

of the cessation of the transmission of information under Article 73 e of the Charter as regards the Netherlands Antilles and Surinam.

*361st plenary meeting,
18 January 1952.*

569 (VI). New title for the Special Committee on Information transmitted under Article 73 e of the Charter

The General Assembly,

Considering that the present title of the Special Committee on Information transmitted under Article 73 e of the Charter is too long and not conducive to the broadest dissemination of knowledge of the important work being done by the Committee,

Considering that a knowledge of this work should not be reserved to specialists and experts but, on the contrary, should receive wide publicity through the Department of Public Information of the Secretariat of the United Nations,

Decides that the Committee shall henceforth be known by the following title: "Committee on Information from Non-Self-Governing Territories".

*361st plenary meeting,
18 January 1952.*

570 (VI). Question of South West Africa

A

The General Assembly,

Believing that an agreed solution of the question of South West Africa would not only bring greater peace and harmony to the Continent of Africa, but would contribute significantly to the relieving of tensions in wider areas of the world,

Considering that the acceptance of the advisory opinion of the International Court of Justice of 11 July 1950³¹ is essential to the rule of law and reason in international affairs, thus strengthening the cause of the United Nations,

Having by resolution 449 A (V) of 13 December 1950 accepted the advisory opinion of the International Court of Justice with respect to South West Africa,

Recalling that the advisory opinion of the International Court of Justice with respect to the Territory of South West Africa sets forth, *inter alia*, that:

(a) The Territory of 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 acting alone has not the competence to modify the international status of the Territory of South West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations,

(c) 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 as well as the obligation to

transmit petitions from the inhabitants of that Territory, the supervisory functions to be exercised by the United Nations to which the annual reports and the petitions are to be submitted,

*Having established*³² an *ad hoc* committee of five, consisting of the representatives of Denmark, Syria, Thailand, the United States of America and Uruguay, to confer with the Union of South Africa concerning the procedural measures necessary for implementing the advisory opinion of the International Court of Justice,

Having authorized this committee, as an interim measure, to examine the report on the administration of the Territory of South West Africa covering the period since the last report, as well as petitions and any other matters relating to the Territory that may be transmitted to the Secretary-General,

Having received the report of the *Ad Hoc* Committee on South West Africa,³³

Noting that the Union of South Africa submitted to the *Ad Hoc* Committee on South West Africa a proposal which the *Ad Hoc* Committee found unacceptable because it did not allow for an adequate implementation of the advisory opinion of the International Court of Justice and because the proposal made no provision for the supervision of the administration of the Territory of South West Africa by the United Nations,

Noting that the *Ad Hoc* Committee submitted to the Union of South Africa a counter-proposal based on the existing Mandates agreement and providing for a procedure for the supervision of the administration of the Territory of South West Africa by the United Nations as nearly as possible analogous to that which existed under the League of Nations and, to the extent practicable, involving international obligations no more extensive or onerous than those existing under the League of Nations,

Noting that the Government of the Union of South Africa, in reply to the *Ad Hoc* Committee's counter-proposal, had stated that it was willing to resume negotiations only on the basis of its own proposal, and had informed the Committee that the Union of South Africa was unable to accept the principle of submission of reports on the administration of the Territory,

Noting with concern that the *Ad Hoc* Committee was unable to comply with the resolution of the General Assembly authorizing it to examine the report on the administration of the Territory of South West Africa because no report was received, and that no petitions were transmitted by the Union of South Africa,

1. *Commends* the *Ad Hoc* Committee on South West Africa for its earnest and constructive efforts to find a reasonable basis of agreement;

2. *Regrets* the fact that, in the course of the negotiations with the *Ad Hoc* Committee, the Union of South Africa, while prepared to negotiate on the basis of certain articles of the Mandate, indicated its unwillingness to give adequate expression to its international obligations with respect to South West Africa, and in particular with regard to the supervisory responsibility of the United Nations toward this Territory;

³¹ See *International Status of South West Africa, Advisory Opinion*: I.C.J. Reports 1950, p. 128.

³² See resolution 449 A (V) of 13 December 1950.

³³ See documents A/1901 and Add. 1 to 3.

3. *Declares* that, since the Government of the Union of South Africa cannot avoid its international obligations by unilateral action, the United Nations cannot recognize as valid any measures taken unilaterally by the Union of South Africa which would modify the international status of the Territory of South West Africa;

4. *Appeals solemnly* to the Government of South Africa to reconsider its position, and urges it to resume negotiations with the *Ad Hoc* Committee for the purpose of concluding an agreement providing for the full implementation of the advisory opinion of the International Court of Justice; and urges it further to submit reports on the administration of the Territory of South West Africa and to transmit to the United Nations petitions from communities or sections of the population of the Territory;

5. *Reconstitutes* until the next regular session of the General Assembly the *Ad Hoc* Committee on South West Africa, consisting of the representatives of Norway, Syria, Thailand, the United States of America and Uruguay, and requests it to continue to confer with the Government of the Union of South Africa concerning means of implementing the advisory opinion of the International Court of Justice;

6. *Authorizes* the *Ad Hoc* Committee on South West Africa, as an interim measure, and pending the completion of the negotiations with the Government of the Union of South Africa, and as far as possible in accordance with the procedure of the former Mandates System, to examine reports on the administration of the Territory of South West Africa as well as petitions and any other matters relating to the Territory that may be transmitted to the Secretary-General;

7. *Requests* the *Ad Hoc* Committee to submit a report on its activities to the General Assembly at its next regular session.

362nd plenary meeting,
19 January 1952.

B

The General Assembly,

Having by its resolution 449 B (V) of 13 December 1950 reiterated its resolutions 65 (I) of 14 December 1946, 141 (II) of 1 November 1947, 227 (III) of 26 November 1948 and 337 (IV) of 6 December 1949 to the effect that the Territory of South West Africa be placed under the International Trusteeship System,

Having accepted the advisory opinion of 11 July 1950 of the International Court of Justice concerning South West Africa, which states, *inter alia*, that:

(a) The provisions of Chapter XII of the Charter are applicable to the Territory of South West Africa in the sense that they provide a means by which the Territory may be brought under the Trusteeship System,

(b) The provisions of Chapter XII of the Charter do not impose on the Union of South Africa a legal obligation to place the Territory under the Trusteeship System,

(c) The Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations,

Reasserts its position, expressed in resolution 449 B (V) of 13 December 1950, that the normal way of modifying the international status of the Territory would be 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.

362nd plenary meeting,
19 January 1952.