

1138 (XII). Petitions and communications from Mr. Jacobus Beukes of the Rehoboth Community concerning the Territory of South West Africa

The General Assembly,

Having accepted the advisory opinion of 11 July 1950 of the International Court of Justice on the question of South West Africa,¹

Having authorized the Committee on South West Africa by its resolution 749 A (VIII) of 28 November 1953, to examine petitions in accordance with the Mandates procedure of the League of Nations,

Having received a report from the Committee on South West Africa² dealing with a petition dated 16 July 1956 and a petition dated 23 January 1957, together with related communications, from Mr. Jacobus Beukes of the Rehoboth Community of South West Africa,

Noting that the petitioner, in his petition dated 16 July 1956,³ alleges that the 1956 elections to the Advisory Board of the Rehoboth Community were surrounded by confusion and were not conducted in accordance with the patriarchal law of the Community,

Noting that the petitioner, in his petition dated 23 January 1957,⁴ raises questions concerning the disposal of Community property and makes allegations concerning the exercise of the functions of the Magistrate of the Rehoboth District and the Advisory Board of the Community,

1. *Draws the attention* of the Union of South Africa, as the Mandatory Power, to the observations and allegations made by the petitioner and requests it to investigate the matters raised by him;

2. *Further draws the attention* of the Mandatory Power to General Assembly resolution 935 (X) of 3 December 1955 concerning the rights granted to the Rehoboth Community by the Agreement of 17 August 1923 between the Government of the Union of South Africa and the Rehoboth Community, ratified and confirmed by Proclamation No. 28 of 1923.

*709th plenary meeting,
25 October 1957.*

1139 (XII). Petitions and communications from Mr. Johanes Dausab and others, Chief Hosea Kutako, Mr. Wilhelm Heyn and Dr. Joachim Seegert, and Mr. Jacobus Beukes concerning the Territory of South West Africa

The General Assembly,

Having accepted the advisory opinion of 11 July 1950 of the International Court of Justice on the question of South West Africa,¹

Having authorized the Committee on South West Africa, by resolution 749 A (VIII) of 28 November 1953, to examine petitions in accordance with the Mandates procedure of the League of Nations,

Having received a report from the Committee on South West Africa,² arrived at without the assistance

¹ *International status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.*

² *Official Records of the General Assembly, Twelfth Session, Supplement No. 12 (A/3626), chapter VI, section A.*

³ *Ibid., Supplement No. 12 (A/3626), annex VI.*

⁴ *Ibid., annex VII.*

⁵ *Ibid., Supplement No. 12 (A/3626), chapter VI, sections B and C.*

of the Mandatory Power, dealing with a petition dated 10 October 1956 from Mr. Johanes Dausab and others in the Hoachanas Native Reserve,⁶ a petition dated 30 October 1956 and related communications dated 28 May and 26 June 1957 from Chief Hosea Kutako,⁷ a petition dated 3 January 1957 and a related communication dated 16 March 1957 from Mr. Wilhelm Heyn and Dr. Joachim Seegert,⁸ and a petition dated 27 March 1957 from Mr. Jacobus Beukes of the Rehoboth Community,⁹

Noting that these petitions and communications raise questions relating to various aspects of the administration of the Territory of South West Africa and of conditions in the Territory upon which the Committee has presented a report,

Decides to draw the attention of the petitioners to the report and observations of the Committee on South West Africa regarding conditions in the Territory, submitted to the General Assembly at its twelfth session, and to the action taken by the Assembly on this report.

*709th plenary meeting,
25 October 1957.*

1140 (XII). Conditions in the Territory of South West Africa

The General Assembly,

Having considered the fourth report submitted to it, in accordance with resolution 749 A (VIII) of 28 November 1953, by the Committee on South West Africa,¹⁰

1. *Expresses its appreciation* of the work of the Committee on South West Africa;

2. *Approves* the report of the Committee concerning conditions in the Territory of South West Africa.¹¹

*709th plenary meeting,
25 October 1957.*

1141 (XII). Status of the Territory of South West Africa

The General Assembly,

Having recommended, by its resolutions 65 (I) of 14 December 1946, 141 (II) of 1 November 1947, 227 (III) of 26 November 1948, 337 (IV) of 6 December 1949, 449 B (V) of 13 December 1950, 570 B (VI) of 19 January 1952, 749 B (VIII) of 28 November 1953, 852 (IX) of 23 November 1954, 940 (X) of 3 December 1955 and 1055 (XI) of 26 February 1957, that the Mandated Territory of South West Africa be placed under the International Trusteeship System, and having repeatedly invited the Government of the Union of South Africa to propose, for the consideration of the General Assembly, a trusteeship agreement for South West Africa,

Having accepted, by its resolution 449 A (V) of 13 December 1950, the advisory opinion of 11 July 1950 of the International Court of Justice on the question of South West Africa,¹

⁶ *Ibid., Supplement No. 12 (A/3626), annex IX.*

⁷ *Ibid., annex X.*

⁸ *Ibid., annex XI.*

⁹ *Ibid., annex XII.*

¹⁰ *Ibid., Supplement No. 12 (A/3626).*

¹¹ *Ibid., Supplement No. 12 (A/3626), annex I.*

Considering that, in accordance with Chapter XII of the Charter of the United Nations, all Mandated Territories which have not achieved independence have been brought under the International Trusteeship System with the sole exception of the Territory of South West Africa,

1. *Reiterates* its resolutions 65 (I) of 14 December 1946, 141 (II) of 1 November 1947, 227 (III) of 26 November 1948, 337 (IV) of 6 December 1949, 449 B (V) of 13 December 1950, 570 B (VI) of 19 January 1952, 749 B (VIII) of 28 November 1953, 852 (IX) of 23 November 1954, 940 (X) of 3 December 1955 and 1055 (XI) of 26 February 1957, to the effect that the Territory of South West Africa be placed under the International Trusteeship System;

2. *Asserts* that, in the present conditions of political and economic development of South West Africa, the normal way of modifying the international status of the Territory is to place it under the International Trusteeship System by means of a trusteeship agreement in accordance with the provisions of Chapter XII of the Charter of the United Nations.

709th plenary meeting,
25 October 1957.

1142 (XII). Legal action to ensure the fulfilment of the obligations assumed by the Union of South Africa in respect of the Territory of South West Africa

A

The General Assembly,

Recalling its resolution 449 A (V) of 13 December 1950, by which the General Assembly accepted the opinion of 11 July 1950 of the International Court of Justice¹ to the effect that:

(a) South West Africa is a Territory under the international Mandate assumed by the Union of South Africa on 17 December 1920,

(b) The Union of South Africa continues to have the international obligations stated in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa, the supervisory functions to be exercised by the United Nations,

(c) The reference to the Permanent Court of International Justice is to be replaced by a reference to the International Court of Justice in accordance with article 7 of the Mandate and Article 37 of the Statute of the International Court of Justice,

Recalling also its resolution 1060 (XI) of 26 February 1957, by which it requested the Committee on South West Africa to study what legal action was open to ensure that the Union of South Africa fulfilled the obligations assumed by it under the Mandate for South West Africa,

Having received the Committee's special report¹² on the study referred to in the previous paragraph,

1. *Commends* the Committee on South West Africa for its useful report;

2. *Notes with deep concern* that:

(a) The Union of South Africa contends that, the Mandate having "lapsed", it has no obligations of which the United Nations has cognizance;

¹² *Official Records of the General Assembly, Twelfth Session, Supplement No. 12A (A/3625).*

(b) The Union of South Africa has not rendered annual reports to the United Nations in accordance with Article 22 of the Covenant of the League of Nations, article 6 of the Mandate, and General Assembly resolution 449 A (V) of 13 December 1950;

3. *Draws the attention* of Member States to the failure of the Union of South Africa to render annual reports to the United Nations, and to the legal action provided for in article 7 of the Mandate read with Article 37 of the Statute of the International Court of Justice;

4. *Decides* to resume, at its thirteenth session, consideration of the special report of the Committee on South West Africa.

709th plenary meeting,
25 October 1957.

B

The General Assembly,

Noting with concern the observation in the report of the Committee on South West Africa, that existing conditions in the Territory of South West Africa and the trend of the administration represent a situation contrary to the Mandates System, the Charter of the United Nations, the Universal Declaration of Human Rights, the advisory opinions of the International Court of Justice and the resolutions of the General Assembly,¹³

Noting also that, in its special report, the Committee on South West Africa has stated that questions may be put to the International Court of Justice for its advisory opinion as to whether specific acts of the Mandatory State are in conformity with the obligations assumed by it,¹⁴

Requests the Committee on South West Africa to consider further the question of securing from the International Court of Justice advisory opinions in regard to the administration of the Territory of South West Africa, and to make recommendations in its next report concerning acts of the administration on which a reference to the Court may usefully be made as to their compatibility or otherwise with Article 22 of the Covenant of the League of Nations, the Mandate for South West Africa and the Charter of the United Nations.

709th plenary meeting,
25 October 1957.

1143 (XII). Establishment of a Good Offices Committee on South West Africa

The General Assembly,

Recalling its previous endeavors to find a settlement with the Union of South Africa regarding the status of South West Africa, particularly under the provisions of resolution 449 A (V) of 13 December 1950 establishing an *ad hoc* committee for the purpose, resolution 570 A (VI) of 19 January 1952 re-establishing the *ad hoc* committee, resolution 749 A (VIII) of 28 November 1953 establishing the Committee on South West Africa, and resolution 1059 (XI) of 26 February 1957 requesting the intervention of the Secretary-General to secure, through negotiation with the Union of South Africa, an agreement concerning the Territory of South West Africa based on the international status

¹³ *Ibid.*, Supplement No. 12 (A/3626), para. 161.

¹⁴ *Ibid.*, Supplement No. 12A (A/3625), para. 18.