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QUESTION OF SOUTH WEST AFRICA

Report of the Fourth Committee

Rapporteur: Mr. ArieH EILAN (Israel)

1. At its 752nd meeting held on 22 September 1958, the General Assembly allocated to the Fourth Committee the following item on its agenda:

"39. Question of South West Africa:

"(a) Report of the Good Offices Committee on South West Africa; ^{1/}

"(b) Report of the Committee on South West Africa; ^{2/}

"(c) Study of legal action to ensure the fulfilment of the obligations assumed by the Mandatory Power under the Mandate for South West Africa: resumed consideration of the special report of the Committee on South West Africa; ^{3/}

"(d) Election of three members of the Committee on South West Africa."

2. At its 742nd to 744th meetings, on 25 and 26 September 1958, the Committee discussed the procedure to be followed in its consideration of this item. It decided, without objection, at its 744th meeting, that it would discuss the sub-items of item 39 seriatim, on the understanding that in discussing any sub-item representatives could introduce relevant points relating to the other sub-items.

^{1/} A/3900.

^{2/} Official Records of the General Assembly, Thirteenth Session, Supplement No. 12 (A/3906) and A/3906/Add.1.

^{3/} Ibid., Twelfth Session, Supplement No. 12 A (A/3625).

3. Sub-item (d), to be considered at a later stage of the Committee's deliberations, will be dealt with in an addendum to the present report.
4. At the 745th meeting, on 29 September, the Chairman of the Good Offices Committee introduced that Committee's report.
5. At this meeting, and at the 746th and 747th meetings, on 29 and 30 September, the Committee considered requests for oral hearings concerning the question of South West Africa submitted by Mr. Mburumba Kerina (Getzen) and the Reverend Michael Scott (A/C.4/378). At the 747th meeting, the Committee agreed that it should decide, by separate votes, first, whether to grant hearings to the petitioners in connexion with the report of the Good Offices Committee, and secondly, whether to grant hearings to them in connexion with the report of the Committee on South West Africa.
6. The Committee decided, by a roll-call vote of 45 to 19, with 9 abstentions, to grant hearings to the two petitioners in connexion with sub-item (a), the report of the Good Offices Committee. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Costa Rica, Cuba, Czechoslovakia, Ecuador, Ethiopia, Federation of Malaya, Ghana, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran, Iraq, Israel, Jordan, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Paraguay, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, Chile, Colombia, Denmark, Finland, France, Italy, Japan, Netherlands, Norway, Portugal, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, China, Dominican Republic, Ireland, Laos, New Zealand, Peru, Philippines, Thailand.

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. The Committee also decided, by a roll-call vote of 60 to 5, with 9 abstentions, to grant hearings to the two petitioners in connexion with sub-item (b), the report of the Committee on South West Africa. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Jordan, Laos, Liberia, Libya, Mexico, Morocco, Nepal, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, France, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Dominican Republic, Italy, Japan, Netherlands, New Zealand, Portugal, Spain, Thailand, Turkey.

. At the 747th meeting, the representative of the Union of South Africa requested the adjournment of the debate on the question of South West Africa. Willingness was expressed to meet the request of the representative of the Union of South Africa. The Committee agreed by 49 votes to none, with 7 abstentions. When the Committee resumed its consideration of the item, at the 748th meeting, on 6 October, the representative of the Union of South Africa informed the Committee that his Government found it impossible to continue to take part in the discussions of the Committee on the question of South West Africa as a result of the Committee's decisions to grant hearings to the petitioners.

. At the same meeting, the Chairman and the Rapporteur of the Committee on South West Africa introduced the report of that Committee.

10. At the 748th and 749th meetings, on 6 October, the Committee heard a statement by the Reverend Michael Scott, and at the 749th and 750th meetings a statement by Mr. Mburumba Kerina. The petitioners answered questions put to them by members of the Committee at the 751st, 753rd, 754th and 755th meetings on 7 to 9 October.

11. At the 750th and 752nd meetings, on 7 and 8 October, members of the Committee put questions to the Chairman of the Good Offices Committee concerning the report of that Committee. At the latter meeting, the Chairman answered the questions put to him.

12. At the 754th meeting on 9 October and from the 756th to 763rd meetings on 10 to 16 October, the Committee held a general debate on the report of the Good Offices Committee.

13. At the 766th and 770th meetings, on 21 and 23 October, the Committee held a general debate on the report of the Committee on South West Africa and on the study of legal action to ensure the fulfilment of the obligations assumed by the Mandatory Power under the Mandate for South West Africa.

14. During its 764th to 771st meetings, from 20 to 23 October, the Committee considered draft resolutions relating to the following matters:

- A. Report of the Good Offices Committee on South West Africa;
- B. Petitions and related communications in regard to South West Africa;
- C. Conditions in the Territory of South West Africa;
- D. Status of the Territory of South West Africa; and
- E. 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.

15. A detailed account of the Committee's consideration of these draft resolutions and of amendments thereto is given below in sections A to E of the present report.

A. REPORT OF THE GOOD OFFICES COMMITTEE ON SOUTH WEST AFRICA

16. The Committee considered concurrently two draft resolutions relating to the report of the Good Offices Committee:

(a) A draft resolution submitted by Chile at the 764th meeting (A/C.4/L.531), the text of which read as follows:

"The General Assembly,

"Considering that:

"1. A comprehensive debate has been held on the basic issue of the international status of the Territory of South West Africa, in connexion with the report of the Good Offices Committee created by resolution 1143 (XII);

"2. Notwithstanding the fact that none of the solutions so far advanced has proved generally acceptable to all parties, there still remains a broad field to examine in the search for an adequate formula to settle the complex issue of South West Africa;

"3. To maintain the present status quo would further complicate the problem and might even aggravate conditions for the inhabitants of the Territory;

"4. It would be advantageous to ensure continuance of the co-operation extended to the Good Offices Committee by the Government of the Union of South Africa; and

"5. Any solution to be offered must conform to the United Nations Charter's principles of self-determination and of equality for all the inhabitants on being consulted;

"Decides to:

"1. Take note of the report, with appreciation;

"2. Request the Committee of Good Offices, established by resolution 1143 (XII), and the Government of the Union of South Africa, to proceed with their joint search for a formula which shall ensure that no solution will be arrived at without the concurrence of the inhabitants, the United Nations and the Union;

"3. Refer to the Good Offices Committee the record of all the opinions voiced during the debate so that they be borne in mind during future negotiations; and

"4. Direct that a report on the result of the new exchanges of views be submitted on time for consideration by the fourteenth session."

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(b) A draft resolution submitted by Argentina, Iran, Ireland, Japan, and Venezuela at the 766th meeting (A/C.4/L.532), the text of which read as follows:

"The General Assembly,

"Having considered the report of the Good Offices Committee on South West Africa established under resolution 1143 (XII),

"1. Decides not to accept the suggestions contained in the report that envisage partition and annexation of any part of the Territory as a basis for the solution of the question of South West Africa;

"2. Invites the Good Offices Committee to renew discussions with the Government of the Union of South Africa to find a basis for an agreement which would continue to accord to the Territory of South West Africa as a whole an international status;

"3. Requests the Good Offices Committee in the conduct of its work to bear fully in mind the discussions held at the thirteenth session of the General Assembly;

"4. Requests the Good Offices Committee to submit a further report to the General Assembly at its fourteenth session;

"5. Requests the Secretary-General to continue to provide the Committee with all necessary staff and facilities."

17. At the 766th meeting, Ghana, Greece, Haiti, India, Indonesia, Liberia, Philippines and Thailand jointly submitted two amendments (A/C.4/L.535) to operative paragraph 2 of the five-Power draft resolution. The first amendment would insert the word "Mandated" between the words "the" and "Territory". The second amendment would add the following at the end of paragraph 2", and which would be in conformity with the principles and purposes of the United Nations".

18. At the 768th meeting, Chile submitted amendments (A/C.4/L.536) to the five-Power draft resolution, proposing (a) the insertion of the phrase "with appreciation of the difficulties of the task" in the first preambular paragraph after the words "Having considered", and (b) the addition of the word "and" at the end of the first preambular paragraph and the addition of a second preambular paragraph which would read, "In view of prevailing conditions of the Mandated Territory of South West Africa".

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19. With the agreement of the representative of Chile, the Committee decided to vote first on the five-Power draft resolution (A/C.4/L.532).

20. The five-Power draft resolution and the amendments thereto (A/C.4/L.535 and A/C.4/L.536) were voted on at the 769th meeting, as follows:

The first eight-Power amendment to operative paragraph 2 was approved by 62 votes to none, with 10 abstentions.

The second eight-Power amendment to operative paragraph 2 was approved by a roll-call vote of 71 to none, with 2 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Australia, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Abstaining: Belgium, Japan.

The Chilean amendment to insert the phrase "with appreciation of the difficulties of the task" in the first preambular paragraph was approved by a roll-call vote of 28 to 21, with 24 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Finland, France, Iran, Israel, Italy, Japan, New Zealand, Norway, Peru, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

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Against: Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Greece, Hungary, India, Indonesia, Jordan, Lebanon, Liberia, Libya, Morocco, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Abstaining: Afghanistan, Argentina, Cambodia, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guatemala, Haiti, Iceland, Iraq, Ireland, Mexico, Netherlands, Pakistan, Panama, Paraguay, Philippines, Saudi Arabia, Sudan, Thailand, Tunisia, Uruguay, Venezuela.

The remaining Chilean amendments were withdrawn.

The preambular paragraph, as amended, was approved by 44 votes to 9, with 19 abstentions.

Operative paragraph 1 was approved by a roll-call vote of 57 to none, with 16 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Japan, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Abstaining: Australia, Belgium, Brazil, Canada, Dominican Republic, France, Guatemala, Israel, Italy, Netherlands, New Zealand, Portugal, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America..

The first part of operative paragraph 2, to the words "which would continue", was approved by 60 votes to 11, with 1 abstention.

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The balance of operative paragraph 2, from the words "which would continue" to the end of that paragraph, as amended, was approved by a roll-call vote of 57 to 1, with 15 abstentions, The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Federation of Malaya, Finland, Ghana, Greece, Haiti, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Netherlands, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Romania, Saudi Arabia, Sudan, Sweden, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Hungary.

Abstaining: Australia, Belgium, Brazil, Canada, Ethiopia, France, Guatemala, Italy, New Zealand, Poland, Portugal, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Operative paragraph 2 as a whole, as amended, was approved by a roll-call vote of 52 to 9, with 12 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Austria, Burma, Cambodia, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Federation of Malaya, Finland, Ghana, Greece, Haiti, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Netherlands, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Sudan, Sweden, Thailand, Tunisia, Turkey, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

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Abstaining: Belgium, Brazil, Canada, Ethiopia, France, Guatemala, Italy, New Zealand, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Operative paragraph 3 was approved by 63 votes to 8, with 2 abstentions.

Operative paragraph 4 was approved by 64 votes to 7, with 2 abstentions.

Operative paragraph 5 was approved without objection.

The five-Power draft resolution as a whole, as amended, was approved by 55 votes to 9, with 8 abstentions.

21. The representative of Chile withdrew the draft resolution submitted by his Government (A/C.4/L.531).

22. The text of the draft resolution approved by the Committee is annexed to the present report as draft resolution I.

B. PETITIONS AND RELATED COMMUNICATIONS IN REGARD TO SOUTH WEST AFRICA

23. The Committee had before it a draft resolution proposed by the Committee on South West Africa^{4/} concerning petitions and related communications examined by the latter Committee. By this draft resolution, the General Assembly, after noting that the relevant petitions and communications raised questions relating to various aspects of the administration of South West Africa and of conditions in the Territory upon which the Committee on South West Africa had presented a report, would decide to draw the attention of the various petitioners to the report and observations of the Committee on South West Africa regarding conditions in the Territory and to the action taken by the General Assembly on that report.

24. The draft resolution was approved by the Fourth Committee at the 771st meeting by 51 votes to none, with 12 abstentions.

25. The text of the draft resolution is annexed to the present report as draft resolution II.

^{4/} A/3906, annex I.

C. CONDITIONS IN THE TERRITORY OF SOUTH WEST AFRICA

26. At the 767th meeting, Ethiopia and Liberia submitted a draft resolution (A/C.4/L.533), which, as later revised and jointly sponsored by Poland (A/C.4/L.533/Rev.1), and by Ceylon, Ghana, Indonesia, Jordan, Libya and Yemen (A/C.4/L.533/Rev.1/Add.1 and 2), would have the General Assembly: (1) express its appreciation of the work of the Committee on South West Africa, (2) approve the Committee's report on conditions in the Territory, (3) express deep concern regarding the social, economic and political situations prevailing in the Territory, and (4) draw the report of the Committee to the attention of the Union of South Africa.

27. At the 771st meeting, the sponsors, accepting an oral suggestion by the representative of Ceylon, orally revised operative paragraph 4 of the revised joint draft resolution to read: "Decides to draw the attention of the Government of the Union of South Africa to the report of the Committee".

28. The revised joint draft resolution, as thus further revised, was voted on at the same meeting, as follows:

Operative paragraph 3 was approved by a roll-call vote of 46 to 2, with 18 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Chile, Colombia, Cuba, Czechoslovakia, Ethiopia, Federation of Malaya, Ghana, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Jordan, Liberia, Libya, Mexico, Morocco, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Belgium, Brazil, Canada, China, Denmark, Dominican Republic, Finland, France, Italy, Netherlands, New Zealand, Norway, Peru, Portugal, Spain, Sweden, Turkey.

The draft resolution as a whole was approved by 51 votes to 2, with 13 abstentions.

29. The text of the draft resolution is annexed to the present report as draft resolution III.

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D. STATUS OF THE TERRITORY OF SOUTH WEST AFRICA

30. At the 767th meeting, Ethiopia and Liberia submitted a draft resolution (A/C.4/L.534), later jointly sponsored by Yugoslavia and Ghana (A/C.4/L.534/Add.1 and 2), under which the General Assembly would: (1) reiterate its eleven previous resolutions to the effect that South West Africa be placed under the International Trusteeship System; and (2) assert that, in the present conditions of political and economic development of the Territory, the normal way of modifying its international status was to place it under the Trusteeship System by means of a trusteeship agreement in accordance with the provisions of chapter XII of the Charter.
31. The draft resolution was approved at the 771st meeting by 52 votes to none, with 13 abstentions.
32. The text of the draft resolution is annexed to the present report as draft resolution IV.

E. 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

33. At the 771st meeting, India, Iran and Yugoslavia submitted a draft resolution (A/C.4/L.537) whereby the General Assembly would decide to resume consideration of this question at its fourteenth session.
34. The draft resolution was approved at the same meeting by 56 votes to none, with 9 abstentions.
35. The text of the draft resolution is annexed to the present report as draft resolution V.

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36. The Committee accordingly recommends to the General Assembly the adoption of draft resolutions I to V below.

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Draft resolution I

REPORT OF THE GOOD OFFICES COMMITTEE ON SOUTH WEST AFRICA

The General Assembly,

Having considered, with appreciation of the difficulties of the task, the report of the Good Offices Committee on South West Africa established under resolution 1143 (XII),

1. Decides not to accept the suggestions contained in the report of the Good Offices Committee that envisage partition and annexation of any part of the Territory as a basis for the solution of the question of South West Africa;
2. Invites the Good Offices Committee to renew discussions with the Government of the Union of South Africa to find a basis for an agreement which would continue to accord to the Mandated Territory of South West Africa as a whole an international status, and which would be in conformity with the principles and purposes of the United Nations;
3. Requests the Good Offices Committee in the conduct of its work to bear fully in mind the discussions held at the thirteenth session of the General Assembly;
4. Requests the Good Offices Committee to submit a further report to the General Assembly at its fourteenth session;
5. Requests the Secretary-General to continue to provide the Good Offices Committee with all necessary staff and facilities.

Draft resolution II

PETITIONS AND RELATED COMMUNICATIONS IN REGARD TO 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,

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 dealing with petitions dated 24 July and 10 August 1957, as well as an undated petition from Mr. Jacobus Beukes of the Rehoboth Community, a petition dated 12 October 1957 and related communications from Mr. Johannes Dausab and others in the Hoachanas Native Reserve, a petition dated 27 November 1957 from Chief Hosea Kutako, a petition dated 22 July 1958 from the Reverend Michael Scott and a related communication dated 29 July 1958 from Chief Hosea Kutako and other Hereros, a petition dated 13 June 1957 from Mr. Nguwo Jepongo of the Ukuanyama Tribal Congress, a petition dated 3 August 1957 from Mr. Toivo Herman ja Toivo and eighty other Ovambo, a petition dated 22 November 1957 from Mr. S. Shoombe and 100 other Ovambo, and petitions dated 14 May and 1 and 4 July 1958 from Mr. Mburumba Kerina (Getzen),

Noting that these petitions and related 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 thirteenth session, and to the action taken by the General Assembly on this report.

Draft resolution III

CONDITIONS IN THE TERRITORY OF SOUTH WEST AFRICA

The General Assembly,

Having considered the fifth report submitted to it in accordance with resolution 749 A (VIII) of 28 November 1953, by the Committee on South West Africa,^{1/}

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;
3. Expresses its deep concern regarding the social, economic and political situations now prevailing in the Territory;
4. Decides to draw the attention of the Government of the Union of South Africa to the report of the Committee.

/ Official Records of the General Assembly, Thirteenth Session, Supplement No. 12 (A/3906) and A/3906/Add.1.

Draft resolution IV

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, 1055 (XI) of 26 February 1957 and 1141 (XII) of 25 October 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/}

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, 1055 (XI) of 26 February 1957 and 1141 (XII) of 25 October 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.

^{1/} International Status of South West Africa, Advisory Opinion, ICJ Reports 1950, p. 128.

Draft resolution V

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

The General Assembly,

Recalling its resolutions 449 A (V) of 13 December 1950, 1060 (XI) of 26 February 1957 and 1142 (XII) of 25 October 1957,

Having received from the Committee on South West Africa a further report^{1/} on the question of securing from the International Court of Justice advisory opinions in regard to the administration of South West Africa,

Decides to resume further consideration of this question at its fourteenth session.

^{1/} Official Records of the General Assembly, Thirteenth Session, Supplement No. 12 (A/3906), part II.