

UNITED NATIONS

GENERAL ASSEMBLY



GENERAL

A/1681
12 December 1950

ORIGINAL: ENGLISH

Fifth session
Agenda item 35

QUESTION OF SOUTH WEST AFRICA

Brazil, Denmark, Peru, Syria, Thailand, United States of America:
draft resolution

The General Assembly,

Considering that the International Court of Justice, duly consulted by the General Assembly pursuant to resolution 338 (IV) of 6 December 1949, reached the conclusion that the Territory of South West Africa is a Territory under the international Mandate assumed by the Union of South Africa on 17 December 1920,

Considering that the International Court of Justice is of the opinion that the Union of South Africa continues to have the international obligations laid down in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa,

Considering that the International Court of Justice is of the opinion that the functions of supervision over the administration of the Territory of South West Africa by the Union of South Africa should be exercised by the United Nations, to which the annual reports and the petitions from the inhabitants of the Territory are to be submitted.

Considering that, in accordance with the opinion of the International Court of Justice, the Union of South Africa is under an obligation to accept the compulsory jurisdiction of the Court as provided by Article 37 of the Statute of the International Court of Justice, by Article 80, paragraph 1, of the Charter of the United Nations and by Article 7 of the Mandate for South West Africa,

Considering that the International Court of Justice is of the opinion that the Union of South Africa acting alone is not competent to modify the international status of the Territory of South West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South

Acting with the consent of the United Nations,

Considering that the Government of the Union of South Africa should continue to administer the Territory of South West Africa in accordance with the Mandate

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conferred by the Principal Allied and Associated Powers upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa.

Considering that it is incumbent upon the Government of the Union of South Africa to promote to the utmost in the administration of the Territory the material and moral well-being and social progress of its inhabitants as a sacred trust of civilization, subject to the existing Mandate, and to give effect to the obligations which it assumed under the Mandate;

1. Accepts the advisory opinion of the International Court of Justice with respect to South West Africa;
 2. Urges the Government of the Union of South Africa to take the necessary steps to give effect to the opinion of the Court, including the transmission of reports on the administration of the territory of South West Africa and of petitions from the inhabitants of the Territory;
 3. Establishes a committee of five consisting of the representatives of Syria, Thailand, United Kingdom, United States of America and Uruguay, to confer with the Union of South Africa concerning the procedural measures necessary for implementing the advisory opinion of the International Court of Justice;
 4. Authorizes the Committee, as an interim measure, pending the completion of its task referred to in paragraph 3, to examine in accordance with the procedure of the former Mandates System, the report on the administration of the Territory of South West Africa, covering the period since the last report, as well as petitions and any other matters relating to the Territory that may be transmitted to the Secretary-General, and to submit a report thereon to the next regular session of the General Assembly.
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