

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.