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Chairman: Mr. Frederick H. BOLAND (Ireland).

AGENDA ITEM 39

- Question of South West Africa (*continued*):**
- (a) Report of the Good Offices Committee on South West Africa (A/3900);
 - (b) Report of the Committee on South West Africa (A/3906 and Add.1)

HEARING OF PETITIONERS (*continued*)

At the invitation of the Chairman, Sir Charles Arden-Clarke, Chairman of the Good Offices Committee on South West Africa, the Reverend Michael Scott and Mr. Mburumba Kerina (Getzen) took places at the Committee table.

1. The Reverend Michael SCOTT, continuing the statement he had begun at the previous meeting, said that proposals for partitioning the Territory must clearly take into account the economy of the country. The economy of the country as a whole was based on mining, agriculture and fishing, all of which were carried on in the South (Police Zone), whereas the North had an almost wholly subsistence economy relying for its purchasing power and ability to pay taxes on migrant labourers working on mines and farms in the South. The rapid economic growth and the prosperity of the southern half of the Territory explained the Union Government's desire to annex that part of the Territory. If the northern areas were placed under trusteeship, their administration would have to be financed from outside, at least until roads, railways, irrigation and other economic projects could be developed.

2. The partitioning of South West Africa would in fact be an act of apartheid which would allow South Africa to incorporate one part of the Territory with the sanction of the United Nations. Furthermore, the African inhabitants of that part of the Territory which was placed under trusteeship would still be governed by the Union Government's policy of apartheid, since they would be dependent upon work in the Police Zone or in South Africa, where pass laws were in force.

3. To supplement the report on education of the Committee on South West Africa (A/3906, paras. 154-167), he quoted an article from the Windhoek Advertiser of 4 July 1958 which stated that the Coloured people feared the introduction of the Union system of Bantu

education into South West Africa. The terms of reference of the education commission which had been appointed clearly envisaged different syllabuses and systems of education for the various racial groups "taking into consideration the historical development of each group, their respective distinctive characteristics and aptitudes and their respective needs".

4. As regards the Coloured Township at Windhoek, the Windhoek Town Council had expressed the view on 30 April 1957 that property ownership would give the Coloureds no political, social, economic or legal rights which they did not already possess. In July 1957 the Council representatives had been asked by the Administrator not to introduce a property tax in the Township, to prevent a claim from Coloureds that they be declared taxpayers, since such a claim could lead to the further claim for voting power. In August 1957 the Secretary for South West Africa had stated in a letter to the Council that trading rights within the Township would be reserved for Coloureds only and that the Coloureds would be prohibited from becoming owners of land or other immovable property or acquiring trading rights outside the Township.

5. Turning to the question of political rights, he observed that at the South West Africa Coloured Teachers' Congress the President had asked for direct or indirect representation for the 25,000 Coloured people of South West Africa in the Legislative Assembly, saying that their labour was accepted but their existence was not recognized.

6. A number of discriminatory measures had been introduced in recent years with a view to defending the interests of European workers.

7. In many parts of the world the United Nations and the specialized agencies were helping to deal with problems similar to those existing in South West Africa. The World Health Organization, the United Nations Children's Fund, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the International Labour Organisation could undoubtedly render valuable services to the Territory, as they were doing in the other African Trust Territories. The plan for the development of the Okavango river basin, advocated by the Administrator of South West Africa, could be greatly assisted by the United Nations and especially by the Food and Agriculture Organization.

8. Before concluding, he wished to make an urgent appeal to the great Powers, which bore so much responsibility. Many of the peoples in Asia and Africa had grown and were growing out of tutelage and emerging into the full stature of responsibility for the control of their own affairs. The supreme courts of great nations upheld emancipation and the right of peoples to grow in knowledge and skill and the

exercise of their creative talents. But in South West Africa the law had been made into an instrument of State-organized racial discrimination against the whole people whom it had been designed to protect. Surely something better could be found by the United Nations than the compromise of partition, which was questionable both on grounds of morality and legality. Naturally if the people of the Territory were ever to be reunited in one coterminous area, there would have to be movement and reorganization, but they had asked for the return of their own traditional lands and their unification as a people. Far from returning their lands, however, the Mandatory Power had been and was still appropriating them. As a first step towards the revocation of the Mandate, substantial indemnities should be sought through the compulsory jurisdiction of the International Court of Justice for the loss of their lands and rights, and he would appeal to those who had entrusted the Mandate to South Africa to invoke article 7 of the Mandate and to seek the judgement of the Court on South Africa's failure to fulfil its international obligations.

9. In conclusion, he would reiterate the petition of the Herero people and that of the Nama and Berg Damara people: firstly, that their lands should be returned to them and their people reunited; secondly, that the Territory should be brought under the International Trusteeship System; thirdly, that the petitioners should be allowed to send representatives from the Territory to express their peoples' hopes and fears, and that a commission should immediately visit South West Africa and consult them directly; fourthly, that the International Court of Justice should be consulted as to whether the Territory had been and was being administered in accordance with the Union Government's obligations under the Mandate, the Covenant of the League of Nations, the United Nations Charter and the Statute of the International Court; fifthly, that the judgement of the Court should be a first step towards revoking the Mandate and entrusting it to an administration directly responsible to the United Nations; and sixthly, that that administration should be staffed by officials drawn from an international administrative service such as that proposed by the Secretary-General,^{1/} consisting of men and women having some understanding of the desire of peoples of different races to live together and work together for the building up of a happier future for all the peoples of the Territory.

10. The CHAIRMAN invited Mr. Mburumba Kerina (Getzen) to make a statement.

11. Mr. KERINA (GETZEN) said that before making his main statement he would like to comment on some of the points made at the 745th meeting by the South African Minister of External Affairs. Firstly, it was not true that the Reverend Michael Scott had never been anywhere in South West Africa except Windhoek, for the speaker's own uncle had taken him to visit various parts of the Territory, including several of the reserves. Secondly, the Minister had implied that the speaker was an expatriate who had no intention of returning to South West Africa. He therefore wished to make it clear that he planned to return to the Territory after he had completed his studies. Thirdly, as

^{1/} See Official Records of the Economic and Social Council, Twenty-sixth Session, Annexes, agenda item 9, document E/3121.

the Minister had sought to give the impression that the names of some of the signatories to petitions were fictitious, he read out a letter addressed to him by a person bearing one of those names describing his questioning by the South African Special Branch in connexion with the petition which he had signed. Fourthly, in reply to the Minister's remarks about the difficulties the Union Government had in keeping Hereros in Bechuanaland from crossing into South West Africa, he read out a letter he had received from one such Herero asking him to inform the United Nations that those members of the tribe who were living in the Protectorate considered themselves strangers there and wanted to go back to their own country but could not do so until the land was returned to its rightful owners.

12. With regard to sub-item (a) of agenda item 39, he stated that the visit of the Good Offices Committee on South West Africa to the Territory had left nothing but confusion among both Africans and whites. According to information he had received from Ovamboland, the people there had the impression that under the partition proposal their land would continue to serve as a reservoir of cheap labour for the Europeans in the South. They could not understand why two members of the Committee should have visited the area without talking to any of the people concerned but they had faith that the United Nations would not accept any proposal which would partition their land and divide their people. He read out a letter from the Namas which appealed to the United Nations not to take a decision on the basis of the Good Offices Committee's report (A/3900), since that report did not reflect the opinion of the indigenous inhabitants, and to place South West Africa under the Trusteeship System.

13. His people objected to the first proposal of the South African Government as contained in the report, namely, the proposal to resurrect the Mandate by recognizing France, the United Kingdom and the United States as legal successors to the League of Nations, because those three Powers did not constitute the international community and because the inhabitants of the Territory were not prepared to accept any proposal which would remove the South West African question from the United Nations or entail the dissolution of the Committee on South West Africa. That Committee was useful because it was able to obtain information without the co-operation of the Union Government, something which the Permanent Mandates Commission had not been permitted to do. As for the second proposal, namely, to divide the Territory so that the southern portion would be annexed by the Union and the northern portion placed under the Trusteeship System, partition had not proved successful in other countries and there was no reason to suppose that it would in South West Africa. An editorial published in *Africa South* in September 1958 had summed up the situation correctly when it had said that in view of the Union Government's consistent policy of oppressing the inhabitants of the Territory and flouting the United Nations it was hardly likely that it had been motivated by a genuinely conciliatory spirit in extending its invitation to the Good Offices Committee. The circumstances of the visit to the Territory by two members of the Committee, the editorial went on, confirmed that suspicion, for, after the Administration had denied to the Press that it had any knowledge of their impending visit, they had suddenly been brought to Windhoek by a special

South African Air Force plane and rushed to a hotel where they had refused to sign the visitors' book and had secluded themselves in their rooms. The next morning they had been taken on a tour but the details had been concealed from the Press, which had been misinformed by the Administration concerning their destination. They had apparently not been allowed to see the Paramount Chief of the Hereros who, as the principal petitioner to the United Nations, might surely have expected to be consulted by them. The result was that their visit had simply given the people the feeling that the United Nations was turning its back on them.

14. The open letter addressed to the United Nations by the Paramount Chief of the Hereros to which the Reverend Michael Scott had referred at the previous meeting expressed dissatisfaction that the two members of the Good Offices Committee had been prevented from consulting South West African opinion and interviewing the Press during their stay. It appealed to the United Nations not to take any final action without consulting the indigenous inhabitants.

15. As far as the Union Government's legal arguments were concerned, if, as that Government contended, the Mandate had lapsed, its rights and authority under the Mandate had also lapsed. Nor could the Union claim rights beyond those which had actually been conferred upon it by the Mandate, or were required to enable it to carry out the obligations which the Mandate entailed.

16. The report of the Good Offices Committee was in no way acceptable to the people whom the speaker represented. The indigenous inhabitants would never be content to be relegated to the reserves but would insist on the right to live in the towns, benefit from the exploitation of the country's mines and participate in the work of the Legislative Assembly.

17. With regard to existing conditions in the Territory, he noted that the philosophy of education, which had been transferred from the jurisdiction of the South West African Department of Education to that of the Union Minister of Native Affairs, was based on the principle that Africans should be taught only enough to prepare them to do agricultural and manual labour for Europeans. African parents who were dissatisfied with the inferior quality of the education offered by the government and mission schools were not permitted to open private schools for their children. Most elementary schools were segregated on the basis not only of race but of tribal group. While Coloured children could attend African schools if there was no Coloured school in their area, the law prohibited Africans from attending Coloured schools when no facilities for African children were available. Farm families hesitated to send their children to the residential schools in the reserves, although there were no other educational facilities available to them, because of the poor treatment and abuse they received there. For example, the diet in such schools was so poor that in most cases students had to ask their parents to send them money or additional food. The fact that the language used in the schools was Afrikaans, even in towns where English was widely spoken, further isolated the Africans. Many of the teachers had not studied beyond the grade they taught, and the teacher training schools at Dobra and Augustinium were at present teaching only to standard VI. In the

elementary schools parents often sent their children back to repeat the last standard because there was no further schooling available. African children wishing to study further had either to take correspondence courses at their own expense or go away to high schools in the Union. In the latter case they had either to pay the costs themselves or apply for a government bursary, in which case they could go only to schools selected for them by the authorities, most of them of inferior quality. After completing their schooling, students who had received such bursaries were required to work for the Government as teachers or in the Native Affairs Department for a certain length of time during which deductions were made from their salaries until the amount advanced was repaid. In schools which had white principals and teachers, African children were indoctrinated in the theory of white supremacy from an early age. No student organizations except musical and sports groups were permitted. The activities of the African teachers organization were carefully regulated by the Government, a white agent of which was required to be present and usually acted as presiding officer at the organization's annual meetings. Control of the nursing profession was entirely in the hands of the all-white South African Nursing Council, as could be seen from paragraph 66 of the report of the Committee on South West Africa (A/3906 and Add.1). White persons violating the provisions concerning immorality described in paragraph 510 of the Secretary-General's report to the Committee on South West Africa (A/AC.73/L.10) were seldom punished, whereas Africans committing the same offence were liable to sentences of up to five years' imprisonment. The laws concerning the numerous passes which Africans were required to carry, as described in paragraphs 136-138 of the report of the Committee on South West Africa, were used as a means of terrorizing the indigenous inhabitants.

18. The CHAIRMAN suggested that Mr. Kerina (Getzen) should continue his statement at the next meeting.

19. Mr. DORSINVILLE (Haiti) proposed that the full text of the statements made by the Reverend Michael Scott and Mr. Kerina (Getzen) should be circulated to the members of the Committee.

It was so decided.

20. Miss BROOKS (Liberia) drew attention to a number of communications from South West Africa which were listed in document A/INF/80. She felt that the communications in question would be of interest to the members of the Committee and proposed that they should be circulated.

21. The CHAIRMAN pointed out that a similar review of communications received was circulated at the beginning of each session of the General Assembly. It had not hitherto been the practice to circulate the communications listed therein to the Committee concerned. The original communications were in the Secretariat archives and were available to members of the Committee at any time. Moreover a fairly full summary of the contents of the communications to which the Liberian representative had referred was given in the document.

22. In view of those considerations and of the endeavours being made to reduce the volume of documentation, he wondered whether the Committee would wish

to ask for the circulation of the communications in question.

23. Miss BROOKS (Liberia) maintained her proposal.

24. Mr. LONGDEN (United Kingdom) urged the Committee not to insist on further documentation, for the reasons given by the Chairman.

25. Mr. BOZOVIC (Yugoslavia) felt that the communications referred to by the Liberian representative differed from those usually included in similar lists;

they were really in the nature of petitions and should be treated as such.

26. Mr. RODRIGUEZ FABREGAT (Uruguay) and Mr. RAU (India) supported the Liberian proposal.

The proposal to circulate communications 5, 6, 7, 8, 9 and 11 listed in document A/INF/80 was adopted by 44 votes to 4, with 15 abstentions.^{2/}

The meeting rose at 6.15 p.m.

^{2/} The communications were subsequently circulated in document A/C.4/380.