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**Chairman: Mr. Luciano JOUBLANC RIVAS
(Mexico).**

AGENDA ITEM 30

Question of South West Africa (*continued*):

**(b) Report of the Committee on South West
Africa (A/2913 and Add.1 and 2) (*con-
tinued*)**

1. Mr. BOROOAH (India) expressed the opinion that the statement made by the Reverend Michael Scott at the previous meeting had shed new light on conditions in South West Africa. Although the United Nations efforts to help the people of the Territory had not borne fruit, it was gratifying to know that they were appreciated.

2. He suggested that Mr. Scott's statement (A/C.4/314) should be transmitted to the Committee on South West Africa.

It was so decided.

3. Miss BROOKS (Liberia), supported by Miss ROESAD (Indonesia), proposed that the Reverend Michael Scott should be invited to the Committee table so that he might reply to questions from her delegation and other delegations.

**HEARING OF THE REVEREND MICHAEL SCOTT (*con-
cluded*)**

At the invitation of the Chairman, the Reverend Michael Scott took a place at the Committee table.

4. Miss BROOKS (Liberia), referring to Mr. Scott's remark at the previous meeting that modern techniques of communication might be used to enable the people of South West Africa to place their views before the Committee, asked whether any of the petitioners had recordings or films that they would like to send to the United Nations, or whether Mr. Scott had any in his own possession.

5. She hoped that the replies to the petitioners' questions about their rights would be communicated to them.

6. The Reverend Michael SCOTT recalled that the first time he had been granted a hearing he had shown a short documentary film, taken by himself, which

included pictures of the chiefs and their people signing a petition to the United Nations. He understood that other films had been made and that eminent people who had visited the Territory had had interviews with some of the chiefs, but he did not know whether those interviews had been recorded.

7. Miss BROOKS (Liberia) asked whether Mr. Scott could cite any particular action by the South African Government in support of the contention that the status of the Territory had been altered.

8. The Reverend Michael SCOTT replied that there had been a number of measures, including the South West Africa Native Affairs Administration Act, 1954, which appeared to modify the status of the Territory, diminish the rights of its inhabitants and affect South West Africa's territorial integrity. The inhabitants themselves were completely confused as to their status. They had been wards of the League of Nations and had never been regarded as nationals of the Union of South Africa. The Prime Minister of the Union of South Africa in a number of recent statements had claimed that the Mandate over South West Africa had come to an end and that the United Nations had no jurisdiction over the Territory. Statements had been made in the Fourth Committee to the effect that South West Africa had not been incorporated into the Union, but in fact its status as a separate entity was gradually being whittled away by the enactment of various measures. The confusion in the minds of the people was evident from their communications. In one of them, for example, they had asked that the administration of the Territory should be taken away from the Union of South Africa and entrusted either to Canada or the United Kingdom. It was important that the people should be clear about what results they could expect from their appeals to the United Nations. As the Committee had suggested that the International Court of Justice should be asked for a further advisory opinion,¹ the Court might be asked at the same time whether in its view the status of the Territory had been affected by recent legislation.

9. In reply to a further question by Miss BROOKS (Liberia), the Reverend Michael SCOTT expressed the view that the people of South West Africa did not fully understand all the legal implications of the South West Africa Native Affairs Administration Act, 1954. They were much afraid that their ownership of the land might be threatened. The Herero people had been divided into eight sections, despite the South African Government's policy of *apartheid*, which was supposed to enable the African people to develop along their own lines. People could not move from one Reserve to another without a pass. The Africans had repeatedly asked that they should be granted some form of representation. They regarded with dread the transfer of the powers previously vested in the Administrator to

¹ See draft resolution adopted at the 506th meeting.

the Department of Native Affairs of the South African Government, since they feared that as a result all the legislation in force in the Union of South Africa would become applicable to the Territory.

10. Mr. JASPER (United Kingdom) observed that Mr. Scott in his statement had appeared to cast doubt upon the effect of the South West Africa Affairs Amendment Act, 1949, and subsequent legislation. He reminded the Committee that as far as the United Nations was concerned the question of that Act and its effects was *res judicata*. He drew attention to paragraph 4 of General Assembly resolution 227 (III) and emphasized that the United Kingdom delegation was quite clear that the South West Africa Affairs Amendment Act, 1949, made no substantive changes in the position of South West Africa.

11. Miss BROOKS (Liberia) said that some members of the Committee had referred to the indigenous inhabitants of Africa, and especially the people of South West Africa, as extremely backward and had suggested that for that reason any measures for their development should be extremely gradual. She asked Mr. Scott whether in his dealings with the people of the Territory he had found them to be inherently backward.

12. The Reverend Michael SCOTT said that any backwardness shown by the people was due not to inherent causes but to the absence of education, technical assistance, land development and so on. There were many capable leaders and chiefs among the people of South West Africa and he was convinced that given equal opportunities with the European inhabitants they would show even greater adaptability and capacity.

13. Miss ROESAD (Indonesia) asked Mr. Scott what changes had taken place that might affect the Africans' rights to their land.

14. The Reverend Michael SCOTT replied that the chief new factor was the South West Africa Native Affairs Administration Act, 1954. It was not clear whether the authority with regard to changes in land ownership was now vested in the Administrator or in the Minister of Native Affairs in the South African Government. In that connexion he drew attention to paragraphs 82 and 83 of annex II of the report of the Committee on South West Africa (A/2913).

15. Mr. ESKELEND (Denmark) thought that the discussion seemed to be wholly repetitious, the Committee was once again going over all the matters about South West Africa which it had just discussed for a week, without any new information being presented.

16. Miss ROESAD (Indonesia) asked Mr. Scott what in his opinion were the distinctive factors relating to conditions in the Territory which the Fourth Committee should know.

17. The Reverend Michael SCOTT replied that some of the distinctive factors in the situation which were of special concern to the United Nations were, first, the growing tendency for agriculture and industry in the Territory to depend on cheap migratory labour; secondly, the concentration of the African population in Reserves which were totally inadequate to support them; and thirdly, the failure to develop those Reserves, with the result that the African people were forced to search for work in the towns or on farms owned by Europeans. That tendency was not peculiar to South West Africa; it was common throughout southern Africa. The whole legislative structure was designed

to preserve the availability of cheap indigenous labour for farms, mines and industries. The racial situation there was unlike that in any other part of the world, inasmuch as the State system itself was based upon the conception of superior and inferior races. There had been improvements in certain directions in South West Africa; for example, the growth of industry had led to improvement in the conditions of the African workers. The result was that complaints of shortage of labour came chiefly from the farmers.

18. Miss ROESAD (Indonesia) was glad to hear that there had been some improvement in conditions in the Territory and asked whether the petitioner could give any other examples of improvement.

19. The Reverend Michael SCOTT said that plans were in progress for rebuilding the Native location at Windhoek and that £750,000 had been voted for that purpose. The scheme had been publicized some time ago but, as far as he knew, work had not yet begun. In any case the scheme was long overdue. The location was a shanty town with make-shift houses, inadequate drainage and water supplies, and no street lighting. He had heard that in Tsumeb provision was to be made for permanent urban settlement by Africans. If that were true, it would be a great advance.

20. In reply to a further question from Miss ROESAD (Indonesia), the Reverend Michael SCOTT said that the standard of living of the Africans was certainly abysmally low compared with that of the Europeans, who were passing through a period of great prosperity owing to the diamond and caracul industries. That prosperity was not shared by the Africans. In the caracul industry, for example, an African shepherd was paid rather less than the value of one sheepskin for a month's work. Generally speaking, African wages were from 25 to 30 shillings a month.

21. Mr. BOROOAH (India), commenting on the United Kingdom representative's statement, agreed that at its third session the General Assembly had noted the South African Government's assurance that it would not incorporate South West Africa into the Territory of the Union. Since then, however, many measures had been adopted which had largely whittled away South West Africa's independence. Hence he could not agree with the United Kingdom representative that there had been no substantial change in the Mandatory Power's position on the question.

22. Mr. SERAPHIN (Haiti) said that there must be some reason for the confusion existing in the minds of the indigenous inhabitants of South West Africa with regard to their status. Perhaps the administering Power had deliberately encouraged such confusion. He asked for further information in that connexion.

23. The Reverend Michael SCOTT replied that the Africans were inevitably confused by the discrepancy between the statements of South African leaders as reported in the local Press and the reports of United Nations debates reaffirming South West Africa's status as a mandated territory under United Nations jurisdiction. It was difficult, for instance, to reconcile the recent statement by the South African Prime Minister that South West Africa now shared the sovereignty of the Union of South Africa with the United Nations position. The Africans could judge only from the practical effect of such statements on their own lives. They knew they had been invited to appear before the General

Assembly but that the South African Government had refused them permission to leave the Territory, and they were not clear to whom they should apply for the passports which the South African Government refused to issue.

24. Mr. BOZOVIC (Yugoslavia) asked whether Mr. Scott believed that the African population of South West Africa would be ready to voice an opinion on its future, if the South African Government agreed to allow the United Nations to consult it on that point.

25. Mr. SCOTT believed the South West Africans would welcome an opportunity to state their views, particularly if the referendum were conducted under the auspices of neutral Powers or a representative body of the United Nations. The Africans did not feel that the referendum held in 1945 and 1946 had been fair or that their opinions had been faithfully represented to the United Nations at that time. Many people in South West Africa, including white people, were anxious to preserve the Territory's mandated status and would welcome a chance to express their views in a referendum.

26. Mr. BOZOVIC (Yugoslavia) questioned the United Kingdom representative's contention that the South West Africa Affairs Amendment Act, 1949, was *res judicata*. The General Assembly had expressed no opinion in resolution 227 (III); it had merely taken note of the South African Government's assurance that the proposed new arrangement for closer association of South West Africa with the Union did not mean incorporation. The General Assembly had been confident that the South African Government would live up to that assurance. Furthermore, as the Committee on South West Africa had noted in its report (A/2913, annex II, para. 24), with the passing of the South West Africa Native Affairs Administration Act, 1954, administrative integration had for the first time involved constitutional amendment.

27. Mr. SAAB (Lebanon) said that, in accordance with the Covenant of the League of Nations, the Mandatory Powers were bound to respect freedom of conscience and religion in the mandated territories. He would be interested to hear what the situation was in South West Africa in that respect.

28. The Reverend Michael SCOTT replied that under the Mandate the South African Government had agreed to allow missionaries freedom of access to the Territory. In actual fact there were very few people in South West Africa belonging to faiths other than the various denominations of Christianity. He had no information on whether the two or three people of Malayan descent, who were Moslems, and the two or three Asians in the Territory were free to practise their religion and on whether other than Christian missionaries had freedom of access to the Territory. Asian and other non-European immigration was restricted by law.

29. In reply to a question from Mr. RODRIGUEZ FABREGAT (Uruguay), who asked whether Mr. Scott himself had experienced any difficulties in keeping in touch with the African population in South West Africa, the Reverend Michael SCOTT reminded the Committee that, while he was attending the sixth session of the General Assembly, he had received notice from the South African Government that he was prohibited from entry at any ports in South Africa or under the South African Government's control. He had been

unable to obtain rescission of that order or any explanation of it, although he had repeatedly sought permission to return so that he could report to the chiefs and people who had sent him to the United Nations.

30. Mr. RODRIGUEZ FABREGAT (Uruguay) asked whether the South African Government took any steps to explain their special status to the people of South West Africa.

31. The Reverend Michael SCOTT said that when the South African Prime Minister, Mr. Malan, had visited South West Africa in 1948, he and several of the chiefs of the Herero and other tribes had requested an interview. Many of the chiefs had travelled hundreds of miles to hear the Prime Minister's views on their petitions and to explain their views to him. The Prime Minister had declined to receive the deputation and, as far as Mr. Scott knew, no deputation had subsequently been received at any time. The many speeches by the Minister of Native Affairs and the present Prime Minister, Mr. Strijdom, on the Territory's status, had only served further to confuse the people.

32. Mr. RODRIGUEZ FABREGAT (Uruguay) wondered whether the fundamental relationship between Government and governed was one of subjugation of the black man to the white man.

33. The Reverend Michael SCOTT replied that the relationship between Africans and Europeans in the Territory could only be described as domination of the one by the other. A white dictatorship prevailed; a racial oligarchy had control of the State. The Africans had no direct representation in the South African Parliament or in the Legislative Assembly and the Executive Council in South West Africa. While the white population had six representatives in the South African Parliament, the African population was represented by one white Senator. The only way the Africans could make their wishes known was through advisory boards mainly composed of nominated representatives and presided over by white District Commissioners. They were appealing to the United Nations because they felt that they had no means to express their desires through constitutional channels in the Territory or the Union.

34. Mr. RODRIGUEZ FABREGAT (Uruguay) asked whether there had been any recent improvement in the educational opportunities open to young people in South West Africa. One of the most significant aspects of the sacred trust assumed by the Government of the Union of South Africa was the promotion of educational development.

35. The Reverend Michael SCOTT said that when he had last been in South West Africa there had been two Africans in the Territory who had matriculated, by means of a correspondence course which they had completed at their own expense. One of them, Mr. Himumiune, had been offered a scholarship by the University of Oxford but had been refused permission to leave the Territory in order to take up the scholarship. His case was already well known to the Fourth Committee. The matter had been discussed with the authorities in England, and it had been agreed that if the administering Power continued to refuse to grant Mr. Himumiune permission to travel to Europe, the scholarship could be transferred to Makerere College or a college in Liberia. It was very wrong that the young man should be denied an opportunity to further

his education, for men of his calibre and qualifications were desperately needed in South West Africa. The only Native university graduate known to him was a young Herero who had been trained for the priesthood by the Roman Catholic Church.

36. Mr. RODRIGUEZ FABREGAT (Uruguay) asked whether there were any differences in conditions and wages between white and Native persons doing the same work.

37. The Reverend Michael SCOTT said that to his knowledge the only occupation open to persons of both races was teaching. The discrepancies between wages and conditions for Europeans and Natives in similar posts and with similar qualifications were noted in paragraph 192 of annex II of the report of the Committee on South West Africa (A/2913). In one of the mining districts in South West Africa, a dispute had recently arisen between the employees and the exclusively European mine-workers' union regarding the employment of Africans in semi-skilled occupations. The union was seeking to establish the principle of equal pay for equal work, but in practice that meant the exclusion of non-Europeans from skilled and semi-skilled occupations.

38. Mr. GHANEM (Egypt) asked what the feelings of the Europeans in South West Africa were in regard to the discriminatory practices and racial hegemony advocated by the Administration.

39. The Reverend Michael SCOTT said that there was little evidence of any active opposition by any substantial section of the white population to the policies which excluded Africans from the higher spheres of economic, social and political life in the Territory. Protests appeared in the Press from time to time against the worst excesses in the treatment of Native labour by European farmers. There was no European party which stood for equal treatment of white and Native persons.

40. Mr. KHAN (Pakistan) asked whether, in view of the lack of facilities for education in the Territory of South West Africa, there were enough educated Africans to represent their people in the Territory's Legislative Assembly or in the South African Parliament.

41. The Reverend Michael SCOTT said that there were a number of African leaders who were fully competent to represent their people in the South West African Legislative Assembly or in the Parliament of the Union of South Africa.

42. He thanked the Committee for the courtesy which it had extended through him to the peoples of South West Africa who had asked him to represent them.

The Reverend Michael Scott withdrew.

Programme of work

43. The CHAIRMAN said that it had just been announced that the Liberian delegation wished to submit a draft resolution in connexion with the statements recently heard by the Fourth Committee. While that document was being circulated, he would give the Committee an indication of the programme of work proposed for the immediate future. The next item on the Committee's agenda was the report of the Trusteeship Council. However, the Prime Ministers of Surinam and the Netherlands Antilles, and the Presidents of the Parliaments of those States, who were to address the Fourth Committee on the question of the cessation of information from those Territories, were expected to arrive in New York about 22 November. It was suggested, therefore, that if the Committee had not completed its consideration of the report of the Trusteeship Council by that date, the item should be suspended for a few days to allow for the discussion of the item relating to the cessation of information. When that had been dealt with, the Committee could return to the report of the Trusteeship Council.

44. There were certain other matters pending before the Committee. At its 499th meeting, the Committee had been informed of a request for a hearing received from the Committee of the Ogaden Refugees. The debate on whether or not the relevant portions of the communication which had been received should be circulated had subsequently been adjourned. At its 490th meeting, the Committee had decided to await the arrival of certain papers from Juvento before deciding whether to agree to hear the two representatives proposed by that organization. Although three weeks had passed since then, the papers mentioned in documents A/C.4/304 and Add.1 had not yet been received. Also in connexion with the question of oral hearings, the delegation of Liberia had submitted a draft resolution (A/C.4/L.414) in regard to the granting of travel documents to petitioners who had been granted oral hearings but who were unable to leave the Territories in which they were situated owing to the refusal of certain administering Powers to grant them passports. He suggested that the Committee should dispose of those three outstanding topics at its next meeting.

The meeting rose at 12.35 p.m.