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Agenda item 38

QUESTION OF SOUTH WEST AFRICA

Afghanistan, Argentina, Burma, Ceylon, Ethiopia, Federation of Malaya, India, Indonesia, Iraq, Ireland, Jordan, Lebanon, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan, United Arab Republic, Yemen, Yugoslavia:
draft resolution

The General Assembly,

Recalling its previous resolutions in which the Assembly recommended that the Mandated Territory of South West Africa be placed under the International Trusteeship System, and 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,

Considering that, in accordance with Chapter 12 of the Charter of the United Nations, all Mandated Territories, with the sole exception of South West Africa, have been placed under the International Trusteeship System,

Recalling further its resolution 449 A (V) of 13 December 1950, by which the Assembly accepted the opinion of 11 July 1950 of the International Court of Justice 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) That the Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa,

Noting with grave concern that the Administration of the Territory, in recent years, has been conducted increasingly in a manner contrary to the Mandate, 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,

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Having received from the Committee on South West Africa the Sixth Report submitted to it in accordance with its resolution 749 A (VIII) of 28 November 1953,

Noting further the conclusion of the Committee on South West Africa that it is essential to the welfare and security of the peoples of South West Africa that the Administration of the Territory be altered without undue delay,

Having also heard the statements of petitioners which further corroborate the conclusions and opinions formed by the Committee on South West Africa concerning political, social, economic and educational conditions prevailing in the Territory,

Considering further that while the former Mandated Territories so placed under the Trusteeship of the United Nations have rapidly progressed towards independence, the conditions in the Territory of South West Africa present a totally different picture,

1. Notes the statement made by the representative of the Union of South Africa at the 924th meeting of the Fourth Committee expressing, inter alia, the Union's readiness to enter into discussions with the United Nations;

2. Requests the Government of the Union of South Africa to enter into negotiations with the United Nations through the Committee on South West Africa, which is authorized under its terms of reference to continue negotiations with the Union, or through any other Committee which the General Assembly may appoint, with a view to placing the Mandated Territory under the International Trusteeship System;

3. Further requests the Government of the Union of South Africa to formulate immediately for the consideration of the General Assembly proposals which will enable the Mandated Territory of South West Africa to be administered in accordance with the principles and purposes of the Mandate, the supervisory functions being exercised by the United Nations according to the terms and intent of the Charter;

4. Approves the Report of the Committee on South West Africa and commends it to the urgent attention of the Government of the Union of South Africa;

5. Requests the Committee on South West Africa to submit to the General Assembly at its fifteenth session a report on its negotiations with the Union Government in addition to the annual report on conditions in the Territory of South West Africa.
