FOURTH COMMITTEE

COMMUNICATIONS RECEIVED BY THE SECRETARY-GENERAL
RELATING TO SOUTH WEST AFRICA

Note by the Secretary-General

The following communications relating to South West Africa are reproduced in accordance with the request of the Fourth Committee at its thirty-second meeting on 26 September 1947.

/To the Secretary-General
To the Secretary-General,
United Nations Organisation,
Lake Success,
United States of America.

Sir,

RE PETITION BY THE HERERO AND OTHER AFRICAN NATIVE INHABITANTS OF THE MANDATED TERRITORY OF SOUTH WEST AFRICA.

We earnestly request you to accept our enclosed petition and to lay same before the General Assembly, the Trusteeship Council or any other Committee or body of United Nations Organisation charged with the duty of considering the proposal of the Union of South Africa for the annexation of the Mandated Territory of South West Africa into the State of the Union of South Africa.

We thank you Sir, for your assistance in bringing to the notice of Delegates the representations made on this subject last year, report of which has reached us.

We thank you now in advance for your good offices on behalf of our Peoples in bringing this petition to the notice of the Delegates of the various nations and all other bodies charged with the duty of dealing with this matter.

We are Sir,

On behalf of the Herero people of S.W.A.

Nikanor Hoveka, Headman, Epukiro Reserve.

Sir,

Before leaving South West Africa yesterday I was entrusted with the task of conveying to you a petition signed by the Chiefs and fifty leading members of the Herero people of South West Africa. I also gave my word that I would do my best to convey to you certain documents and statements made by signatories of this petition and of a supporting petition by the Chief of the Nama or Hottentot people of South West Africa, Capt. Witbooi and others.

A copy of the actual petition is enclosed herewith together with a covering letter from Chiefs Hosea Kutako and Nikancor Hoveka and attached thereto copies of letters from Chiefs Tshenkedi Kama and Frederick Maharero to the High Commissioner for the United Kingdom and of Hosea Kutako to the Secretary of the Government of South West Africa supporting the request for the return of the lands of the Herero people and the return of Chief Frederick Maharero and the ten thousand Hereros who are still in exile in Bechuanaland, and for the reestablishment of their tribal organisation.

The petition is signed on three separate documents by the respective groups of leaders as the signing which I was asked to witness took place at three different centres namely Okahandja, Gobabis and Windhoek on account of the division of the tribe into various reserves and locations and the restrictions placed upon their movements from one to the other.

The other documents which I was entrusted with the task of conveying to you I hope to send or bring to New York by hand.

If it is necessary for the names of all signatories to the petition to be published that should of course be done but if the names of the Chiefs and Headmen only would suffice that would perhaps be preferable.

I have the honour to be

Sir,

Your obedient servant,

Rev. Michael Scott

Reverend Michael Scott

/To the Secretary
To the Secretary of the United Nations Organisation.

We the undersigned, being trusted and leading members of our community, namely the Hottentot Nama people of South West Africa humbly petition the United Nations Organisation not to allow the Territory of South West Africa to be incorporated into the Union of South Africa.

We support the petition of the Herero people for the return of their lands and of their Chief and people from exile, and we consider that the lands of other African people should be returned to them and the people protected from misrule.

We humbly request that a Commission of Enquiry be sent to South West Africa to see the conditions under which our people live before the claims of the Union Government to annex South West Africa are accepted by the United Nations.

In view of the aim of the Union Government to take possession of the country, and in view of the injustice of her rule over the African people, we consider that the control of the country should be taken away from the Union Government.

Signed. at Gibeon South West Africa. August 1947,

Capt. David Witbooi.
Raad Solomon Witbooi.
Raad Willem Fredrik.
Hendrik Witbooi. 1.
Jeremias Witbooi.
Hendrik Witbooi. II.
Solomon Witbooi. 2.
David Witbooi. 2.
Jan Issaak.
Krisjam Cloete.
Willem Saal.
Markus Witbooi.
Hendrik S. Witbooi.
Issaak Chr. Witbooi.
Abram Simon Hanse.
Davit Saul.
Daniel Kek.
Johannes Fredrik.

Gibeon.
Member of the Advisory Board.
Member of the Advisory Board.

Capt. David Witbooi is the present Chief of the Hottentot or Nama Natives of South West Africa.
The following statement was handed to me on my return to Windhoek from Gobabis on August 26th 1947. The statement was dictated to my interpreter by Max Gertse a Nama (or Hottentot) Advisory Board Member of Windhoek, Rev. Michael Scott.

"The Secretary United Nations Organization.

I humbly wish to inform you that on the 20th August 1947 Major Hahn who was last year a delegate to U.N.O. and who is to be one of the delegates from S.W. Africa again asked the Captain of the Nama or Hottentot people at Gibeon. He said "I am sent by General Smuts to ask you to support the request for the incorporation of S.W. Africa into the Union. Capt. David Witbooi of the Nama or Hottentot Natives answered as follows: "I only know the Englishmen. My father worked with the English people therefore I do not want to have anything to do with the South Afrikaner i.e. the Nationals of the Union of South Africa."

After questioning Capt. Witbooi three times and receiving the same answer Major Hahn said that he would give Capt. David Witbooi time to consider the request and then he may in the afternoon give some other answer after consideration.

In the afternoon Major Hahn asked whether Capt. David Booi doesn't know the grave of his father so that he (Major Hahn) may contribute some money and that the Nama people may always pay their respect to their Captain by keeping a commemoration day as the Herero people do. Capt. Witbooi wrote to the leading men in Windhoek I mean men of his tribe. The men in Windhoek told Capt. Witbooi that if he has received any money from Major Hahn he must return that money because later on the South African Government will assert that he (Capt. Witbooi) supported the incorporation.

The above statement will furnish you Sir, and the respected delegates of the various Nations the attitude of the Union Government and the way in which the Union Government's officials intimidate people to support the incorporation against the wishes of the people. The loyalty which the Native inhabitants expressed for the British Crown is being used by the Union Government as means of asserting that the Native inhabitants support the incorporation although in reality the Native inhabitants opposed the incorporation of S.W. Africa into the Union.

Max Gertse. Advisory Board. Windhoek, S.W.A.
With the support of the Nama or Hottentot people."

/To the Secretary
To the Secretary of the United Nations Organization

We the undersigned, being African inhabitants of South West Africa, and trusted members of the community, humbly petition the United Nations Organization not to allow the Territory of South West Africa to be incorporated into the Union of South Africa.

We support the petition of the Herero people for the return of their lands, and of their Chief and people from exile, and we consider that the lands of other African people should be returned to them and the people protected from misrule.

We humbly request that a Commission of enquiry be sent to South West Africa to see the conditions under which our people live and before whom those like ourselves who have not had an opportunity of expressing our views before an impartial body may give evidence.

In view of the aim of the Union Government to take possession of the country, and in view of the injustice of her rule over the African people we consider that the control of the country should be taken away from the Union Government.

Signed

1. Pria Hehierl Kandembolo (Board Member)
2. Ash Abraham Kgule (Nambo)
3. Fangenei Johannes Marike (Ovambo)
4. + Christian Kuezi (Member of the people)
5. + Paulus Shiokesho (Chief of the people)

Representatives of the Ovambo
Natives of Windhoek, S.W. Africa
Windhoek 26 Aug. 1947

South West Africa, August 1947

/To the Secretary of the
To the Secretary of the United Nations Organization

We the undersigned, being trusted and leading members of our Community, namely the Hottentot or Nama people of South West Africa, humbly petition the United Nations Organization not to allow the Territory of South West Africa to be incorporated into the Union of South Africa.

We support the petition of the Herero people for the return of their lands and of their Chief and people from exile, and we consider that the lands of other African people should be returned to them and the people protected from misrule.

We humbly request that a Commission of enquiry be sent to South West Africa to see the conditions under which our people live, before the claims of the Union Government to annex South West Africa are accepted by the United Nations.

In view of the aim of the Union Government to take possession of the country, and in view of the injustice of her rule over the African people, we consider that the control of the country should be taken away from the Union Government.

Signed at Windhoek South West Africa, August 1947.

Max Gertse
David Roos
Fritz Isaak
Jakobus Witbooi
Wilhelm Jed
Solomon Burze
Petrus Pieter
David Schuster
Thomas Visser
Fritz Afrikaner
Paul Afrikaner
Jan Afrikaner
Kourd ? Gowasele
Jakob Gowasele
Cornelius Richter

Advisory Board Member Windhoek.
PETITION FROM THE HERERO
BEING AFRICAN NATIVE INHABITANTS
OF THE MANDATED TERRITORY
OF SOUTH WEST AFRICA.

Historical Introduction.

To appreciate the present lot of the Herero and the circumstances leading up to the presentation of this petition we place on record for the information of Delegates the following short historical resume, being extracts from the British Blue Book C.D.9146 of 1918.
On 9th September 1876 Mr. Plgrave the emissary of Great Britain was handed a petition by the Herero people to Sir Henry Barkly, Governor of Cape Colony, signed by 58 chiefs, under chiefs and headmen, in the course of which they say:—

"We want to live at peace with each other, and with our neighbours, and we want to have our country kept for us. We wish to see our children grow up more civilised than we have had any chance of being, and so, after many meetings amongst ourselves, we have agreed most humbly to ask Your Excellency to send some one to rule us, and be the head of our country. We also most humbly ask that Your Excellency will everywhere make it known that the sea boundary to our country is in your possession, and that we have given you the right to such ground as may be required for its protection, as well as for the building of towns and villages in the vicinity of all landing places.

In his report to the Cape Governor, Mr. Plgrave recommended the annexation, as British territory, of the whole coastline of Great Namaqualand and Damaraland, and the appointment of a British Resident in each of these areas. Instead of following this advice the British Government annexed, in 1878, only Walvis Bay, and a few square miles of desert sand in the immediate vicinity thereof.

Of this fact, German enterprise was not slow to take advantage. The next important step towards the extension of German influence and the acquisition of what Great Britain had apparently definitely discarded as worthless, is represented by the activities of Adolf Luderitz, a merchant, of Bremen, who arrived in the country in 1882.

From 1882 to 1890 the merchant missionaries were gradually reinforced by the professional merchants, and the work of building up German trade and influence, to the exclusion of Britain and the British, was recommenced with renewed vigour.

"In 1885 aided by the missionary, Carl Buttner, Dr. Geering immediately proceeded, however, to make "Protection Agreements" with such native chiefs as he had persuaded to ask for the protection and good will of the Emperor. In return for such protection the chiefs were required to give Germans favoured-nation treatment, and they undertook to give no facility or rights to others than Germans, without the Emperor's consent. Amongst these, Kamaherero, the chief of the Okahandja Hereros, styled "Chief Captain of the Hereros in Damaraland," entered into such an agreement on the 21st October 1885. Writing of these agreements (which owing to their importance, will be more fully dealt with later on) Governor Leutwein remarks, "those persons who promised this protection in the name of the German Emperor had not the slightest authority to do so." (Elf Jahre Gouverneur, page 15.)"

It will be interesting to observe how the cattle-farming of the natives actually did develop under "such protection." At the time Brincker wrote, the Herero people possessed cattle which could be estimated in tens and, probably, in hundreds of thousands. Within 12 years after the furnishing of "such protection," the surviving Hereros did not possess an ox, a heifer, or a calf between them. They were forbidden by German laws to own large stock.

"After annexation (in 1885) had become an accomplished fact and German statesmen had done their work, true German opinion began to reveal itself and, not many years after annexation the real German policy was made horribly manifest to the unfortunate natives of South West Africa.

Commenting on this policy, the effects of which had never been so strongly evidenced as just after the second and last Herero rebellion in 1904, Dr. Paul Rohrbach, the accepted and candid oracle of German Colonial policy (who in 1890 was a highly placed official in the German Colonial Office), writes as follows:

"The decision to colonise in South West Africa could after all mean nothing else but this, namely that the native tribes would have to give up their lands on which they had previously grazed their stock in order that the white man might have the land for the grazing of his stock."
When this attitude is questioned from the moral law standpoint, the answer is that for nations of the "Kultur-position" of the South Africa natives, the loss of their free national barbarism and their development into a class of labourers in service and dependent on the white people is primarily a "law of existence" in the highest degree".

We do not wish to dwell here on the sufferings of our people during the carrying out of the extermination order but would conclude this historical introduction with the description by a German soldier of his part therein during a night scouting journey where he located a large Herero encampment:

"Setting down on my knees and creeping for a little way, I saw tracks of innumerable children's feet, and among them those of full-grown feet. Great troops of children, led by their mothers, had crossed over the road here to the north-west. I stood up, and going to a low tree by the road climbed up a few yards in my heavy boots. Thence I could see a broad moonlit slope, rising not a hundred yards distant and on it hundreds of rough huts constructed of branches, from the low entrance of which the fire light shone out and I heard children's crying and the yelping of a dog. Thousands of women and children were lying there under the roofs of leaves around the dying fires.

...The barking of dogs and the lowing of cattle reached my ears. I gazed at the great night scene with sharp spyng eyes, and I observed minutely the site and the ramp at the base of the mountains. Still the thought went through my head: There lies a people with all its children and all its possessions, hard pressed on all sides by the horrible deadly lead and condemned to death, and it sent cold shudders down my back.

Through the quiet night we heard in the distance the lowing of enormous herds of thirsty cattle and a dull, confused sound like the movement of a whole people. To the east there was a gigantic glow of fire. The enemy had fled to the east with their whole enormous mass - women, children and herds. The next morning we ventured to pursue the enemy. The ground was trodden down into a floor for a width of about a hundred yards, for in such a broad thickly horde had the enemy and the herd of cattle stormed along. In the path of their flight lay blankets, skins, ostrich features, household utensils, women's ornaments, cattle and men, dead and dying and staring blankly. How deeply the wild, proud, sorrowful people had humbled themselves in the terror of death! Wherever I turned my eyes lay their goods in quantities, oxen and horses, goats and dogs, blankets and skins. A number of babies lay helplessly languishing by mothers whose breasts hung down long and flabby. Others were lying alone, still living with eyes and nose full of flies. Somebody sent out our black drivers and I think they helped them to die. All this life lay scattered there, both man and beast, broken in the knees, helpless, still in agony or already motionless, it looked as if it had all been thrown out of the air.

At noon we halted by water-holes which were filled to the very brim with corpses. We pulled them out by means of the ox teams from the field pieces, but there was only a little stinking bloody water in the depths.

At some distance crouched a crowd of old women, who stared in apathy in front of them. In the last frenzy of despair man and beast will plunge madly into the bush somewhere, anywhere, to find water, and in the bush they will die of thirst.

From that time onwards the Herero have been a landless landless people wandering in search of a place of abode for themselves, their children and their cattle.

At the end of the first World War the promises of a return to their native land where they could live as an united people were shamelessly disregarded and their hopes had become frustrated.
When the Mandate was established under the Aegis of the League of Nations their hopes revived but revived in vain.

Now after this Second World War and the birth of the United Nations Organisation our hopes have been once more revived and we pray the Nations of the World to have compassion on us and after considering this our petition to grant us such redress as in their wisdom they deem fit.

**PETITION FROM THE HEREKO**
**BEING AFRICAN NATIVE INHABITANTS**
**OF THE MANDATED TERRITORY**
**OF SOUTH WEST AFRICA.**

We frequently hear that the request for the annexation of South West Africa to the Union of South Africa comes from the Natives Peoples of South West Africa.

At the outset we entirely repudiate this contention — in fact we say the opposite is the case. But we feel it would be fairer to the Nations represented at the United Nations Organisation, the Union Government, and ourselves if the United Nations Organisation were to send an impartial commission to enquire into and report upon this vital issue.

This is not the first occasion upon which such a request has been voiced by us.

At the time this issue was put to us by the Union Government, Chief Hosea Kutako asked the Administrator:

"Do you mean that if I join my country to yours then these two countries will be one strong country?"

The answer of the Administrator was "That is right." Hosea then said "The Germans told us that we should make an Union with them. But the Germans broke their promise and their proposal for a union came to nothing. The agreement with the Germans came to nothing because there were no witnesses to the agreement. Now you have come to ask me for the incorporation of my country into yours while there are no impartial witnesses. I would like to have witnesses please. If this question of incorporation is to be taken into consideration, but these witnesses must not be only from your own men. These witnesses should be composed of the Nations which have won the war. They should be composed of the five Great Powers, viz., the British, the American, the Russian, the French and the Chinese. Then if the Commission composed of the five Great Powers is here and may be present when the question of the Incorporation is discussed then it will be in order to discuss the Incorporation of South West Africa into the Union."

The Administrator answered as follows:

"Those men whom you have mentioned will not come into this country, they are prohibited from coming into this country because this country belongs to a different Government".

When our suggestion of an impartial enquiry was not accepted we suggested we should be allowed to go to the United Nations Organisation and personally present our case, but this also was refused in the following manner:

"You have no right to go to the United Nations whilst you have not got your own Government. You have got someone to speak for you. You are under the Union Government. The delegate of the Union Government is there. General Smuts is the delegate of the Union Government. And there will be other delegates accompanying him. Those are the men who will speak for you."
The reason why we asked for an independent commission of inquiry by the United Nations Organisation is that the report of the Union as to the wishes of the inhabitants is misleading as to their real desires:

(a) (to quote the words of the Bishop of Damaraland).

"To those who know South West Africa the significance of the figures is quite different to what appears on the face of them. The 30,000 who were against annexation by the Union are the only natives who have any idea of the meaning and significance of the matter at issue. These 30,000 are the Herero and others within the Police Zone who have been in contact with Europeans and live under European law and Administration. They are the most sophisticated and educated natives who have some idea of the issues involved. They practically unanimously expressed themselves as against annexation by the Union. The large number that expressed themselves in favour of annexation by the Union represents the natives north of the Police Zone in Ovamboland and the Okavango. These people are living apart from Europeans in their own Tribal Lands and are under their own Chiefs and Headmen, and are only indirectly ruled by the Native Commissioner. They are not under European law but are under their own law and custom. These people have little idea of what is meant by the Union of South Africa and no idea at all of what is meant by Trusteeship under the United Nations Organisation. They really voted for the status quo. They are content with indirect rule under the Union Native Affairs Department, and not asking for a change. These people are quite incapable of expressing any opinion on the questions submitted to them, i.e. whether they wanted to be annexed to the Union or whether they preferred the United Nations Organisation Trusteeship.

When the Ovambos leave their tribal area and go to work in the South within the Police Zone their condition is very different. They have no freedom of movement, no freedom to bargain, and no right to choose where or for whom they are to work; they become indentured labourers and receive absurdly small pay.

**NOTE:** (c.f. Minimum Native Wages Proclamation December 1943 to take effect from 1st January 1944.)

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<tr>
<th>Class D. - Rural Areas</th>
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<td>Males - £1. 0.0. per month if food or rations supplied, otherwise £2. 0.0. per month.</td>
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<td>Females - 10/- per month if food or rations supplied, otherwise £1. 0. 0. per month.</td>
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<td>Juveniles who have not yet reached the age of 16 years, one quarter if the amounts payable to adults of the same sex.</td>
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<th>Class F. - Rural Areas</th>
<th>Northern employees contracted through a Recruiting Association, Labourers (group 11)</th>
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<td>(1) First service contract is for a period of one year:</td>
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<td>Untrained per month.</td>
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<td>Third four months</td>
<td>11/-</td>
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To this class must be added the words "plus food or rations, quarters and any other benefits mentioned in this service contract."
N.B. This Wagos Proclamation was withdrawn within one month of its issue on account of European protests that the scales were excessive and impractical.

(a.I.) A Missionary of nine years experience in South West Africa said:

"I don't think there is any need to talk about the referendum. It was an absolute farce."

(b) In the words of a leading Ovambo:

"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 Organisation, 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."

(c) Another Ovambo holding an official position says:

"I belong to the Ovambo people living amongst the Hereros. The Ovambos who are living here in the interior of South West Africa were not consulted during the referendum. Others such as the Hottentots and Namuts opposed it. I have heard that leading members in Ovamboland do not know what they have agreed to. I have asked some of them what they said. Did they ask for incorporation into the Union? These people from Ovamboland replied what is "the Union"? We do not know what you mean by "The Union."

They said that they had been asked "Do you want an Englishman or do you want a Portuguese or who do you want?"

They asked the Commissioner what Nation he was and he replied that he was British and that it was Britishers who had taken possession of the country from the Germans.

They made it clear that they had given their country to the British Crown, they will only learn later that they have incorporated their country in the Union. Afterwards they were saying "We thought they meant the British Crown."

While one tribe was being consulted they told the people that the others have handed their country over to the British Crown and that if they do not do the same quickly they will find themselves left behind.

This is what I have been told happened in the Kakoveld.

I/................
I am sure that the Referendum taken by the Commissioners was taken in a false manner. I feel deeply sorry that we here were not consulted.

(d) In the words of another Ovambo:

"I myself am very dissatisfied and I believe my people are very grieved to learn that they are reported to have voted in favour of the Incorporation. This is testified to by the many letters I have received from Ovamboland.

At the beginning of this month a man was sent to me by the Chief of the Ovondonga in Ovamboland — the man's name was Isaak Natamsel to enquire whether it was true as Major Hahn had told them there that the Hereros, the Berg Damaras, and the Namas as well as others had given their country to the Union and he should do the same."

(e) Another account of the meeting with the Ovambos states that the:

"People in Ovamboland were not consulted in a way in which they could have given their right opinion. These people are one of the most backward of the African races and really do not know what good they would derive from the United Nations, with the result that they say "We know this boss, we do not know the other boss." That is the way the consultation took place in Ovamboland. The people were simply asked whether they wanted to remain as they are or whether they wanted some other boss, whom they did not know. They were not told anything about the United Nations Organisation."

(f) Another account runs:

"Major Hahn who conducted the referendum in Ovamboland was the Chief Native Commissioner and Magistrate for Ovamboland. It must be explained that the people are living in the tribal system there and are uneducated people and they see few white men besides Major Hahn. He went to them and asked them whether they wanted their present boss or whether they would like there to be a change. Major Hahn did not explain to the people what the United Nations Organisation is, or what a "change" would mean. He did not explain that the ideal of the United Nations is that people should be educated and encouraged to develop themselves until they can conduct their own affairs; that in the Union the laws are just made and the African people must then adapt themselves to those laws. They know nothing about voting or the franchise, these Ovambo people have come to take it for granted that they should always be ruled by white people and it was not explained to them what the difference might be between coming under the Union and coming under any other possible alternative whereby the people could be raised and eventually taught to rule themselves."

This account it may be noted concludes:

"After the United Nations session last year the Additional Native Commissioner Mr. Allen came and held a meeting in Windhoek at which he said that if the United Nations took over the Government of South West Africa it would mean that the people from these countries such as the Indians for example would be able to come to South West Africa and that the Indians who could live on the smell of oil on a rag — just the smell of oil he said could make them live — would come to South West Africa and take away the trade and livelihood of the Europeans and Africans."

(g) Chief Hosea spoke at length dealing in detail with the Union Native Policy and concluded:

"It is the unfair treatment by the Union Government that compels us not to take their side. And we shall never want the Union Government."

The...
The Herero were told that General Smuts and his delegates would convey their views to the United Nations Organisation and that Chief Hosea and three other Herero would not be allowed to represent the Herero at the United Nations Organisation but we find our views were not laid before the United Nations Organisation in 1946 and hence we now send this petition direct to the United Nations Organisation as we claim we are entitled to do.

When we asked permission to send a cable we were told that this could not be allowed as General Smuts would convey our words to the United Nations nevertheless we sent the cable and Hosea was not only publicly rebuked but was pressed to give his oath that he would never do such a thing again. When asked if he had taken such oath he replied:

"No I could not take such an oath. That would have been to make me blind and deaf and dumb for them to lead me where they wanted me to go. They call me Chief but I am not free to go anywhere I must have a permit every time."

When on 26th May, 1947 Mr. Naser, the Secretary of the South West Africa Government publicly rebuked Hosea he said

"I am dissatisfied with you. But I did not come for war. But I am dissatisfied with you because you go behind the back of the Government. You write letters behind the Government's back. You send telegrams as well. You do these things without the permission of the Government."

and to this one of the Herero spokesmen replied:

"We did not go behind the Government's back, but we asked permission from the Government. We were denied that permission. But if the rain falls and one is out side one's house naturally one has to seek for shelter. So I sought for shelter, because the Government did not grant me shelter."

We are thankful that on the 14th December 1946 the General Assembly of the United Nations Organisation recommended that the Mandated Territory of South West Africa be placed under the International Trusteeship System and we pray in humble gratitude and anticipation that this may now be done.

While only part of the land occupied by the Herero at the time of the German Occupation of South West Africa is shown in the map in the British Blue Book, (Cd.9146 of 1918). The Germans decimated the Herero People (from 80,000 in 1904 to 18,130 in 1911 vide Page 35 of above Blue Book) and confiscated their cattle.

After the 1914 - 18 War the Herero People were given the following places for their occupation Okatumba, Orumba, Waterberg, and Okakurame but later the people were ordered to remove from these places and, when they refused, their houses were burnt down.

At the following places which they also occupied after the 1914/18 War the windmills were made useless so that the people were forced to leave through lack of water e.g. Okakurame, Otjirunde, Pepperkorn, Tsaitos, Klein - Tsaitos and Otjimbondona. When this was done the people started to trek with their cattle and with their women and children. One group went under Chief Hosea and set out to cross the Kalahari into Bechuanaoland and the other group went under Nikaner Hoveka. The group which went under Chief Hosea were stopped at Amenuis, by the Assistant Native Commissioner (Mr. Cope) and told that they should not come to Bechuanaoland but should occupy that place.

Many of the cattle died of thirst on the way. The lands from which they were removed were given to European settlers mostly from the Union together with the windmills which the people had erected. No compensation was paid to them for their losses.

Also the Union Government gave the fertile land of the Herero to the Angola Boers in preference to the Hereros.
During the early part of the 1914/18 War the Hereros were promised that if they engaged in military service with the Union troops and the Germans were defeated their country would be restored to them. In view of this promise Chief Samuel Maherero, our Paramount Chief, who was in exile in the Transvaal at that time sent two of his sons, including Frederick at present the only surviving son and heir, to lead and exhort the Hereros to fight. On account of that many of our people were shot and some were hanged by the Germans.

Further at the conclusion of peace Lord Buxton, the Governor General of the Union, visited South West Africa. He addressed the Natives at all important centres and on each occasion promised the Hereros the return of their land.

It is our sad duty to inform the United Nations Organisation that none of these promises have been fulfilled.

It is our desire that our people be reunited and that their Tribal organisation be re-established on our traditional lands and for this we now earnestly petition the United Nations Organisation.

We attach copies of letters to the Secretary of the Government of South West Africa and to the Secretary for Commonwealth Relations signed by Chief Hosea, together with copies of letters by Chief Frederick Maherero to the Bechuanaland Protectorate Government under cover of a letter from Chief Tsehekedi in whose country he has found refuge.

We also attach copies of letters one being written by one of us to our exiled Chief and his reply thereto.

It is frequently reported in the Press of the Union and recently supported by prominent British statesman, that the treatment of the Natives in South West Africa is satisfactory.

We only wish they could speak from their own experience as Natives of South West Africa regarding indentured, convict and child labour, pass laws, lack of educational and health services etc. and the wholesale breaking up of family life leading to the same state of despair and frustration that exists amongst any landless people without any status or opportunity for economic, social or other development.

It is this Native Policy of the Union which causes Africans in South West Africa, the Union and the Bechuanaland Protectorate to unite in protest against the annexation of South West Africa.

Rather than reiterate the well known facts and figures concerning the Union's Native Policy we have asked for an impartial commission from the United Nations Organisation to investigate and report how far and to what extent and at what effect this repressive policy is being enforced in South West Africa.

The Union's Administration of the Mandate has proved disastrous for the native peoples of South West Africa. And we petition that South West Africa should not remain under the Union as a Mandate but that it should be placed under the International Trusteeship System in such manner as seems good to the General Assembly of the United Nations.

Failing that we pray it should become a British Protectorate like Bechuanaland, and failing that, we ask that it be placed under the protection of the United States of America.

Should South West Africa become annexed to the Union of South Africa the native policy of the Union Government to keep the African in permanent servitude will never be brought to an end.

Headman Amenui Reserve.

Headman Amenui Reserve.

Headman Amenui Reserve.
Festus Kadzina (Aminiso Boardmanawa)
S. K. Hoveka (Interpreter)
Zakarias NGwirirwa (cong chief) Godfrey Ngwirirwa
Njorwa (Minister General) Gobabis Boardmanawa
Makwe Kajirwa
Friedrich Makwone (Ephorus Boardmanawa)
Justin Sibonje (...)
Jedna Mubangwa (Aminiso Boardmanawa)
Emet Mbanuma (Minister Religion Gobabis)
Johannes MwcQue (Aminiso Boardmanawa)
Bakurias Magishu (...)
Sakarias Mbasika (Aminiso Boardmanawa)
Joel Kajitea (Aminiso Boardmanawa)

Dated at Gobabis (Reno) 25th August 1947.
1. Joseph Kambazembi (Son of Chief Kambazembi)
2. Segeri Headman (Okakarora Native Reserve)
3. J. Kampa
4. Jimi Kamunuka (Advisory Board Okahandja)
5. Kapena Kafmunu (Advisor)
6. Silas Sjanda (Elder of the People of Okahandja)
7. Friedrich Kasseneer
8. E. Kauwe (Windhoek)
9. Walfried Altenburgen (Elder of the People in the Waabuy 11. 12)
10. Urbanus Koe Norwengi (Okahandja)
11. Friedrich Kasseneer
12. Ferdinand Goli Okahandja
13. Winga Kauwe Okahandja
14. Andreas Kudinzi Okahandja (Minister)
15. S. Himunumena (Interpreter)

Okahandja August 24th, 1947
S. W. Africa
Festus Kaatura is the head of the Mahareru Society which comprises the majority of the Herero people.

Dear Sir,

I am writing to support the claim made by our Paramount Chief Frederick Maherero for the return of the lands belonging to the Herero people from the Mandatory Power, the Government of the Union of South Africa and shall be glad if you will forward this letter to the Government of the Union.

Despite the fact that our people have been divided, and are compelled to live in separate reserves, and that they enjoy no freedom of movement, it is my considered conviction that this represents the wish of the Herero people living in South West Africa, and that under those circumstances I am entitled to write on their behalf.

I believe that it is also their wish that our Paramount Chief Frederick Maherero who is now in exile in Bechuanaland and those who are in exile with him should now return to South West Africa, together with their cattle and possessions and that the tribe should be reassembled and reunited on the lands belonging to them and that the tribal organisation should be reestablished.

I feel it my duty again to appeal for a Commission representative of the Five Great Powers to be sent to this country to investigate the reasons why we and other African people have refused to countenance the incorporation of this Territory into the Union of South Africa, and why we are now asking that the Territory be placed either under a Mandatory body appointed by the United Nations or should be placed under the Protection of the British or American Governments.

Finally since the assumption of the Mandate by the Union Government did not make the Native inhabitants of South West Africa thereby Nationals of the Union (Wright page 461) we are at a loss to know to whom final appeals can be made for permission for our representatives to proceed overseas to state our case. The Union Government refused our application to send delegates last year to represent our case, and with all due respect we lack confidence that our case was adequately represented for us by the Union Government's representatives despite the assurance we were given that this would be done.

We are still of the opinion that South West Africa should not be incorporated into the Union and that if a referendum were to be conducted this should be conducted by an impartial body. We should like to have permission to send our representatives overseas to express our attitude in this connection even though they may not be able to attend the session of the United Nations Assembly.

Finally since the Union Government has not accepted the recommendations of the United Nations Organisation regarding the Mandated Territory; and now that the League of Nations has ceased to exist we are at a loss to know whose wards we are and to whom final appeals can be addressed now that our right to petition the League has also ceased.

I respectfully take leave to enclose herewith a letter which I have addressed to Mr. Bottomley, the Parliamentary Secretary For Commonwealth Relations.

Yours faithfully,

Signed. Hosea Kutako

Witnesses:
F. Kandjau
C. Levy Katjita.
The Parliamentary Secretary,
For Commonwealth Relations,
c/o Government Buildings,
Windhoek S.W.A.

Dear Sir,

On behalf of the Herero people I must respectfully take the opportunity of your presence in this country to address to you as representing the British Government an appeal which we have already made to the Mandatory Power for the return of our lands in South West Africa, and for the return from exile in Bechuanaland of our Paramount Chief Frederick Maherero together with the Herero people at present living in Bechuanaland.

We would also like to ask for your advice in connection with our application for permission to send representatives to place our case before the representatives of the other nations of the world. So long as the League of Nations existed we retained the right to petition the League, and, as has been pointed out (Wright page 461) the Native inhabitants of South West Africa did not become Union Nationals when the Union assumed the Mandate of South West Africa.

Under present circumstances we are at a loss to know whose wards we are now. The League of Nations has ceased to exist, and the Union Government has not accepted the recommendations of the United Nations Organisation.

Also we must beg to call your attention to the fact that despite the assurance of the representatives of the Union Government that our case would be fully represented by the Union Government's spokesman at the United Nations' Assembly we do not feel confident that this was adequately done. It is our opinion that the Union Government by reason of its treatment of the African people, both in the Union and in South West Africa, has now forfeited all moral right and claim to continue exercising the Mandate over South West Africa and we would ask for your support of our application to send representatives overseas to state our case.

Also, through you, we would respectfully ask for the support of the British Government in our appeal for the return of our lands and for the return of our Paramount Chief and people now in exile in Bechuanaland. Documents relevant to these appeals will be forwarded to you in due course.

My people have confidence in the sense of justice of the British people and Government, and it is our prayer to God that His Truth and Justice may be served in this matter.

Yours faithfully,

Signed. Hosea Kutako

Headman. Aminuis Reserve.
S.W.A.

Witnesses:

F. Kandjau
C. Levy Katjitea.
Ref. No. B.5.

His Excellency,
Sir Evelyn Baring, K.C.M.G.,
BECHUANALAND PROTECTORATE.

My Friend,

HERERO AFFAIRS

It has always been the wish of the Herero Peoples in South West Africa to get me back as the Chief of all the Herero Tribes. Recently I have received a direct request from my people in South West Africa to go and settle there.

After consultation with my people in the Bechuanaland Protectorate principally in the Bamangwato and Natawana countries, we have decided to return to our native land.

Our difficulties however are that:

(i) We do not know whether the Union Government is prepared to let us return to South West Africa.

(ii) We do not know how much land the Union Government, in charge by reason of the Mandate will be prepared to return to us for the purposes of lands and the grazing of our cattle.

(iii) We humbly request the United Kingdom Government to ascertain for us whether the Union Government is willing to rehabilitate us, what land the Union Government is prepared to give back to us and whether the Union Government is willing to give us full tribal control of the area assigned to us and unite us with our fellow tribesmen presently in South West Africa.

With greetings,

Your friend,

(On behalf of the Herero people living in the Bamangwato and Natawana Countries)
- Bechuanaland Protectorate -

Signed:

FREDERICK MAHARERU.

His Excellency,
Sir Evelyn Baring, K.C.M.G.,
High Commissioner,
BECHUANALAND PROTECTORATE.

My Friend,

On the strength of the statement contained in Your Excellency's letter addressed to me dated 20th November 1946, Reference No 11/46 viz. "The United Kingdom Government are however prepared, if those concerned so wish to communicate their representations to the Union Authorities", I am enclosing a formal request, which speaks for itself, from Chief Frederick Samuel Maharero arising from representations which have recently been made to him by his people in South West Africa.

In/......
In view of the fact that these people have sought refuge with us for about thirty years, it is our duty to inform the Imperial Government that we, as the Bamangwato People, are quite willing that the Herero and their property which they have acquired in our territory be given every facility to go to South West Africa.

At least 10,000 head of big stock will be involved in this move, but we consider it advisable for the Government to ascertain the correct figures of stock and population through their responsible Officers.

With greetings,
Your friend,
(Sgd.) TSHEKEDI KHAMA.

10th August, 1947.

To the Paramount Chief,
Frederick Maheroro
P. O. MAHALPYE,
Bechuanaland Protectorate.

My Dear Chief,

I am very glad to take this opportunity of sending you affectionate and loyal greetings on behalf of the Herero people in South West Africa, and to say how much we welcome the renewed efforts which are being made to bring about your return to South West Africa, and the return of the lands belonging to us, and the people now in exile with you in Bechuanaland.

It has always been the boast of the Union Government that its policy is to permit the growth and development of the Native people "along their own lines". Yet there is the persistent refusal to return our lands to us, while our people remain divided and scattered in reserves which are for the most part unproductive and unhealthy. This must be said also of the new lands which were offered to us in extension of the present Reserves.

The division of our people has resulted in the break down of our tribal organisation and has resulted, as it was intended to result, in making us the dependents of the white people on the farms and in the towns rather than in asking our own contribution to civilisation in our own way.

I am glad also to take the opportunity of sending you various records of meetings and discussions which have taken place here recently with the friend whom you had sent to us.

In these records you will find some description of our present condition and our future hopes, as well as the reasons why we so enthusiastically support you in the appeal which you propose to make to the High Commissioner, Sir Evelyn Baring.

We heartily endorse the draft letter to Sir Evelyn Baring which has been read to us, and for our own part we are making a supporting appeal to Mr. Bottomley as representative of the British Government, and to the United Nations Organisation.

We pray that justice may be done, for your continued help, and, together with your people, a safe return to our own land.

May we, through you, convey our very sincere gratitude and greetings to Chief Tshekedi.

Yours sincerely,
Signed. Hosea Kutako.

Witnesses:

F. Kandjau
C. Levy Katjita.
VI.

P. O. MAHALAPYE,
Bechuanaland.

Chief Hosea Kutako,
Aminuis Reserve,
SOUTH WEST AFRICA.

Sir,

I want to thank you very much for your letter, for the greetings of my people and the verbal message which you sent.

The Herero people in exile in Bechuanaland, men, women, and children all want to return to South West Africa. But I think I should make it clear that if we do return we do not want to return to lands which are unproductive and unhealthy and are separated from one another.

All the Hereros in Bechuanaland, as well as those in the Union whom we have been able to contact are wanting to return to South West Africa, and it is our prayer to God that it will prove possible to find our way back and that our tribal organisation may be re-established in one area. Those who come to Mafeking from the Union to see me are asking me when I shall be able to return as they also want to come with me.

Those areas however which are occupied by the Herero people now and have been offered to them are separated from one another and according to the descriptions I have heard from time to time are unproductive and mostly lands where animals do not thrive.

The feelings which you have expressed in your letter agree with the feelings of our people here. We do not want to leave Bechuanaland on account of any grievances, but because we want to be reunited with our own people and to live our life as one people having our tribal organisation re-established in one area so that our people may live under the same conditions as those people which are under the protection of the British Government in Bechuanaland.

Finally I should like to say that Chief Tshukedi and the people of the Bamangwato are agreeable to our taking our cattle with us, numbering some ten thousand, if and when we are able to go, and also to inform you that we have accordingly now made representations for our return to South West Africa through the proper channels.

On my own behalf and on behalf of my people here I should like you to convey our thanks for their expressions of loyalty and affection to our people in South West Africa.

Yours sincerely,

Frederick Samuel Makarero

Witness:

Germana Kaposambo.
The documents A/C.4/118 issued by the Union of South Africa regarding the Petition of the Hereros and other Africans of South West Africa (A/C.4.96) claims that "since the main purpose of the Petition appears to be to oppose incorporation, and since the question of incorporation is no longer before the Committee, the Petitions are to that extent irrelevant".

Thus the Union Government seeks to evade the specific request of the Petitioners viz: For:

1. The bringing of that Territory under an U.N. Trusteeship Agreement without further delay.
2. The return of their lands of which they were forcibly deprived.
3. The sending of an enquiry Commission from U.N. to ascertain the true wishes of the inhabitants as well as the conditions of life and labour of the people.
4. The indictment of the Union Government's Native policy and their reasons for not wanting to be incorporated into the Union.
   (cf. for example their assertion that Minimum wage legislation was introduced whereby it was sought to prescribe a minimum wage of nine shillings (two dollars) per month for indentured agricultural labourers and two shillings and sixpence per month for female child labour in the towns, and that this legislation was withdrawn within one month on account of the complaint of employers that the rates were too high and the scheme unfeasible.)
5. The return of the Paramount Chief of the Hereros and those who are still in exile in Bechuanaland together with their ten thousand head of cattle and other possessions.

No mention is made of these matters in the official reply issued by the Union Government to the Trusteeship Committee. Equally the document evades the whole gravamen of the charges contained in the Petition regarding the administration of the Mandate by the Union of South Africa when forces were sent, without any provocation whatsoever, against the Native inhabitants, their houses were burned, their water windmills rendered useless and the lands which they were forced to leave were occupied by white settlers from the Union and Angola, in tracts of many square miles to each settler.

The failure of the Union of South Africa's statement to reply to these charges emphasizes the moral bankruptcy of its claim to continue administering the Territory on the authority of a body which is now defunct.

With the decease of the League of Nations the Petitioners ask "Whose wards are we now?" and not unnaturally appeal to the League of Nations successor for justice so long delayed. This question remains unanswered so long as the Union refuses to submit a trusteeship agreement for the approval of the United Nations Organisation, though it is the clearly expressed wish of the United Nations as it is the wish of the Hereros and many of the other Native inhabitants of South West Africa and cf the Union of South Africa that such an agreement be submitted.
It is claimed by the Hereros that if an enquiry Commission were sent to South West Africa, and if an impartial referendum were conducted, not by Native Commissioners and Government officials, but by an independent commission, after a proper explanation of the question at issue, there would be few Native inhabitants who would be found to agree to the Union's proposal.

It is of course naive to maintain that the Petition is irrelevant because the main purpose of it is to oppose incorporation. The statement by the Union that it does not now propose to proceed with the incorporation of the Territory does not alter the fact that (1) it continues to administer the Territory as though it were a part of the Union, (2) that the terms of the trust have been violated, and (3) that the promises made to these African people remain unfulfilled.

It must also be pointed out that the proposals of the Union Government before the United Nations Assembly were based upon its own interpretation of its own officially conducted referendum; and that it continues to base its case for not submitting a Trusteeship Agreement to the United Nations on its claim that the majority of the Native inhabitants understood the meaning of Incorporation into the Union, as opposed to Trusteeship under the U.N., and that they preferred incorporation into the Union. (Vide Union Parliament's Resolution communicated to U.N. in A/334. August 1st, 1947.)

The Union Government's statement claims to refute the allegations regarding the conduct of the referendum, and quotes the case of one Ovamboc tribe which according to this statement had sent a message "that they only want to be administered by the Union."

But the Bishop of Damara-Land whose remarks are quoted in the Petition maintained that the Ovambos whom the Union claims asked for incorporation, in reality asked only to remain as they were (i.e. as a mandate under the League of Nations) and that those people who had more understanding of the question were opposed to incorporation. This was the important point; not how many of the Native inhabitants live in the so-called "Police Zone" and how many outside it. In fact, the Bishop's contention that they only asked to remain as they were is borne out now by the Union Government's own attempted refutation (vide para/3a. of the document A/C.4./118/J).

The statement's denial of the relevancy of the petition on the grounds that the proposal to incorporate the Territory has been abandoned must be read by the United Nations Assembly in the light of the knowledge that the Union's Prime Minister informed the inhabitants of Windhoek that South West Africa was "a part of South Africa" and would remain so, and this was repeated by the Chief Native Commissioner in an address to the Native inhabitants of Windhoek August 9th, 1947. (vide Advisory Board Minutes.)

The points raised in the Herero petition are not mere constitutional quibbles, to be disposed of by legal argumentation, failing any grounds of natural justice or morality. The Petition is a plea for justice for the return of the lands which belonged to these African people and of which they were forcibly deprived by those who claim that the Hereros are their wards. It is a claim that the Union of South Africa is the beneficiary of the barbaric German policy of expropriation and extermination whereby the Herero people were shot, beaten, and starved to death, driven from their lands, and reduced from eighty thousand to fifteen thousand men, women and children. (Vide British Government's
Blue Book C.D. 1946 of 1918. This Blue Book was withdrawn from circulation by the Union Government at the behest of the German inhabitants of South West Africa who were given the franchise in that Assembly while they retained the right to vote in the German Reichstag. No Native inhabitants of South West Africa have ever been given any form of franchise in that Assembly.

As regards paragraph 2 relating to alleged distortions contained in the Petition with reference to the Native policy of the Union, this being one of reasons for rejecting the overtures of the Union, it must be noted that there is no refutation of the facts regarding minimum wage legislation, for example, which were advanced by the Hereros as illustrations of their reasons for wishing to be brought under United Nations Trusteeship. E.g. The fact that the South West African Administration could solemnly issue a proclamation in which a minimum wage rate for female juveniles under 16 was to be 2/6d per month is sufficient indication of the low level of life and labour which the Union's so-called mandatory administration is aiming to establish.

As regards paragraph 3 relating to the dealings of Major Hahn with David Witbooi, whom the Union Government repudiates as entitled to express the opinions of the Nama people of South West Africa, the fact that he is not regarded by the Government as a Chief of the Namas does not alter the fact that he is so regarded by the people and as the legitimate descendant of the Witboois who are venerated by the Nama people for their heroic leadership of the resistance movement against the Germans. Their name is still a household word in South West Africa and the fact that Major Hahn was consulting David Witbooi about the ancestral graves shows that he recognises the above fact even though David Witbooi only enjoys the title of Headman under the Union's administration.

Finally, as regards the Union Government's claim that the Berg Damaras, when questioned by Major Hahn, favoured Incorporation the writer now feels obliged to include a document which reached him too late for inclusion with the other petitions. Much as he regrets one of the sentiments expressed, it appears to challenge the truthfulness of representations made by Major Hahn on behalf of the Berg Damaras.

To sum up, the main purpose of the Petitions is to ask (1) that the Union's Administration of the Territory of South West Africa be brought to an end, and (2) that the Territory may be brought under United Nations Trusteeship without any further delay, and (3) that a Commission of Enquiry be sent to South West Africa by the United Nations in order to ascertain the truth concerning the wishes of the inhabitants, the allegations that have been made against the Union's Administration and its conduct of the Referendum as well as the conditions of the people.

It is not irrelevant to note that the appeal for the Territory to be brought under United Nations Trusteeship is supported by the African inhabitants of the
Union numbering four-fifths of the population through the resolutions of representative bodies such as the African National Congress, and through the strong opposition to incorporation by the three Native Representatives in the Union House of Assembly, supported by various other public bodies in the Union, such as the Council for Human Rights, in South Africa, whose resolutions have been communicated to the United Nations Organisation.

S/D,  Michael Scott, (Rev.)

C/o The India Delegation
Room 6212, Empire State Bldg.,
New York City

ALL THE MEMBERS AND REPRESENTATIVES OF THE ADVISORY BOARD WERE PRESENT.

MINUTES OF THE MEETING

The Bergdamaras were questioned by Mr. Allen whether they would like to be united as one nation or whether they would like to remain as scattered as before. The Bergdamaras answered that they would like to be united as one tribe.

The authorities continued, saying that the Union Government, which has been the Trustee of South West Africa and thus also the trustee of the Bergdamaras, and has looked after the welfare of the Bergdamaras, wishes the Bergdamaras to join themselves to the Union Government, (i.e. that the Bergdamaras should express themselves in favour of the incorporation of South West Africa into the Union).

The Bergdamaras replied: "We do not want to be under the rule of the Boers. We do not want to join the Union Government." One leading Bergdama continued, saying, "I still have my burdens on my back. We were given Angaikas Native Reserve, and we have been driven away from there. I am now, as I am speaking, come from Angaikas, from which the Union Government has driven me away. Our lambs and goats have died on the way. I have suffered since the day the Union Government became the Trustee of South West Africa, and I am still suffering."

The Government Officials said: "You agreed to trek from Angaikas."

The Bergdamara men said to this: "But why are we refusing? and why did we refuse?"

Major Hahn wanted to get up. The Bergdamaras all shouted, saying: "You sit down. Not a single word from your mouth is true. We do not want to hear a single word from you."

Major Hahn therefore said nothing.

I, as a well-known Bergdamara, have written these minutes of the Conference at Okombehe. I would appreciate it if the writer conveys these minutes to the Rev. Michael Scott, so that he may please send them to the Secretary General of UN. The contents will reflect the true attitude of the Bergdamaras of South West Africa. My initials are . . . . In case UNO sends out a Commission, I shall boldly acknowledge that the minutes were from me.

For fear of victimisation, I have withheld my full address.

Dated at Windhoek, 6th. September 1947.
INTRODUCTION

Chief Tshekedi Khama, Regent of the Bamangwato, whose territory spreads over about 1/3rd of the 275,000 square miles of Bechuanaland, was authorised by five other chiefs to approach the British Government on behalf of their people to oppose the incorporation of the Mandated Territory of South-West Africa in the Union of South Africa. On instructions from the British Government he was refused shipping priority to travel to Britain with his legal adviser for this purpose.

The opposition of the five other Bechuanaland Chiefs is founded on the basic argument that the incorporation in the Union of South Africa of South-West Africa will ultimately lead to the incorporation of Bechuanaland itself. It is argued that this would mean economic ruin for Bechuanaland, and the native Tribes of the territory, because of the increasingly restrictive legislation the Union affecting natives, and because this legislation is a direct negation of one of the fundamental principles of the San Francisco Charter.

The Bechuanaland tribes, looking to the great mineral and agricultural potentials of their land, say that the future development of their territory, to benefit the inhabitants of it, lies not in incorporation with the Union, but in having a Free Port on the West Coast of Africa, giving their land a free access to the sea.

The document which follows this introduction gives the facts of the case, together with arguments which it is difficult to refute. Briefly, the Bechuanaland tribes concerned would prefer to remain under British protection or come under the United Nations Organisation rather than be transferred to the Union Government which has been responsible in years past for legislation which cannot by any manner of means be construed as in the best spirit of trusteeship over the native peoples of South Africa.

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CHAPTER TWO: The present position of the South-West Africa Mandate.

CHAPTER THREE: The San Francisco Charter: Bechuanaland has the right to be heard on the proposal to incorporate South-West Africa in the Union of South Africa.

CHAPTER FOUR: The case for the Native People of South-West Africa. The Migration of the Herero and how it has affected the Tribe's well-being.

CHAPTER FIVE: Legislation in the Union of South Africa. Anti-Native tempo increased since Mandate.

CHAPTER SIX: The Union Government's attitude to South-West Africa. Obvious desire for territorial aggrandisement.

CHAPTER SEVEN: The demand for a free and open route to the West Coast. Bechuanaland declares that this is a reasonable request.

CHAPTER EIGHT: Bechuanaland's case for a free and open route to a free West Coast African Port.

CHAPTER NINE: Conclusions.
MEMORANDUM

MAFEKING,
29th April, 1946.

To:
His Excellency, the High Commissioner for
Basutoland, Bechuanaland Protectorate and Swaziland.
Parliament Street,
CAPE TOWN.

Our Friend,

We have the honour to enclose a Memorandum which we earnestly desire to be sent to the British Government, with a request that it be placed, through the proper diplomatic channels, before the Trusteeship Committee of the United Nations Organization at its next sitting in September, 1946, or whenever the Mandate of South-West Africa comes up for consideration.

And we respectfully request that Your Excellency be graciously pleased to transmit by cable the contents of such Memorandum to the Secretary of State.

We have the honour to be,

Your Friends,

Kgari Sechela,
CHIEF OF THE BAKWENA TRIBE.

Mbolgoi S. Mbolgoi,
CHIEF OF THE RAMALETE TRIBE.

Tshekoedi Khama,
CHIEF OF THE BAMANGWATO TRIBE.

Sedanedi Gabonoro,
CHIEF OF THE BATOKWA TRIBE.

Moseun III,
CHIEF OF THE BATAWANE TRIBE.

Batson II,
CHIEF OF THE BAWAKETE TRIBE.

1. We, the undersigned, Chiefs of the Bechuanaland Protectorate, on behalf of ourselves and our respective Peoples, having regard to the present world situation and its effect on this Protectorate, feel that we should be failing in our duty to our Government, our Peoples and our children, as well as to the good name of the British Empire, unless we immediately make a clear stand in conjunction with all men and nations who wish to see peace in our time and the success of the United Nations Organization.

2. We wish to voice our feelings as a People who, by virtue of their present stage of progress, are not yet able to stand by themselves and therefore whose well-being and development form a sacred trust of civilization.

3. For a long time past we have never failed to record our protest against any suggestion for the inclusion of the Bechuanaland Protectorate into the Union of South Africa. We continue to receive the assurance that if and when the Government of South Africa make any move to that end, the Native People of the Bechuanaland Protectorate will be fully consulted. Convinced in the belief that the British Government would not transfer the administration of our Territory to the Government of the Union of South Africa against our wish, we have held our hands because of a sense of loyalty in wishing not to embarrass our Administration under the control of the Dominion Office whose duty it is to keep on the most friendly terms with those neighbouring territories under its care. As a result, the position of the Bechuanaland Protectorate has reached a climax.

4. We are deeply concerned about the future of our country and more particularly with regard to its industrial and agricultural development.

5. It would appear that there is considerable mineral wealth in the Territory as yet untapped, and iron and coal fields have recently been discovered and favourably reported upon by the Colonial Office Geological Expert. The Union Government has itself explored the vast irrigation possibilities of the Orange Swamps which lie within our Territory, and a member of the Union Cabinet has reported to the Union Parliament on the great possibilities that lie in such areas.

6. The Colonial Office in the allocation of funds available under the Colonial Development and Welfare Act, 1945, has set aside two and a half million pounds for the development of the High Commission Territories of South Africa.

7. It may seem presumptuous that we, Chiefs of the Protectorate, should urge that South-West Africa be not transferred to the Union of South Africa, but we, as Africa Peoples, are not uninterested. There are presently living in our country displaced persons, Hereros and others, who were persecuted and driven out of their country by the Germans. In addition to those mentioned, a number of South-West Africa natives have since taken refuge in the Bechuanaland Protectorate during the Union's Mandate through fear of the Union's Native Policy, and all of these would return to their native lands in South-West Africa if the purpose of the Mandate were being duly fulfilled.

8. We, therefore, urge that South-West Africa be kept a separate entity from the Union of South Africa for all time in view of that Government's declared policy of racial discrimination, as recorded by their Prime Minister during the debates on the recent Asiatic Act, when he confessed:

"We are following a well-known South African principle, we are following the practices and principles which have been adopted by us, which have been approved here in Parliament, practically unanimousy and which we regard as essential to the structure of our complete society in South Africa. Fundamentally, the principle of separate land tenure and residence, and of separate political representation for Indians are the same here in this Bill as in the case of the Natives, and the Apartheid legislation which is already in force in this country."

9. The Bechuanaland Protectorate is vitally interested in the future of South-West Africa. A glance at the map will show the importance of this matter and the fact that South-West Africa and the Protectorate have a common boundary of some four hundred miles and more, and if South-West Africa is to become part and parcel of the Union of South Africa we, as a Territory, would then be barred in not only from the South, East and North, but from the West, and our only hope for a free and open route would be lost to us, and the economic development of the Territory strangled at its birth.
10. We submit that His Britannic Majesty should be given a direct Mandate over South-West Africa, or at least over the northern portion thereof from 25 degrees (latitude South) as to provide the Bechuanaland Protectorate, and incidentally Rhodesia, with free access to, and a free port on, the West Coast of Africa and an opportunity for the Displaced Persons to return to their homeland.

11. In view therefore, we submit the only course open to the Trusteeship Committee of United Nations Organisation is to revoke this Mandate, and give it directly to His Britannic Majesty so that South-West Africa may be dealt with in terms of the British White Paper whose aim is identical with the above quoted purpose of the Mandate, and which purpose is being effected in the adjoining territory of the Bechuanaland Protectorate.

WE RESPECTFULLY REQUEST

That the British Delegation to United Nations Organisation make on our behalf the following representations to the Trusteeship Committee of United Nations Organisation at its next session—

(a) That South-West Africa be not incorporated in the Union of South Africa;
(b) That the Mandate of South-West Africa be handed over directly to His Britannic Majesty, failing that, to the United Nations Organisation;
(c) That the Bechuanaland Protectorate be granted a free and open route to a free West Coast Port;
(d) That the case of the Displaced Persons presently in the Bechuanaland Protectorate be given consideration.

Kgari Sechle,
CHIEF OF THE BAKWENA TRIBE.

Malagosi S. Malgosi,
CHIEF OF THE BAMALETE TRIBE.

Tshekedi Khama,
CHIEF OF THE BAMANGWATO TRIBE.

Sedumedi Gaborone,
CHIEF OF THE BATLOKWA TRIBE.

Moremi III,
CHIEF OF THE BATAWANA TRIBE.

Bathoen II,
CHIEF OF THE BANWAKETSE TRIBE.

AUTHORITY

We, Chiefs of the Bechuanaland Protectorate, on behalf of ourselves and our respective Peoples, hereby empower CHIEF TSHEKEDI KHAMA of the Bamangwato Tribe to be duly assisted by ADVOCATE D. M. BUCHANAN, K.C., to consult in South Africa with His Majesty's High Commissioner for Basutoland, Bechuanaland Protectorate and Swaziland, and thereafter to proceed to England on our behalf and consult with His Majesty's Government in Great Britain and with any other person or persons whom they may deem advisable, and to represent us generally and enter into arrangements on our behalf in connection with the future of our Territory and the economic and political development thereof, and generally to do and perform all acts, matters and things in connection with the aforesaid, as fully and effectually as we might or could do if personally present and acting therein.

IN WITNESS WHEREOF we have hereunto set our hands at MAFEKI G on the 29th day of APRIL in the Year One Thousand Nine Hundred and Forty-six, in the presence of the subscribing witnesses.

Kgari Sechle,
CHIEF OF THE BAKWENA TRIBE.

Malagosi S. Malgosi,
CHIEF OF THE BAMALETE TRIBE.

Tshekedi Khama,
CHIEF OF THE BAMANGWATO TRIBE.

Sedumedi Gaborone,
CHIEF OF THE BATLOKWA TRIBE.

Moremi III,
CHIEF OF THE BATAWANA TRIBE.

Bathoen II,
CHIEF OF THE BANWAKETSE TRIBE.
Chapter Two.

THE PRESENT POSITION OF THE SOUTH-WEST AFRICA MANDATE

The legal position is by no means clear, according to Field Marshal Smuts, who was largely responsible for the creation of the Mandate. (See Chapter Three.) The United Nations Charter does not go so far in this respect, either, and for this reason we refer here only to those portions of the mandate which are relevant to the present issue.

Before the First World War, South-West Africa was the object of a Mandate. It was occupied by Union troops, "but King's ships kept the sea and transported or safeguarded the transport of the troops from the sea-board." The Union troops remained in military occupation until the new position was determined by the Treaty of Versailles. South-West Africa, Germany renounced in favour of the principal Allied and Associated Powers. It possessed forts and titles over her overseas possessions, including South-West Africa.

The Covenant of the League of Nations, which was incorporated in, and formed an integral part of the Treaty of Versailles, provided (Article 22) that:

"To those colonies and territories which, as a consequence of the late War, have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be set up trusteeship under the auspices of the League of Nations, in such a way as to make the Trusteeship subject to the effective control of the League of Nations..."

The Mandate for South-West Africa was created by the United States of America and was confirmed by the United Nations. It was occupied by the Union of South Africa, which agreed to accept it, and undertook to exercise it on behalf of the League.

Thereafter the principle Allied and Associated Powers agreed that in accordance with Articles 22 and 23 of the Covenant, the United Nations were to be the Govemment of the Union of South Africa, except for the purposes of the League of Nations, and for the purposes of the United Nations.

Thereafter the main body of the Mandate was transferred to the Union of South Africa, and the Union of South Africa, as the Mandatory power, was responsible for the administration of the territory.

The United Nations were represented in the Council of the League of Nations by the Government of the Union of South Africa, and were responsible for the administration of the territory. The Union of South Africa was responsible for the administration of the territory, subject to the provisions of the Mandate.

The consent of the Council of the League of Nations is required for any modification of the terms of the present Mandate.

On the 26th June, 1945, the Charter of the United Nations was signed at San Francisco, California. It was ratified by the Government of the Union of South Africa on the 7th of November, 1949, whereby there being bound by the terms thereof.

Until a Trusteeship Agreement, in terms of Articles 77, 79 and 81, is entered into by the United Nations, the Union of South Africa shall exercise the Mandate, and the due and proper fulfillment of its obligations under the Trusteeship System shall be strived in itself to alter in any manner the rights, status, or conditions of such a way as to make the Trusteeship subject to the effective control of the League of Nations.

We submit, therefore, that the existing Mandate is at least morally binding on His Britannic Majesty and will be exercised as a mandate for the United Nations, subject to the provisions of the United Nations Charter, including a mandate for South-West Africa, under the United Nations.

Thereafter the principle Allied and Associated Powers agreed that in accordance with Articles 22 and 23 of the Covenant, the United Nations were to be the Governing Power of the Union of South Africa, and were responsible for the administration of the territory. The Union of South Africa was responsible for the administration of the territory, subject to the provisions of the Mandate.

Chapter Three.

THE SAN FRANCISCO CHARTER

BECUANALAND HAS THE RIGHT TO BE HEARD ON THE PROPOSAL TO INCORPORATE SOUTH-WEST AFRICA IN THE UNION OF SOUTH AFRICA

When the Union of South Africa's Mandate over the former German territory of South-West Africa was declared null and void by the United Nations, the United Nations were to be the Governing Power of the Union of South Africa, and were responsible for the administration of the territory. The Union of South Africa was responsible for the administration of the territory, subject to the provisions of the Mandate.

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Chapter Four.

THE NATIVE PEOPLES OF SOUTH-WEST AFRICA — THE CASE FOR THEM:

THE MIGRATION OF THE HERERO AND HOW IT HAS AFFECTED THE TRIBE'S WELL-BEING

For the purpose of this memorandum it has been decided to give a detailed description of the two main tribes in South Africa. The territory is always regarded as being divided into the Police Zones and the Unpoliced Zones.

The latter, comprising Owamboland, Okovango, Kaprivu and Zibetha, are said to have a native population of 500,000, the largest tribes being the Ovambos who are estimated to number 107,000 alone.

The various tribes making up this total area are:

(1) The Nama numbering about 20,000 whose original territory was between the Orange and the Swakop Rivers.

(2) The Herero and Anderbids numbering about 24,000 the boundaries of whose territory are said never to have been defined but were generally regarded as being the Ugab River in the north, the Swakop and the White Mountains in the south and the land betwixt and to the East of this line.

(3) The Berg Damara, said to have lived in "Hereroland" and numbering about 5,000.

(4) The Bastards, people of mixed breeding—Bastards are people who have been located along the Orange River, and the great majority have been relocated in the region of Rehoboth and obtained land from the Nama; these people number about 7,000.

(5) The Bushmen, numbering about 5,000 who are said to have been located on the Orange River and along the edge of the Namib Desert.

(6) The Owambo numbering about 7,000 and scattered throughout the Police Zones.

SETTLEMENT, ADMINISTRATION AND EDUCATION

Owamboland.—There were no officials stationed in Owamboland during the German Regime. The Owambos were left to themselves. The Germans apparently did not supervise or interfere with their method of living, which was not only after the occupation of South-West Africa by the Union Forces but is continued today. The Owambos have always been placed under a Native Commissioner . . . (1)

(1) "The Commissioner is assisted by two assistants—one of whom is stationed at the Office as a Junior Clerk and the other at another station. There are about 14 native police stations called 'police boys' who call them police boys but they are more messenger boys and police boys, as the case may be. . . ."

The education of the natives in Owamboland is entirely in the hands of the Missionaries; some of the stations have school masters sent out from the Government, and there is no European inspection or supervision in the Owamboland, and there is no European inspection or supervision over the schools.

The native education in the hands of the missionaries is not all to the taste of the Government and there are difficulties that there will be to get suitable persons to run the schools." (1). (N.B.—These statements on education were made in 1936).

The official view of the future of the Owambos is expressed in consecutive Official Year Books of the Union as follows:—

Owamboland according to the Year Book creates a potential labour recruiting field for the future.

OKOVANGO AND KAPRIVI

The natives in these two areas are governed like the natives in German South-West Africa by a Commissioner of Indirect Rule . . . there is only one Commissioner, who is placed in charge of these areas with no assistants . . . who has the functions of a Native Commissioner in the area, and what we said about education dealing with these would apply to the Okovango area also.

The Hottentots of whom there are about 20,000 in South-West Africa are scattered all over the country living in small groups or frontiers and in the villages but they are mainly to be found in the South West, and are under there are several Hottentot reserves.

The youth are educated in numerous schools, and although they have received some elementary education yet they have made notable progress. The Government supports these native missionary schools in such a way as was impossible for the Missionary Association. The Government of South-West Africa itself has furthermore this Nama Schools inspected by its inspectors and supports the work of the Government and to the European settlers.

BERG DAMARA

The Damara of whom there are about 24,000 in South-West Africa there is not much to be said. Before the advent of the white man they were the owners of water-drawers of water for the Hereros. Today they are the servants of the white farmers in the farms and in the villages. They are scattered all over the country and are to be found in the locations mixed up with other non-Europeans.

BASTRUDES

There are then about 8,500 Bastards, a people of mixed European and non-European descent— who live apart in their own homes in the Rehoboth Reserve, south of Windhoek . . . . They are well entitled to the title of a tribe. They have lived there before the Germans came to South-West Africa, and have continued to live there since the Union assumed the Mandate. . . . (1)

They have themselves to regulate their affairs in accordance with a written constitution and a code of conduct known as the 'Kaprivu Law'. The magistrate of Rehoboth presides over the council by the law of the territory the fixing of the limits of the Customs Territories. In the Kaprivu they are taxed according to their abilities and the Government has the power of taking proceedings before the Kaprivu Council, however, to try the white man. . . . They thought they would be better off owing to the German system of superintendence and the various rewards which the coloured persons enjoyed in the Union. (2)

The education of the Kaprivu is not all to the taste of the Government but there are more than enough of it, good schools and missionaries and Government schools are too anxious to help them, but like most people of mixed breeding they have developed their own civilization and remain under civil conditions.

THE HERERO

It is not disputed that all of the native tribes of South-West Africa "the Herero came into serious conflict with the Germans and as a result many of them died out, but this did not happen to the Bastaards, who live apart in a community of their own in the locality of the same name. . . . The Government and the missionary associations have made notable progress in this district but the Herero are not as yet to be considered trained native subjects, but the natives are being trained in the future." (1) . . . (N.B.—These statements on education were made in 1936).

"The HererO people. . . . They (Nama) were backward and unimpressive in appearance as white people saw and treated them. The appearance of the Herero appeared to be equally backward and unimpressive in appearance and in the eyes of other tribes as was at any rate their characteristic and intellect. There is nothing of a European flavor in the character of the Herero." (1) . . . (N.B.—These statements on education were made in 1936).

The official view of the future of the Herero is expressed in consecutive Official Year Books of the Union as follows:

"If the Herero would only allow themselves to be educated in South-West Africa, they could rank as the foremost people amongst the native races of the country. Equipped as they are, with excellent qualities both of body and character, and what is more, when it comes to South-West Africa as it is a source of anxiety both to the British Government and to the European settlers. (2)

It has been explained in this publication that the Government and the Herero authorities had "were hewers of wood and drawers of water for the Hereros before the advent of the white man in South-West Africa."

The report of the Union Government it is stated:

"In the Kankavel, lies the original home of the Herero. It is a very interesting fact that the Herero who did not find it a paying proposition to follow the more opulent Hereros of South-West Africa, but the Herero who found it a paying proposition to live in the less numerous cattle. In any event it is reasonable to assume that the Hereros suffered most because they understood and resented the Government imposed on them. Before their contact with the Europeans they were a well organised tribe. They had their own laws and customs. After they came into contact with the whites they and were broken up and scattered. As a powerful tribe they dominated all the native tribes in South Africa, except the Nama, the Hereros naturally resented the limitation of their powers and privileges by the coming of these in a foreign regime and its foreign administration. Later it was subsequently varied by the European powers that the primitive tribes would be governed in such a way as was impossible for the Government. . . . Because they fail to appreciate that the Government and the missionaries had to take such education as the natives were able to receive, it is not unreasonable to assume that the Hereros and the Bushmen, however, possess an individual, however poor, in order to provide the greatest liberty for all and that the only difference between the old and the new is that the new is "controlled."

There are all plausible theoretical arguments which cannot be considered in the light of this evidence.

This note takes up this challenge by illustrating the fallacy of this argument with the case of the Herero people.

Herero Migration from South-West Africa to Bechuanaland Protectorate

In 1904, the Herero's war of rebellion against the German Government came to an end. The Hereros were defeated and toward the end of that year, many of them were allowed to migrate to the neighbouring territory of the Bechuanaland Protectorate. The following is taken from a letter written by the recognised Paramount Herero Chief at Mahekeru—\(\text{a} \text{J}\) . . . Resident Magistrate in Bechuanaland, in the country of the Herero tribe. October 2, 1904. . . .

"I ask help from Queen Victoria. In an olden time my father was friendly with the English Government. I wrote to the English Government for succour and request permission to live in their country and the answer I received was forcible and helpful to me and he me in my heavy troubles."

This letter in fact followed the Secretary of State's despatch to the Bechuanaland Protectorate Administration dated May 3, 1904, in which it was stated:

"It appears to His Lordship that His Majesty's Government can only prevent the Hereros from entering British territory now that he has expected the Hereros to take any steps with a view to expelling them when once they have crossed the border; at the same time he is of opinion that it would be "out of the question" to give the Hereros some help in any way to encourage these tribes to change their location."
On May 30, 1905, the total number of Herero refugees considered for settlement was officially recorded as men 290, women 450, children 475, total 1,175. In 1906, with the permission of the British authorities in Bechuanaland, some of these refugees went to live near the Bantu farmers in the Moharelo area. They were brought into the Transvaal by Union Native recruiters to work as labourers and to make them pay for the land and farms, and the mineral rights. Labour Recruiting Agents so as to be near the official records. The reason behind this migration to the Transvaal was that the Herero were being driven by the British authorities in Bechuanaland, some of the refugees were brought into the Transvaal by Union Native recruiters to work as labourers and to make them pay for the land and farms, and the mineral rights.

In 1914 during the First World War, 1 (10) million South Africans sailed with 90 of our people to go to our native land and the people there in the war because of our knowledge of that country. (They were then in the Transvaal.) We were to be paid £3 per month while engaged on military service, and we were promised that if the German authorities in the country captured from them it would be given to us to live there. This was not the case, and the promises made to us were not fulfilled, for the papers containing those promises were told to us was not get what we promised — namely to return to our native land and to come to the country (the Bantu farmers in the Moharelo area) where we found a Government which is different in its nature, its people and its treatment of the native race. Even then, the Herero were among the people who live across the Limpopo savanna under many Bantu inhabitants. It was important to emphasize that the Herero were forced to live in the Transvaal because they had no choice. They were separated from their own land and had no peace. The Herero were forced to return to their land and to the farmers there. (The Union in the Transvaal.)

It is interesting to compare this statement with the Union Government's interpretation prepared for placing before the League of Nations in 1920.

"As the conclusion of peace at Karas in 1919, it was decided that the Administration of the Union. The Herero eagerly watched coming events. Lord Buxton, the Governor-General of the Union, visited South-West Africa. He addressed the natives at all important centres and on each occasion promised the Herero the old freedom and independence which they had. The Herero were given land and unlimited herds of cattle. That was all that the Herero had in their work on many farms, in order to make sure of being able to live there. The Herero were promised that they would not be adjudicated. A great confusion ensued. Everyone had expected that the Herero would be left in peace by the Union, or that the Herero would be allowed to return to their land and to the farmers there."

We have found no evidence that the Mandatory Power has regarded the Herero people as "merely to be tolerated" as we have read of other races in similar positions. The Herero were brought into the Transvaal by Union Native recruiters to work as labourers and to make them pay for the land and farms, and the mineral rights. In 1906, the number of the refugees in Bechuanaland, some of these refugees were brought into the Transvaal by Union Native recruiters to work as labourers and to make them pay for the land and farms, and the mineral rights. In 1906, it was considered it was in the interest of the Herero for them to migrate there and to receive food. For them work on the mines was considered to be in the interest of the Herero for them to migrate there and to receive food.

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LEGISLATION IN THE UNION OF SOUTH AFRICA

ANTI-NATIVE TEMPO INCREASED SINCE MANDATE

Since 1920, when the South-West Africa Mandate came into being, the anti-native implications of legislation in relation to the territory of South-West Africa have become more and more apparent. It is now becoming clear that as the native, in spite of all legislative and administrative restrictions, is not only the most visible and most active competi¬tor in the field of industrial labour.

The general purpose of this legislation and administrative action is to make it as difficult as possible for the native to find employment (except on white farms and farms) and to create an "industrious" labour force.

The various acts and regulations are so well known that it is not necessary here to mention more than a few. One of the first and worst after the Mandate was the "Colour Bar Act" which was aimed at preventing natives from handling machinery and so becoming skilled artisans.

The biggest step-back in the Union, and more particularly in the more liberal Cape Province, occurred when General Hertzog's Coalition Government and so endowed General Hertzog to get his native title bills passed in 1926, (1) The Native Franchise Act, (2) the Native Land Act and (3) the Urban Areas Act.

The measures took away from the native in the Cape Province (1) his right to buy, hire or lease land; (2) his right to move freely and (3) his right to sell his land (his main means of existence only) when he could no longer afford to live in his own home.

As an example of the Legislature's attempt to keep the Native out of industry, we refer to the tendency of employers to employ native workers in the Union. This tendency is excluded from the definition of "Employment" well over 95% of the cases, with the result that the Minister of Labour refuses to register a Trade Union or to allow any agreement negotiated between white employer and black employee in terms of the "Employment Act.

As an example of Administrative action affecting natives we may refer to the regulations imposed upon Cape Town by the Minister of Native Affairs, under the Native Administration Act, 3 of 1927, which are aimed at preventing natives from living in the Union. This act is aimed at preventing natives from living in the Union. This act is aimed at preventing natives from living in the Union.

Chapter Five.

THE UNION GOVERNMENT'S ATTITUDE TO SOUTH-WEST AFRICA

OBSERVABLE DESIRE FOR TERRITORIAL AGGRAVEMENT

In this chapter, I will discuss the Union Government's attitude to South-West Africa. I will examine the steps that were taken by the Union Government to show that they were interested in the development of South-West Africa and that they were prepared to use any means necessary to achieve their goals. I will also examine the Union Government's relationship with the South-West Africa Territory and the role that they played in the negotiation of the terms of the mandate.

The Union Government's relationship with South-West Africa is a complex one. On the one hand, they saw it as a valuable asset to the Union, both economically and strategically. On the other hand, they were aware of the indigenous population's desire for self-determination and the need to respect their rights.

Despite these complexities, the Union Government was determined to use South-West Africa as a stepping stone to imperial expansion. They were willing to use any means necessary to achieve their goals, including the use of force.

The Union Government's attitude towards South-West Africa was marked by a desire for territorial aggravation. This was evident in their policy towards the indigenous population, which was seen as a means to an end. They were determined to use any means necessary to keep the indigenous population in their place, and to prevent them from gaining any influence or power.

The Union Government's attitude towards South-West Africa was also marked by a desire to use the territory as a testing ground for their imperial ambitions. They were willing to use any means necessary to achieve their goals, including the use of force.

In conclusion, the Union Government's attitude towards South-West Africa was marked by a desire for territorial aggravation. They were willing to use any means necessary to achieve their goals, including the use of force. They were determined to use the territory as a testing ground for their imperial ambitions.

Chapter Six.

THE UNION GOVERNMENT'S ATTITUDE TO SOUTH-WEST AFRICA

OBSERVABLE DESIRE FOR TERRITORIAL AGGRAVEMENT

In the previous chapter, I discussed the Union Government's attitude to South-West Africa. I examined the steps that were taken by the Union Government to show that they were interested in the development of South-West Africa and that they were prepared to use any means necessary to achieve their goals. I also examined the Union Government's relationship with the South-West Africa Territory and the role that they played in the negotiation of the terms of the mandate.

In this chapter, I will examine the Union Government's attitude to South-West Africa in more detail. I will look at the steps that were taken by the Union Government to show that they were interested in the development of South-West Africa and that they were prepared to use any means necessary to achieve their goals.

The Union Government's relationship with South-West Africa is a complex one. On the one hand, they saw it as a valuable asset to the Union, both economically and strategically. On the other hand, they were aware of the indigenous population's desire for self-determination and the need to respect their rights.

Despite these complexities, the Union Government was determined to use South-West Africa as a stepping stone to imperial expansion. They were willing to use any means necessary to achieve their goals, including the use of force.

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The DEMAND FOR A FREE AND OPEN ROUTE TO THE WEST COAST

BECHUANALAND DECLARES THAT THIS IS A REASONABLE REQUEST

Chapter Seven.

The tribes of the Bechuanaland Protectorate believe that they have a splendid case to support their demand for a free and open route to the western coast of Africa. Below, in dealing with more recent events in support of this contention, it is essential to deal with the journey of Mr. Cecil Rhodes. In 1892, Mr. Cecil Rhodes was pressing the British Government for a Railway from the Cape to the North. As this railway had to pass through the Bechuanaland Protectorate, it was the duty of the Bechuana chiefs to request the British Government to obtain similar facilities for the Bechuanaland Protectorate. This request was made and the British Government, after consulting the Bechuana chiefs, decided to make arrangements with the Bechuana chiefs and Peoples for the future administration of Bechuanaland Protectorate as a British Protectorate. The result was that the Bechuanaland Protectorate, which had not become a British territory, and the British Government was delegating from the Cape Native Representatives' Vote all Native who are the British subjects, whereas Native of other Territories in Africa directly under British Government, with exactly similar safeguards and guarantees, added to the current Native Voters' Vote in the Cape Province.

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It is assumed that any concession negotiated for the building of the Bechuanaland-Kariba line would be connected with the Bechuanaland South-West Africa system. It is not possible to determine the cost of such a line at the present time, but it is estimated that the cost of construction would be approximately £1,000,000. The line would be of considerable importance in facilitating the development of the Bechuanaland-Kariba area and would provide an outlet for the products of that area to the outside world.

The Bechuanaland South-West Africa railway is of considerable importance in the development of the region. It is estimated that the railway would generate an annual revenue of approximately £1,000,000 and would provide employment for approximately 1,000 people.

The line would also serve as a link between the Bechuanaland-Kariba area and the rest of the world, facilitating the transport of goods and people. It is estimated that the railway would generate a total of £5,000,000 worth of trade and would provide a significant boost to the local economy.

The Bechuanaland South-West Africa railway is also of importance in terms of its potential for tourism. The railway would provide a means of transport for tourists to explore the Bechuanaland-Kariba area, and it is estimated that the railway would generate approximately £2,000,000 worth of tourism revenue.

In conclusion, the Bechuanaland South-West Africa railway is of considerable importance in the development of the Bechuanaland-Kariba area. It is estimated that the railway would generate an annual revenue of approximately £1,000,000, provide employment for approximately 1,000 people, and generate a total of £5,000,000 worth of trade. Additionally, the railway would serve as a means of transport for tourists, generating approximately £2,000,000 worth of tourism revenue. Therefore, it is recommended that the Bechuanaland South-West Africa railway be constructed as soon as possible.
Chapter Nine.

CONCLUSIONS

When the Union acting for His Britannic Majesty, was set over South-West Africa in 1922, an implicit condition of the Mandate was that the Union Government would help them towards a better, more prosperous and happier life. The African population, however, has not been given any chance to take part in the administration of their own territories. The Union Government has failed to implement the principles of the Union of South Africa. The indigenous African population of South-West Africa is entitled to participate fully in the administration of their territories.

The case is argued on this basis: it is reasonable to assume that the southern part of South-West Africa could be incorporated and the central and northern parts be created a Mandated territory under the United Nations. By incorporating the Southern part of the territory including as it does Walvis Bay, Britain's military considerations about the Cape as part of the defence of the British Empire would be completely satisfied. That conception is, perhaps, quite legitimate. But any further demands for South-West African territory would be merely territorial aggrandisement.

The northern part of the territory is not very much inhabited by Europeans except missionaries and the Union authorities themselves admit that very little indeed has been done to develop this part of South-West Africa. What railways there are in the northern part of the territory seem simply those which were laid down by the Germans before the first World War — nearly thirty years without any railway development at all.

Our contention is that no move can logically be made towards incorporating South-West Africa in the Union of South Africa until a far more thorough investigation has been made into all the implications. We ask the British Government to obtain a posthumous policy as it is at present as a great betrayal of people who have never been disloyal to the British Crown. The African Union Governments have never been disloyal to the British Crown. Their interests will not be adversely affected in any case, but as far as the Africans are concerned, it would be a calamity for them to be so transferred.

The part of the African continent is so far from any centre of world opinion that it is very largely uninfluenced by non-African colonial policy. For that reason it would be advisable for the United Nations Organisation to retain control of South-West Africa under a Trusteeship. Such a trusteeship could only be given to the United Nations if the United Nations Charter would undoubtedly have a wholesome influence on the development of Union Native Policy.

I trust that the hopes of Africans in this part of the African continent will not be dashed by the adoption by the British Government of a policy of appeasement towards the Union Government.

With best wishes for every success in your Mission.

Yours sincerely,

Tshekedi Khama,

President General: Dr. A. B. Zuma, M.D., O.P.H.
104, End Street.
Johannesburg.
23rd May, 1946.

Chief Tshekedi Khama,
P.O. Box 380, Windhoek.

THE AFRICAN NATIONAL CONGRESS

THE AFRICAN NATIONAL CONGRESS

My dear Chieftain and Friend,

I would like to say that we Africans in the Union, are united and are round us in all territories in Africa. We are especially interested in British territories because we have the British Government has an opportunity of showing our interest in South Africa how all His Majesty’s subjects should be treated and their apprehensions be justified. The policy of the Union is against the non-European communities to be preached and practiced in every part of the Union. The Africans never lose a chance to express their dealings with the Union of South Africa. We are especially interested in British territories because we feel that in them and through them the British Government must be responsible for the future development of the Bechuanaland Protectorate and the Union. Their interests will not be adversely affected in any case, but as far as the Africans are concerned, it would be a calamity for them to be so transferred.

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THE AFRICAN NATIONAL CONGRESS

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I am not only a Union National but except for brief periods in oversession I have spent my whole life in the Union. As a Professor of African Studies at Fort Hare University College where I lecture on Native Law and Administration, it is naturally part of my duty to make a special study not only of Union Native Policy but of the Native Policies of other Colonial Powers. Furthermore I am an elected member of the Native Representatives Committee established under the Representation of the People Act 1918 of 1936, representing the Cape Rural Areas (excluding the Transkei). I travel extensively throughout the constituencies and keep in touch with every constituency. I am also a member of the Union Advisory Board on Native Education, partly under the Native Finance Act of 1945.

As one who is in touch not only with educated African and uneducated African and uneducated African, I have no hesitation in saying that the future of South Africa under a Trusteeship of the UN and the future of the transfer of South-West Africa or of the Protectorate to the United Nations will be determined by the opinions of the African people who have never been disloyal to the British Crown. The Union African Governments have never been disloyal to the British Crown. Their interests will not be adversely affected in any case, but as far as the Africans are concerned, it would be a calamity for them to be so transferred.

By the adoption by the British Government of a policy of appeasement towards the Union Government.

In case there should be any question about the future development of the Bechuanaland Protectorate and the extent to which that development would be potentially very great indeed, Hand in hand with being a completely land-locked “state within a state” — strangled economically from the outside, there would be a wholesome influence on the development of Union Native Policy.

I trust that the hopes of Africans in this part of the African continent will not be dashed by the adoption by the British Government of a policy of appeasement towards the Union Government.

With best wishes for every success in your Mission.

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104, End Street.
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23rd May, 1946.

Chief Tshekedi Khama.
P.O. Box 380, Windhoek.
To King Regent, Tsekmadi Khama,
My dear King Tsekmadi,

On behalf of the African organisations mentioned above, I have the sincere pleasure to wish you bon voyage as you go overseas to Great Britain on a vital mission to protect the human rights of Africans living in the Bechuanaland Protectorate.

My organisations have granted me a mandate to assure you that your mission will serve as a smoothing-piece for other Africans such as those in the Union of South Africa inasmuch as they are not directly represented in the British Colonies of State particularly with regard to the proposals by the Union Government to annex or incorporate within its borders the adjoining territories of South-West Africa and the British Protectorates of Bechuanaland, Swaziland and Basutoland.

During the last eleven years our organisations have consistently urged that the Union Government of South Africa has not yet justified itself in its role of Africans inside its borders. Dominated as it has always been by Colour prejudice it has proved itself incapable of practising democratic principles in any shape or form to all non-white races.

The present agitation by the Indians of South Africa is but one proof, if proof were still necessary, of the cynical attitude of the Union Government that works on the principle of the Old Dutch Republics of "No equality in Church or State between Black and White.

The case of the Indians has been clearly set forth at the Bar of the South African Separate and in a booklet supplied to the U.N.O. produced by Ashwin Chawdree and P. R. Pather, who are members of their delegation. The case of the Africans was explained by the All African Convention in its Minutes of the conference of the year 1937 and again last December, as well as in such documents like "Native Disadvantages in South Africa" by the present writer in 1932.

The case against the incorporation of South-West Africa is set forth by the South African Institute of Race Relations in its magazine of the current month (May 1946) "Race Relations News.

We would like you to take every opportunity to give this information in its entirety to all circles of British public opinion, especially in parliamentary circles in order to enable them to use facts that are irrefutable against the power of Field Marshal Smuts in his effort to enlarge his sphere of unjust methods to Africans yet happily outside his reach.

We wish you every success in winning British public opinion to your side.

(Sgd.) D. D. T. JABAVU.

23rd May, 1946.

DR. R. T. BOKWE, M.B., C.B. (Edin.),

Phone 8.

MIDDLE DRIFT:

Chief Tsekmadi Khama.

Serowe.

My dear Chief,

I have just learnt that you are about to go overseas, where, once again you are to plead the cause of your people of the Bechuanaland Protectorate. We Africans who live in the Union cannot but feel that the success of your Mission means a very great deal to the success of our own cause here. I therefore join the many who will wish you God-speed and a safe and happy return to our shores.

I know I am expressing the firm conviction of many of my countrymen in the Union when I say that our doom is sealed for many generations to come if ever the Protectorates of Swaziland, Basutoland and Bechuanaland are handed over to the Union of S.A. God forbid that this should ever happen in our time or even that of our children's children for one can see no prospect of our rulers for generations to come in respect of the oppressive measures they have seen fit to place us under. I know I need not recount these measures of oppression and discrimination to you who knows them only too well. The recent Asiatic Bills and the speeches made thereon serve as further indication of the trend of things here even after all the hopes raised by the pronouncement of the Atlantic Charter. In South Africa that Charter means just so many words insofar as we are concerned.

You will be aware of the agitation and concern of all Union Africans regarding the incorporation of S. Africa. We are hoping that this will not come about and that this country's destiny will be placed under the Trusteeship Council. Such a step would not only be the means of serving the best interests of the native population of that country but would also indirectly help us in the Union because with the protecting hand of Britain over the Protectorates on the one hand and that of the Trusteeship Council on the other, we feel that the Union of S.A. may hesitate to pursue further its present policy which can only end in permanent injury to good relations between the Black and White races in Africa.

Again wishing you "bon voyage,"

I am, dear Chief,

Yours sincerely,

R. T. BOKWE.
Sir:

In view of the many misrepresentations, factual errors, and omissions made by the South African Government in their report on South West Africa and in the declarations which have been made to the United Nations, I beg to ask for your assistance in making the following request:

(1) That a report comprising the views of some of the native chiefs and inhabitants of South West Africa be considered by the Trusteeship Council in addition to the report submitted by the South African Government, and that the Trusteeship Council be invited to make its comments and recommendations thereon.

(2) In addition to a number of recorded statements of South West African inhabitants and other papers, I should like to include if this can be permitted:

(i) A copy of the Government report No. CD 9146 of 1918 on "The Natives of South West Africa and their Treatment by Germany". The Herero and Nama people desire it to be placed on record whenever consideration is given to the question of the status of or conditions prevailing in South West Africa, the methods by which they were dispossessed of their lands and herds by traders, by so-called missionaries, and finally by the German Army. I am informed by the Bishop of Damaraland that this report was withdrawn at the behest of the German community who, while retaining the right to vote in Germany, were given this privilege after the First World War by the Union Government's administration in South West Africa. (This report is the property of the Johannesburg Public Library and should be returned to it if and when another copy is available.)

(ii) A copy of the South West Africa Annual from which some information will be available. Attention should perhaps be called to the discrepancy between population statistics published in the journal with those included in the Union Government's report to the United Nations, the former showing a decrease of 12,000 in the coloured population during the ten year period, 1936-1946 while the latter shows an increase. Vide p. 121.

(iii) A memorandum by Chief Hhekedi Kama and other chiefs of Bechuanaland on the subject of South West Africa. This is included on my own authority as I am not clear what the rules of etiquette provide in the matter of representations by native chiefs to the United Nations.

(iv) A copy of the "Windhoek Advertiser" for January 8th, 1947, in which the proclamation of minimum native wages referred to in the enclosed papers was published and an editorial written on this. I was informed in South West Africa that this proclamation was withdrawn within one month of its publication on account of a public demand from employers that the wage scales were too high and the scheme unfeasible.

(v) Copies of the petitions sent by me to the Secretary General together with a memorandum—documents A/C 4/94, 95 and 96—the Union Government's reply to these A/C 4/118 and an answer to this not circulated by United Nations Secretariat yet.

(vi) A map showing the area and disposition of native locations in South West Africa reproduced from the South West Africa Journal. The map shows the direction of a proposed extension to the Waterberg reserve for the Hereros in the north eastern part of the territory. (Cf. Map p. 31, Dr. Blue Book CD 9146 showing lands possessed prior to 1890. Cf. also Statements of Festus Kanjje and other Hereros. The Paramount Chief Frederick Tshakeru has now received a reply to his request to return to South West Africa from exile in Bechuanaland (see Petition A/C 4/96) to the effect that there is "insufficient land available" to absorb him and his 14,000 fellow tribesmen.)

I should be glad to appear before the Trusteeship Council to make a verbal statement if this would be permissible.

Yours respectfully,

Michael Scott (Rev.),
c/o India League of America,
10 East 49th Street,
New York City.