

**DR. A.B. XUMA, PRESIDENT-GENERAL, AFRICAN NATIONAL CONGRESS: LETTER TO THE SECRETARY-GENERAL OF THE UNITED NATIONS, TRYGVE LIE, AND EXTRACTS FROM A MEMORANDUM ON THE SITUATION IN SOUTH AFRICA, SOUTHWEST AFRICA AND BECHUANALAND, TOGETHER WITH A LETTER FROM LEADERS OF SOUTH WEST AFRICA OPPOSING SOUTH AFRICA'S PLANS FOR THE INCORPORATION OF THE TERRITORY, NOVEMBER 1946<sup>1</sup>**

MR. TRYGVE LIE,  
*Secretary-General,*  
*United Nations,*  
*Lakes Success, New York*

Sir:

I forward herewith copies of a memorandum which I beg to have the honor to submit through you to be placed before the General Assembly of the United Nations, its Committees on Trusteeship Council and on Economic and Social Council and their Sub-Committees, the Commissions on Social, Economic and Human Rights, respectively, on behalf of the African people in Southwest Africa, the Union of South Africa and those who hold the same views with us in the British Protectorates of Bechuanaland, Swaziland and Basutoland.

I am the President-General of the African National Congress in the Union of South Africa. This organization is the recognized mouthpiece of the 8,000,000 Africans. I have corresponded as such with the Prime Minister of the Union of South Africa, although I have failed to induce him to meet a deputation of Africans in the last six years. I have appeared before Select Commissions in the House of Parliament and before Government Commissions in that capacity. I have called National Conferences, such as the National Anti-pass Campaign Conference for abolition of the pass laws, and more recently I called an Emergency Conference on October 6<sup>th</sup> and 7<sup>th</sup>, 1946 at Bloemfontein, Orange Free State, to discuss the situation arising from the recent adjournment of the Natives Representative Council. The Conference at short notice of less than 14 days, was attended by 510 delegates from all over the country, including the Members of the Natives Representative Council. No one can question the official and statutory position of

---

<sup>1</sup> This letter and memorandum were published in a pamphlet in New York and Durban by H.A. Naidoo and Sorabjee Rustomjee, who accompanied Dr. Xuma to the United Nations as representatives of Indian Congresses of Natal and the Transvaal.

the Natives Representative Council, which recognizes the African National Congress as the people's mouthpiece and their mass liberation movement against discrimination and repression.

Hoping to receive, Sir, your esteemed and favourable consideration of my request in the interest of justice, fair play and world peace.

(Sgd.) A. B. XUMA, President General, African National Congress

## THE MEMORANDUM

### *Memorandum outlining the Views of the Africans in the Union of South Africa, South West Africa and Bechuanaland Protectorate concerning the Incorporation of the Mandate Territory of South West Africa and its Bearing on the Treatment of Non-Europeans in South Africa*

As President-General of the African National Congress, I cabled in January 1946 to the President of the United Nations Organization in London a statement of our protest, opposition and refutation of the argument advanced by the Union High Commissioner in London, the then leader of the South African Delegation to U.N.O., in favor of incorporation of South West Africa into the Union. I sent copies of the text of the cabled message to some of the Delegations at U.N.O., including the then head of the South African Delegation.

Since then I have kept in close touch in various ways with some leading native Africans in South West Africa who urged me and my organisation to carry on the opposition against incorporation, as they were also strongly opposed to it. They sent for the Constitution of our organization, as they hoped to carry on their campaign of opposition through a branch of the Congress in their territory.

## FREEDOM OF MOVEMENT

I may mention that it is difficult for the native African in South Africa to get his views and aspirations known by the outside world. The views represented by the Government of the Union of South Africa generally represent the interest of the ruling European minority. The interests of the non-Europeans are often sacrificed because South Africa practices a policy of racial and colour discrimination politically, economically, socially and educationally.

The freedom of movement of native Africans is restricted by pass laws at home so that today a Native African may not get a railway ticket without the authority of a Native Commissioner or a magistrate and/or another authorized person who must be a European or White. Recently, Paramount Chief-Regent Tshekedi Khama of the Bamangwato and his advisors, representing five other Chiefs in Bechuanaland were denied transport

priority by the British Government. ... I also had an interesting experience. My transport arrangements to America were not interfered with. I submitted my application for a passport on 27<sup>th</sup> July 1946, for a recuperative holiday and medical treatment in America. I was told that ordinarily I should get my passport in a week. However, on 9th August 1946 I was asked to report to Pretoria on Saturday morning August 10<sup>th</sup>, 1946, to see the Secretary of Native Affairs, Mr. Gordon Mears. Mr. Mears told me ... 'The government has been concerned about your political activities and now you have applied for a passport to go overseas for medical reasons. I saw no reasons for objection when you first mentioned the matter to me, but the Ministers want to know in the event of your passport were granted would you refrain from attacking the Union Government overseas?' 'What would be the penalty if I continued my activities as I am doing here at home?' I asked 'Well ... perhaps you might never be granted another passport ...,' replied Mr. Mears. 'I shall abide by the Government's wishes if I am dead. Why don't you endorse my passport with the undertaking on it?' I asked. 'No, we want you to make a gentlemen's agreement,' he replied. 'There can be no gentlemen's agreement where the freedom of my people is concerned. My people have faith and confidence in me and they believe that I would never sell out. ... The confidence and faith of my people in me is worth more to me than anything at the gift of the Government. I shall take the first opportunity that offers itself to champion the cause of my people if my health permits, as I am continuing to do so here at home, notwithstanding my present condition of health. I refuse to be muzzled. That will be a betrayal of my people and their cause. I prefer to suffer any penalty the government is prepared to impose upon me. I am, however, very glad to know that the Government fears the exposure of its treatment of the non-Europeans. That proves to me that our cause is just and even my life will be a reasonable price if that will help bring freedom and justice nearer for my people,' I concluded.

... What we are definitely fighting against are injustice, appropriation and abuse of State authority for the benefit and advantage of the small but strong and dominant European minority at the expense of the well-being, the progress and advancement of the weak and depressed non-European majority. We have struck our tents against domination and Nazism not only in Hitler's Germany but wherever it raises its head. The blood of the so-called backward people has been spilled in common with others so that all humanity may be free to develop and progress to the full stature .... To this we invite the United Nations, to stand with us and to live up to the obligations imposed upon them by the spirit and letter of their own Charter.

#### GOVERNMENT'S ADVICE TO INTERESTED BODIES

A few months ago the Government of the Union of South Africa informed the South African Institute of Race Relations in Johannesburg and other interested bodies like the Bantu Welfare Trust (of which I am a member) that it was considered inadvisable that anyone else should try to ascertain the attitude and views of the Native Africans of South West Africa on incorporation until the Government of the Union of South Africa had completed its 'consultations' with the Natives, in order to avoid confusion in the Natives' minds. The above mentioned organizations decided to abide by the advice of the

Government and did not send representatives into South West Africa as had been planned in order to sound Native opinion on the subject of incorporation.

### DIVERSE METHODS

I have, however, through diverse methods continued to keep in close touch with the Native Africans in South West Africa and have received direct information from the Africans themselves from time to time during the 'consultation' period contrary to the Government's expectations and wishes. They are attached as exhibits [see below]: ...

These Statements are the voluntary, unequivocal and freely expressed views of the people themselves against incorporation of their country as a fifth province of the Union of South Africa. They are perhaps crudely stated but the crudeness itself makes them their own expression and not one drawn up for them by a trained foreign mind and influence.

### THE STATUS OF THE NATIVE CHIEF UNDER NATIVE CUSTOM AND UNDER THE UNION

A word of authority must be made here on this subject to make it possible for the Delegates to see the distinction between the status of a Native Chief under customary law and his status under the Union Natives Administration Act.

Under customary law the African Chief is hereditary, with few exceptions. His powers are not arbitrary. He is not a dictator (although Chaka was a dictator and went the way of all dictators). He draws his powers and authority from the people, his Subchiefs, headmen and the members of his tribe with a manhood franchise. The Chief does not enter into discussions or argument but may have one of his Counsellors, not he himself, ask questions for clarification of a point. He sits and follows the trend of the discussion and merely sums up what appear to be the majority voice and consensus of opinion, because there is no vote. ... When he speaks and sums up, the debate is thus wound up. He conveys the decision of his people and ends by saying, 'So my people have spoken,' which speaks volumes to an African's mind.

He is therefore merely the depository and the expression and mouthpiece of his people's will. He is the spiritual bond of tribal solidarity.

However, under the Natives Administration Act of 1927 as amended, the Chief might be anybody appointed, recognized or selected by the Administration; he may be hereditary Chief. However, the Native Commissioner, and the Native Administration, are a higher power over him. Under this system some of the Chiefs, who are generally illiterate, have acted in support of the Native Commissioner to the detriment of their tribes and people because the power to appoint, to recognize and to depose is at the pleasure and the discretion of the Native Affairs Department. Under these circumstances one finds very few Chiefs who have minds of their own. ...

## BECHUANALAND CHIEFS AND THEIR PEOPLE

South West Africa has a continuous boundary with almost three quarters of Bechuanaland Protectorate. Bechuanaland wants a 'good neighbour' and desires a direct land route with an outlet to the outside .... There are also in the Bechuanaland Protectorate thousands of Africans who are alleged to have run away from German oppression and, since 1921, from fear of the South African Native Policy. These people, we are informed, are prepared to return to South West Africa if that territory is brought under the international system of the Trusteeship Council under Article 76 of the Charter of the United Nations. Further, the Bechuanas themselves fear that the annexation of South West Africa into the Union of South Africa will be the thin end of the wedge for their subsequent incorporation through physical encirclement leading to their economic strangulation and ruin. ... Thus, this talk of incorporation of South West Africa has caused fear and anxiety in the minds of hundreds of thousands of Africans in Bechuanaland, and incorporation will spell doom to their aspirations. ...

## THE NATIVES OF THE UNION OF SOUTH AFRICA

We, the Natives of South Africa, the long experience of the Union's non-European policy, strongly oppose the incorporation of South West Africa into the Union because South Africa has a policy of racial and color discrimination which brings ruin to the victims, politically, religiously, economically and educationally. This policy denies equality of opportunity between whites and non-whites in South Africa.

## POLITICAL RIGHTS

Non-Europeans, Coloured, Indian and African, are denied full political rights. The Constitution of the Union of South Africa deprived all of them of the right to sit as Members of Parliament. This right they had enjoyed in the Cape Colony on equal basis with the Europeans since 1853.

The present Constitution which brought into existence the Union of South Africa in 1910, states that Members of Parliament must be Europeans. ...

The Native Africans in South Africa have tested the segregated system under the Representation of Natives Act since 1937 and have proved that it leads to a blind alley and causes a sense of frustration because the Government has consistently ignored the representations of the Natives Representative Council.

## ADJOURNED IN PROTEST

After trying to advise the Government for nine years, without appreciable results, the Natives Representative Council adjourned on the 14<sup>th</sup> of August 1946 indefinitely in protest to the Government's disregard of their advice and representations, after unanimously passing the following resolution:

‘This Council, having since its inception, brought to the notice of the Government the reactionary character of Union Native Policy of Segregation in all its ramifications, deprecates the Government’s postwar continuation of a policy of Fascism which is the anti-thesis and negation of the letter and the spirit of the Atlantic Charter and the United Nations Charter.

‘The Council, therefore, in protesting against this breach of faith towards the African people in particular and the cause of world freedom in general, resolves to adjourn this session and calls upon the Government forthwith to abolish all discriminatory legislation affecting non-Europeans in this country.’

This resolution expressed a feeling of despair and frustration of a people who have no Court of Appeal because their government is a party to the cause of their complaint. To them, the United Nations are the only logical Court of Appeal. Since the Government of the Union of South Africa is involved, the theory of sovereignty of the State and domestic affairs seem unreasonable. Can one judge his own case? ... both the Indians and Coloured people had either a pseudo franchise or were totally disenfranchised in the Transvaal, Natal and the Orange Free State.

In June 1945, the Prime Minister of the Union of South Africa signed the Charter of the United Nations for his Government and was chiefly responsible for the preamble, we are told. This Charter contains Article 13 which states,

‘The General Assembly shall initiate studies and make recommendations for the purpose of:...

‘(b) promoting international cooperation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.’

By his signature to the Charter of the United Nations he bound the Union of South Africa and himself to the letter and the spirit of Article 76 of the Charter of the United Nations, namely:

‘The basic objectives of the trusteeship system, in accordance with the purposes of the United Nations laid down in Article 1 of the present Charter, shall be:... (b) to promote the political, economic, social and educational advancement of the inhabitants of the trust territories and their progressive development towards self-government or independence, etc.... (c) to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion and to encourage recognition of the interdependence of the people of the world.’

Upon returning home the Prime Minister, Field Marshal, the Right Honourable J. C. Smuts, piloted through Parliament '*The Asiatic Land Tenure and Indian Representation Act*' of South Africa, in less than a year after signing the Charter of the United Nations on fundamental human rights. There is something that seems to lift the Prime Minister's spirits abroad and depresses them at home.

The Indians have taken a serious view of this Asiatic Act which pegs and restricts their political and economic opportunities, and they have chosen to go to gaol through a passive resistance campaign rather than submit to the economic degradations and political humiliation such as the Natives Land Act with its Amendments and the Representation of Natives Act have brought about to Africans in South Africa.

### IMPLICATION OF THE ASIATIC ACT

To us in South Africa, the Asiatic Act has far-reaching effects and implications. It is an extension to the Indian Community of the same disabilities that have been imposed upon Africans. It is a part and parcel of the general discriminatory and repressive policy on all non-Europeans. Consequently, Indians and Africans have decided to make common cause against this piece of legislation. But inherent in the Act are aspects of international implication and bearing, to which your undivided attention is directed. The Act was wrongly timed. India is on the verge of attaining her nationhood and full independence. She takes the Act seriously as an assault upon the honor and dignity of the Indians and of India itself. The Government of India has brought the case up for consideration by the United Nations as the impartial International Court of Appeal against the Union of South Africa, a member of the United Nations and a signatory to the Charter of that body. If the United Nations reject India's appeal, the case may not end there. India might take a grave view of the situation and decide to use force upon South Africa as the only means left at her command .... To many this might seem like silly speculation on the impossible and the unlikely, but it must be remembered that 'great oaks from little acorns grow.' All Nations have friends who will help them, right or wrong. India has her own friends and is likely to have more friends. ... This is the Challenge to 'the Purposes and Principles of the United Nations.' It is no internal affair of any particular country. Remember Manchukuo and do not forget Abyssinia.

### ECONOMIC DISABILITIES

In order to further unfold the picture of this well-planned and carefully thought out policy of dominating the Non-Europeans in South Africa and also to prove that the 'Indian complaint' is only a small part of a modern world tragedy in human government, I shall now deal with a few of the economic disabilities of the Africans in South Africa and their implications.

#### *Land Policy*

The Native land policy of the Union tells a deeper story and design than mere demarcation of areas for occupation by whites and blacks, respectively. It is no policy of

mere separation or segregation of races, and colonies. These terms, in South Africa, are used as euphemism for exploitation. It is essentially a policy of creating economic dependence and insecurity on the part of the African in order to make the 'Natives' reserves' and 'locations' reservoirs of cheap, exploited labour unable to support themselves in the areas in which they live.

Only about 13 percent of the land is set aside for the occupation of 8,000,000 Africans and the rest is left for the 2,000,000 Europeans and about 1,000,000 of other non-Europeans. ... A native African may not buy, lease or rent land outside the 'proclaimed areas' for Native occupation; he may not buy land from a non-native without the Governor-General's consent to the transaction. The only land he may buy without the Governor-General's consent under the above mentioned statutory restrictions is a grave.

### NATIVE RESERVES OVERCROWDED

The Native reserves are overcrowded, overpopulated. They are not able to meet the social and economic requirements of the people. The people are homeless in the reserves as well as in city and town locations where municipalities are responsible for the housing of Native Africans under the Natives Urban Areas Act 1923 as amended.

When I left Johannesburg some weeks ago, nearly forty thousand Africans – 40,000 – were squatting in Hessian sacks and shanties on the outskirts of Johannesburg because of overcrowding in the municipal locations. African occupied houses carry 2 to 4 families where one was intended and yet Johannesburg was never bombed, suffering the destruction that England and Europe experienced. This is merely a result of land restrictions against the Africans and a denial of the right on the part of the African to acquire land and to build his own house.

### INDUSTRIAL DISABILITIES

Native Africans in South Africa are the workers of the country but they suffer great and disheartening industrial disabilities. By law and custom they are relegated to the unskilled pursuits both in mining and industry. Their pay is low and below the subsistence level. ... They are denied apprenticeship and technical training ....

### COLLECTIVE BARGAINING AND STRIKES

Under the Industrial Conciliation Act 1924, the Charter of trade unionism in South Africa, an employee is defined to exclude the pass-bearing Native and yet the pass-bearing Native is the worker of South Africa. And to put it in the words of Field Marshall Smuts in his lecture 'The Basis of Trusteeship 1942'... 'If he (the native in South Africa) is not much more, he is the beast of burden; he is the worker and you need him. *He is carrying this country on his back.*'

Because the Industrial Conciliation Act defines a 'trade union as a body of employees' organizations of Native workers are not recognized and registered as trade



unions under the Act, so that Native Africans have no legal means which offer them facilities for collective bargaining as the workers of other races in South Africa. Natives are also subject to the Masters and Servants Act 'which makes failure to appear for work a crime.' If they strike they are arrested and sentenced to pay a fine or to serve a term of imprisonment.

#### NATIVE SANITARY WORKERS' STRIKE

For instance, in 1918 in Johannesburg, white workers employed at the power station in Johannesburg struck for better wages and working conditions and forced the municipal authorities to accept the workers' terms. Copying their example, Native Sanitary workers in Johannesburg struck demanding better wages and better working conditions. Instead of getting a hearing or redress they were arrested under the Pass Laws and the Masters and Servants Act, and were sentenced to two months' imprisonment with the following order from the Magistrate who sentenced them: 'While in jail they have to do the same work as they have been doing, and will carry out employment with armed escort, including a guard of Zulus *armed with assegais and white men with guns*. If they refuse to obey orders they will receive lashes as often as may be necessary to make them understand that they have to do what they are told.'

#### MUNICIPAL WORKERS' STRIKE IN PRETORIA

Some three years or so ago because of confusion and neglect about increase in their wages, the Municipal workers in Pretoria struck. To quell this strike force was used. Not only the police were used but a squadron from the army ... was called and the Commanding Officer gave order to fire and many Africans were killed or wounded. ...

#### COAL WORKERS STRIKE

Again during the last World War in 1943, about 700 coal workers struck in Johannesburg for better wages and working conditions. They were arrested and most of them sentenced to a £3 fine or a term of imprisonment

#### WITWATERSRAND NATIVE MINeworkERS' STRIKE

The most recent strike was the Native Mineworkers' Strike which began on 12<sup>th</sup> August 1946. Over 50,000 African Mineworkers participated in the strike. Police interference was brought into the strike. During and as a result of this interference 9 African workers died and 7 of them from gunshot wounds, and as the Johannesburg *Morning Daily* and the *Rand Daily Mail* put it, 'There were selected targets.' ...

In the press, Field Marshall Smuts was reported to have told his Party Congress that he was not unduly concerned as this strike was not due to a sense of grievance on the part of the Native workers but was the work of agitators.

The strike broke down in about five or six days without any negotiation. It was the victory of lead over human flesh....

### *Social Service: Health and Housing*

In matters of health and housing it will suffice to say the poverty, the landlessness, the restrictions on land acquisition by Africans both in rural and urban areas and his depressed economic status, influenced by the discriminatory colour and race policy of the Government of the Union of South Africa, have caused the deterioration of the physique of the African, his chronic starvation and malnutrition leading to high mortality and morbidity rates, chronic ill-health and perhaps decreased efficiency of the people. ...

## EDUCATION

... the finance, and state of education provided for Africans is still a deplorable state. This amount does not begin to satisfy the needs, and requirements of the African child educationally. The amount is just enough to pay for the salaries of teachers and the administration. It is not sufficient to provide for school building or for the education of all African children of school-going age. As a result only about 40% of the African children can be accommodated in schools and buildings, provided and run not by the State but by missionary bodies. ...

In other words, the Union Government in South Africa does not recognize that the African child, like other children, has a right to be educated and that his education is the responsibility of the State. ...

No wonder Field Marshall Smuts has this to say about the education of Africans: '*... if we honestly and sincerely ask ourselves the question 'Are we doing our duty, are we fulfilling our duty as trustees, are we discharging our sacred trust? I do not think we can lay our hands on our hearts and say we are doing it.'*

## FURTHER RESTRICTIONS

There are further restrictions and discriminations imposed upon the African under the pass laws, Natives Land Act, the Natives Administration Act 1927, the Natives Urban Areas Act 1923 and Emergency Regulation 145. Through these acts and regulations, the African has restricted and controlled freedom of movement, freedom of speech, and freedom of assembly and freedom of residence. He may not go where he likes whenever he likes without the permission of a magistrate or native commissioner and may not be abroad after certain hours in pass-bearing areas without a special pass under the Pass Laws. Under the Natives Land Act he may not buy, lease, rent or occupy land in rural areas from any one other than a native without the Governor General's consent to the transaction. Similar restrictions are imposed in urban areas under the Natives Urban Areas Act with this strange regulation that a man working in a municipal area may not bring his wife and family to reside with him unless he has been employed continuously in the area for 2 years, and that only with the permission of the municipal authority. ....

Under the Emergency Regulation 145, no meeting of more than 10 persons except for religious purposes may be held without permission of a magistrate or Native Commissioner, or other authorized persons in certain areas. This was passed in order to undermine our anti-pass Campaign, because the writer was approached by Detective Sergeant Boy, Johannesburg, and questioned about the activities and plans of the Anti-pass Campaign. The writer disclosed everything. Four or five days later the Emergency Regulation was proclaimed. It virtually killed our campaign and ran it underground. ...

### MASS ARRESTS OF AFRICANS

Not only do we have the restrictions just mentioned, in South Africa there are so many discriminatory laws and regulations which create crimes for Africans only so that the police ... have a pastime of mass arrests of Africans under these laws. There being so many of them, each African is perhaps contravening one or the other daily and many are found guilty under them ...

These are crimes for Natives only. As a consequence, of the Africans who are in gaol at any time, 95% of them are in for these technical offences. ... In other words, these regulations are factories of crime and criminalization of Africans, besides the heavy economic and social disabilities in loss of income and in organization of family arrangements.

#### *Conclusion*

This memorandum is submitted as further evidence in support of the cable I sent to the President of the General Assembly, United Nations Organization, London, in January 1946. Certain detailed statements are made of conditions and happenings in South Africa in order for the facts to speak for themselves .... This has been done in order to show that if in the Union of South Africa the non-Europeans do not enjoy equality of opportunity, it is not very likely that the 300,000 almost inarticulate and backward people of South West Africa would be treated better. We have given enough evidence to show that the Union of South Africa denies full political, economic, educational and social opportunities to her non-Europeans.

We have exhibited the views direct from the Africans themselves in South West Africa in order to establish the fact that the results of the Union's 'consultations' in South West Africa do not give convincing and conclusive evidence. ...

Further, the attention of the United Nations must be called to the fact that the South African Institute of Race Relations in Johannesburg through its Director, Mr. J. D. R. Jones, was refused permission by the Prime Minister of South Africa from sending three representatives to 'ascertain all facts relevant to the Union Government's proposal to annex the territory (South West Africa) and also to ascertain the opinion among both Europeans and non-Europeans in the territory.' This was to take place after the

Government's plebiscite .... The Prime Minister replied that he feared visit by other bodies would cause confusion in the Natives' mind ...

Anyway, were not the Native Aboriginal population the 'sacred trust' of civilization? All the Nations who were parties to the Mandate system and their successors, the United Nations, under San Francisco Charter are under obligation to discharge their 'sacred trust' to the inhabitants of the territory. ... Did not the statement 'the well-being and development of such people will be a sacred trust of civilization' imply the promotion of full economic, educational, social and political development and subsequent independence for the ward? ...

The Africans of South West Africa, the Africans of the Bechuanaland Protectorate and those of the Union of South Africa most respectfully wish their views to be heard by the United Nations on this question.

The Native Africans of the Union of South Africa have no means of effective influence over Parliament through normal democratic channels. The Union Government carries on a policy of racial and colour discrimination against the non-Europeans. They feel that an impartial Court of Appeal is essential and the United Nations are such a Court. Their case cannot be an internal affair under these circumstances, because the Union of South Africa is one of the parties concerned. In fact, non-Europeans in a country like South Africa are a Non-Self-Governing territory requiring special treatment and attention of the United Nations.

We oppose the incorporation of South West Africa and the British Protectorates of Bechuanaland, Swaziland and Basutoland into the Union of South Africa because such incorporation would facilitate the extension of South Africa's colour and race discrimination and domination. It would bring under this policy more hundreds of thousands of innocent victims.

The Native Africans in South West Africa, in Bechuanaland, and in the Union of South Africa most respectfully request the United Nations to establish during this Session the Trusteeship Council under Article 76 of the United Nations Charter, and place South West Africa under the International System of Trusteeship as a buffer against the extension and the expansion of the non-European policy of South Africa.

Africans in South Africa also support the Indians in their opposition against the Asiatic Act now before the United Nations. They consider this treatment of the Indians as part of racial and colour domination which they uncompromisingly oppose. The African National Congress at Bloemfontein ... on August 5<sup>th</sup> 1946, passed the following resolution: 'This National Executive ... strongly protest against the Asiatic Act and fully support the Indian Community in South Africa in their opposition to the Act.' ...

To Native Africans the case of incorporation of South West Africa and the Asiatic Act against the Indians in South Africa are a test of the seriousness and sincerity of the United Nations.... If incorporation of South West Africa is supported by the United

Nations, a dangerous precedent, which if followed by other mandatory powers may nullify all efforts towards the establishment of the Trusteeship Council. In fact, to us, both incorporation and the rejection of the Appeal of the Indians in South Africa will be tantamount to the repudiation of the letter and spirit of the Charter itself by the United Nations. The United Nations thereafter will be a strong body in a political, economic and military sense with no moral or ethical basis. ...

Implicit and childlike faith and hope are placed upon the United Nations by countless millions of simple folk all over the world.

The question right now is, Will the United Nations adopt as their motto: 'Might is Right' or 'Right is Might'? Which?...

(Sgd.) A. B. Xuma,  
President-General, African National Congress, Union of South Africa

NATIONAL EXECUTIVE COMMITTEE

Dr. R. T. Bokwe  
Middledrift, Cape Province, S. Africa  
Professor Z. K. Matthews  
Fort Hare College, Alice, Cape, Province S. Africa  
Mr. A. W. G. Champion  
19 Old Dutch Road, Durban, Natal, S. Africa  
Mr. C. S. Ramohanoe  
Rosenburg Arcade, 58 Market St., Johannesburg, S. A.  
Jacob Nhlapo  
P.O. Wilberforce, Evaton, S. Africa  
J. Jacobs  
Bochabela, Bloemfontein, O.F.S.  
G. M. Pitso  
Johannesburg, S.A.  
R. V. S. Thema  
Bantu World, New Clare Rd., Johannesburg, S.A.  
S. P. Moretsele  
19 Priccarh St., Johannesburg, S.A.  
Secretary General Rev. Jas. A. Calata  
P.O. Cradock, C.P., S. Africa  
Treasurer General R. G. Baloyi  
P.O. Bergvlei, Johannesburg, Tvl. S. Africa

**ENCLOSURE 1**

OVERSEAS TELEGRAM- BUITELANDSE TELEGRAM  
THE SECRETARY UNITED NATIONS ASSOCIATION

TO AAN  
NEW YORK

Please record that the whole Herero Nation of South West Africa do not wish this Territory to be incorporated with the Union of South Africa. We desire to be placed under the Trusteeship of Great Britain.

(Sgd.) Festus Kandjan, for the Herero Nation.  
Handtekoning van afsender Fetus Kandjan  
Native Reserve Aminuis P.O. Gababis Box 298, Windhoek.

Aminuis Reserve, P.O. Gobabis, 18<sup>th</sup> August, 1946

## **ENCLOSURE 2**

Dear Dr. A. B. Xuma,

We have much pleasure in informing you, sir, that we did receive your delegate.

We appreciated the purpose you sent him for.

Enclosed herewith please find a copy of our Cablegram we sent to UNO in opposition to incorporation of S.W.A into the Union we told him the following:

1. S.W.A. is inhabited by our four main non-Europeans
  - a. The Hereros
  - b. The Hottentots
  - c. The Ovambos and
  - d. The Namas.
2. So this country was taken away from us by the Germans through faulty means.
3. The Allied Nations fought the last war, and the main object was to install lasting peace and liberation of all Nations irrespective of colour.

Seeing that this country belonged to the four main non-Europeans, we therefore want our country to be given back to us.

We all want this country to be placed under the Trusteeship and not to be incorporated with the Union.

The following are our reasons for non-incorporation with the Union.

1. Since 1915 this country was placed under the care of the Union Government. From 1915 to 1946 is 31 yrs.
2. During this period of 31 yrs. we have not yet seen any good that the Union Governments has done to us.

3. Instead of progressing we are retrogressing in all human ways.
4. Today we have no place of our own. We are being moved from one place to another. We cannot build decent houses, because we have neither dwelling nor resting place. We are just like a flock of sheep which graze from hill to hill.
5. A Nation which is being treated in this way will never go forward but backward.
6. After this country has been given back to us we then wish the Trusteeship to give us a place which will become our permanent dwelling place, and be treated as the original owners of this country.

The above are the wishes and reasons of the four main Non-Europeans of South West Africa.

(Sgd.) Chief HASEA KUTAKE  
Secretary FESTUS KANDJAN  
SALATICE KANDETIO, POEL KATJITEO  
A. RIRUAKO  
HESECKIEL TUTONDERUMBI  
Headman, NIKANOR HOVEKAS  
Bootman, FREDREK MAHONO  
Germans Kandirikirira  
Bootman, JUSTUS KOHUREMA

24<sup>th</sup> Aug., 1946

**ENCLOSURE 3**

Dr. A. B. Xuma,  
Johannesburg

Keetmanshoop ... S.W.A  
24<sup>th</sup> Aug., 1946

Dear Dr. Xuma,

Permit us to be among the first to congratulate, and to thank you for the militant part you are playing in connection with the incorporation of South West Africa as a fifth province of the Union of South Africa.

We the Non-European inhabitants of South West Africa, oppose the incorporation for the following reasons:

1. We are voteless.
2. Our movements are restricted (Pass Laws).
3. We are barred from privileges.
4. Our schools are not worth to be called as such.

5. Native Hospitals and Reserves are worst than prisons.
6. Life in this Territory is not worth living as long as one is not white.
7. We have no right to buy land.
8. Reserves are too small.

We may bring it to your notice that Africans in urban areas were not consulted, and that only those in the Reserves were asked to air their views. We are also glad to inform you that 'Bushmen' in Kalahari are also against the incorporation. Besides the above the country belongs to us, and we want it to be placed under the Trusteeship of the U.N. Organization.

The above points are some of our reasons, although not all and we hope that same will serve the purpose.

With kindest African greetings,

Yours faithfully,  
(Sgd.) Z. Thomas, J. G. S