original text: English]  
[7 November 1949]

In paragraph 1 replace: "for a three year period" by "as a subsidiary organ".

In paragraph 2, line 3, replace from "an equal number" till the end of the paragraph by: "one third of the number of Member States not transmitting information under Article 73 e elected for three year terms by the Fourth Committee on behalf of the General Assembly on as wide a geographical basis as possible."

Replace in paragraph 4: "in 1950, 1951 and 1952" by "every year".

Replace in paragraph 5: "in 1950, 1951 and 1952" by "every year".

Replace paragraph 6 by the following:

"6. *Decides* that the Fourth Committee form the Special Committee as a subsidiary organ consisting of:

"(a) all the Member States transmitting information under Article 73 e of the Charter;

"(b) one third of the number of Member States not transmitting information under Article 73 e of the Charter, elected by the Fourth Committee on behalf of the General Assembly on as wide a geographical basis as possible;"

Insert as additional paragraph 7:

"7. *Decides* that, if in the future the number of Member States not transmitting information is not divisible by three, the next lower number divisible by three shall be taken as a basis."

<sup>1</sup> The Rapporteur's report on this item will be found in the *Annex to the Plenary Meetings* under symbol A/1159.

### *Document A/C.4/L.47*

**Financial implications of the draft resolution submitted by Cuba, Ecuador and Guatemala (A/C.4/L.40): note by the Secretary-General**

[Original text: English]  
[8 November 1949]

The draft resolution submitted by Cuba, Ecuador and Guatemala

"*Invites* the Secretary-General to complete the summaries and analyses, as well as the annual supplements, by the periodical publication of data on special aspects of the progress realized in Non-Self-Governing Territories as contained in the information transmitted under Article 73 e of the Charter and in the supplemental information."

It is estimated that the printing costs involved, if the above proposal is adopted, would be approximately \$12,250.

### *Document A/C.4/L.49*

**India: revision of paragraph 2 of draft resolution submitted by India (A/C.4/L.39)**

[Original text: English]  
[9 November 1949]

Substitute for paragraph 2 the following paragraph:

"*Considers* that the Special Committee should be composed, on as wide a geographical basis as possible, of those Members of the United Nations transmitting information in accordance with Article 73 e of the Charter and as many other Members elected for a three-year term by the General Assembly as may be necessary to ensure that the total number of members of the Special Committee is equally divided between those Members of the United Nations which transmit such information and those which do not."



# SALES AGENTS OF THE UNITED NATIONS PUBLICATIONS

## ARGENTINA

Editorial Sudamericana S.A.  
Alsina 500  
BUENOS AIRES

## AUSTRALIA

H. A. Goddard Pty. Ltd.  
255a George Street  
SYDNEY, N. S. W.

## BELGIUM

Agence et Messageries de la  
Presse, S. A.  
14-22 rue du Persil  
BRUXELLES

## BOLIVIA

Librería Científica y Literaria  
Avenida 16 de Julio, 216  
Casilla 972  
LA PAZ

## CANADA

The Ryerson Press  
299 Queen Street West  
TORONTO

## CHILE

Edmundo Pizarro  
Merced 846  
SANTIAGO

## CHINA

The Commercial Press Ltd.  
211 Honan Road  
SHANGHAI

## COLOMBIA

Librería Latina Ltda.  
Apartado Aéreo 4011  
BOGOTÁ

## COSTA RICA

Trejos Hermanos  
Apartado 1313  
SAN JOSÉ

## CUBA

La Casa Belga  
René de Smedt  
O'Reilly 455  
LA HABANA

## CZECHOSLOVAKIA

F. Topic  
Narodni Trida 9  
PRAHA 1

## DENMARK

Einar Munksgaard  
Nørregade 6  
KØBENHAVN

## DOMINICAN REPUBLIC

Librería Dominicana  
Calle Mercedes No. 49  
Apartado 656  
CIUDAD TRUJILLO

## ECUADOR

Muñoz Hermanos y Cía.  
Nueve de Octubre 703  
Casilla 10-24  
GUAYAQUIL

## EGYPT

Librairie "La Renaissance d'Egypte"  
9 Sh. Adly Pasha  
CAIRO

## ETHIOPIA

Agence éthiopienne de publicité  
P. O. Box 8  
ADDIS-ABEBA

## FINLAND

Akateeminen Kirjakauppa  
2, Keskuskatu  
HELSINKI

## FRANCE

Editions A. Pedone  
13, rue Soufflot  
PARIS, V<sup>e</sup>

## GREECE

"Eleftheroudakis"  
Librairie internationale  
Place de la Constitution  
ATHÈNES

## GUATEMALA

José Goubaud  
Goubaud & Cía. Ltda.  
Sucesor  
5a Av. Sur No. 6 y 9a C. P.  
GUATEMALA

## HAITI

Max Bouchereau  
Librairie "A la Caravelle"  
Boite postale 111-B  
PORT-AU-PRINCE

## ICELAND

Bokaverzlun Sigfusar Eymundsonnar  
Austurstreti 18  
REYKJAVIK

## INDIA

Oxford Book & Stationery Company  
Scindia House  
NEW DELHI

## IRAN

Bongahe Piaderow  
731 Shah Avenue  
TEHERAN

## IRAQ

Mackenzie & Mackenzie  
The Bookshop  
BAGHDAD

## LEBANON

Librairie universelle  
BEYROUTH

## LUXEMBOURG

Librairie J. Schummer  
Place Guillaume  
LUXEMBOURG

## NETHERLANDS

N. V. Martinus Nijhoff  
Lange Voorhout 9  
's-GRAVENHAGE

## NEW ZEALAND

Gordon & Gotch, Ltd.  
Waring Taylor Street  
WELLINGTON

United Nations Association of  
New Zealand  
P. O. 1011, G.P.O.  
WELLINGTON

## NICARAGUA

Ramiro Ramírez V.  
Agencia de Publicaciones  
MANAGUA, D. N.

## NORWAY

Johan Grundt Tanum Forlag  
Kr. Augustgt. 7A  
OSLO

## PERU

Librería internacional del Peru,  
S.A.  
Casilla 1417  
LIMA

## PHILIPPINES

D. P. Pérez Co.  
132 Riverside  
SAN JUAN, RIZAL

## POLAND

Spoldzielna Wydawnicza  
"Czytelnik"  
38 Poznanska  
WARSZAWA

## SWEDEN

A.-B. C. E. Fritzes Kungl.  
Hofbokhandel  
Fredsgatan 2  
STOCKHOLM

## SWITZERLAND

Librairie Payot S. A.  
LAUSANNE, GENÈVE, VEVEY,  
MONTREUX, NEUCHÂTEL,  
BERNE, BASEL  
Hans Raunhardt  
Kirchgasse 17  
ZURICH I

## SYRIA

Librairie universelle  
DAMAS

## TURKEY

Librairie Hachette  
469 Istiklal Caddesi  
BEYOGLU-ISTANBUL

## UNION OF SOUTH AFRICA

Central News Agency  
Commissioner & Rissik Sts.  
JOHANNESBURG and at CAPETOWN  
and DURBAN

## UNITED KINGDOM

H. M. Stationery Office  
P. O. Box 569  
LONDON, S.E. 1  
and at H.M.S.O. Shops in  
LONDON, EDINBURGH, MANCHESTER,  
CARDIFF, BELFAST, BIRMINGHAM  
and BRISTOL

## UNITED STATES OF AMERICA

International Documents Service  
Columbia University Press  
2960 Broadway  
NEW YORK 27, N. Y.

## URUGUAY

Oficina de Representación de  
Editoriales  
Av. 18 de Julio 1333 Esc. 1  
MONTEVIDEO

## VENEZUELA

Escritoria Pérez Machado  
Conde a Piñango 11  
CARACAS

## YUGOSLAVIA

Drzavno Preduzece  
Jugoslovenska Knjiga  
Moskovska Ul. 36  
BEOGRAD