

GENERAL
ASSEMBLYASSEMBLEE
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1 August 1947

ORIGINAL: ENGLISH

CONSIDERATION OF PROPOSED NEW TRUSTEESHIP AGREEMENTS, IF ANY
(Resolutions 9 (I) of 9 February 1946 and 65 (I) of 14 December 1946)

(Item 26 of the Provisional Agenda of the Second Regular Session)

COMMUNICATION FROM THE UNION OF SOUTH AFRICA
ON THE FUTURE STATUS OF SOUTH-WEST AFRICA

The following letter dated 23 July 1947 has been received from
the Legation of the Union of South Africa at Washington, D. C.:-

Sir,

In your letter No. 1204-4-17/PCK of the 15th May, 1947, you were good enough to refer to Resolution 65 (I) adopted by the General Assembly on the 14th December, 1946, concerning the future status of South-West Africa, and to enquire of any action taken or any steps being considered by the Government of the Union of South Africa in implementation of the recommendation contained in that resolution.

I have the honour to inform you by direction that the resolution has been duly considered by the Union Government, and was discussed in the Union Parliament, when a resolution in the following terms was adopted: -

"That -

"Whereas in terms of the Treaty of Versailles full power of legislation and administration was conferred on the Union of South Africa in respect of the Territory of South-West Africa, subject only to the rendering of reports to the League of Nations; and

"Whereas the League of Nations has since ceased to exist and was not empowered by the provisions of the Treaty of Versailles or of the Covenant to transfer its rights and powers in regard to South-West Africa to the United Nations Organisation, or to any other international organisation or body, and did not in fact do so; and

"Whereas the Union of South Africa has not by international agreement consented to surrender the rights and powers so acquired, and has not surrendered these by signing the Charter of the United Nations Organisation and remains in full possession and exercise thereof; and

"Whereas the overwhelming majority of both the European and non-European inhabitants of South-West Africa have expressed themselves in favour of the incorporation of South-West Africa with the Union of South Africa;

"Therefore this House is of opinion that the Territory should be represented in the Parliament of the Union as an integral portion thereof, and requests the Government to introduce legislation, after consultation with the inhabitants of the Territory, providing for its representation in the Union Parliament, and that the Government should continue to render reports to the United Nations Organisation as it has done heretofore under the Mandate".

/In this connection

In this connection I am also requested to recall that the Union Government, in submitting their statement to the last General Assembly regarding the outcome of the consultations with the peoples of South-West Africa and the future of the Mandated Territory, suggested that the interests of those peoples would be best served by the speedy implementation of their wish to see the Territory incorporated in the Union, for the reasons fully stated in the Memorandum.

The Union Government had hoped that the General Assembly would approve of that suggestion. Instead, however, a resolution was adopted which expressed the inability of the General Assembly to accede to the incorporation of South-West Africa in the Union. The Union Government have therefore decided not to proceed with the incorporation of the Territory desired by its inhabitants. In this respect therefore the Union Government's decision fully agrees with the terms of the General Assembly's resolution.

The General Assembly, in the resolution, added a recommendation that South-West Africa be placed under the Trusteeship system and that the Union Government submit a Trusteeship Agreement in respect of the Territory. In this connection the Union Government desire to reiterate their view that it is implicit in the mandate system and in the Mandate for South-West Africa that due regard shall be had to the wishes of the inhabitants in the administration of the Territory. The wish, clearly expressed by the overwhelming majority of all the native races in South-West Africa and by unanimous vote on the part of the European representatives of the Territory that South-West Africa be incorporated in the Union therefore debars the Union Government from acting in accordance with the resolution of the General Assembly, and thereby flouting the wishes of those who under the Mandate have been committed to their charge. In the circumstances the Union Government have no alternative but to maintain the status quo and to continue to administer the Territory in the spirit of the existing Mandate.

The Union Government are mindful of the fact that the General Assembly, in passing the recommendation, was mainly concerned about the welfare of the inhabitants of the Territory - especially the non-Europeans. This concern the Union Government naturally shares. It will however be recalled that the interests of the native inhabitants were fully provided for with specific safeguards under the Mandate and that the administration of South-West Africa and the implementation of those safeguards have been uniformly satisfactory ever since the inception of the mandatory system. They feel confident, therefore, that their continued administration of the Territory in the spirit of the Mandate will equally merit the satisfaction of the United Nations.

To that end the Union Government have already undertaken to submit reports on their administration for the information of the United Nations.

I am finally asked to observe that in the Parliamentary resolution quoted above the Union Parliament, *inter alia*, expressed the opinion that the Territory of South-West Africa should be directly represented in the Union Parliament and that, after consultation with the inhabitants of the Territory, legislation should be introduced to that end. Steps will therefore be taken in due course to carry out the required consultation.

Accept, Sir, the assurance of my highest consideration.

(signed) H. T. Andrews
MINISTER
