



Twelfth session  
FOURTH COMMITTEE  
Agenda item 38

QUESTION OF SOUTH WEST AFRICA

Ceylon, Ecuador, Ethiopia, Ghana, Guatemala, India, Syria and Yugoslavia:  
draft resolution

Question of South West Africa: legal action to ensure the fulfilment of  
the obligations assumed by the Union of South 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 Justice:

- (a) that South West Africa is a Territory under the international Mandate assumed by the Union of South Africa on 17 December 1920;
- (b) that 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; and
- (c) that 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 report (A/3625) 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:
  - (a) that the Union of South Africa contends that, the Mandate having "lapsed", it has no obligations of which the United Nations has cognizance, and
  - (b) that 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);
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 consideration of the Committee's special report (A/3625) at the thirteenth session of the General Assembly.

B

The General Assembly,

Noting with concern the observation of the Committee on South West Africa in its report (A/3626) that "existing conditions in the Territory 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",

Noting also that in its special report (A/3625) 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,

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 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 the provisions of Article 22 of the Covenant of the League of Nations, the Mandate for South West Africa and the Charter of the United Nations.