

of the establishment of the Commonwealth of Puerto Rico, as a result of the entry into force on 25 July 1952 of the Constitution of Puerto Rico, and stating that, in consequence of these constitutional changes, the Government of the United States of America would cease to transmit information under Article 73 e of the Charter,

Having studied the report⁸ prepared by the Committee on Information from Non-Self-Governing Territories, during its session of 1953, on the question of the cessation of the transmission of information on Puerto Rico, and presented to the General Assembly in conformity with paragraph 2 of resolution 448 (V) of 12 December 1950,

Having examined the communications of the Government of the United States of America in the light of the basic principles embodied in Chapter XI of the Charter and of all the other elements of judgment pertinent to the issue,

Considering that the agreement reached by the United States of America and the Commonwealth of Puerto Rico, in forming a political association which respects the individuality and the cultural characteristics of Puerto Rico, maintains the spiritual bonds between Puerto Rico and Latin America and constitutes a link in continental solidarity,

Bearing in mind the competence of the General Assembly to decide whether a Non-Self-Governing Territory has or has not attained a full measure of self-government as referred to in Chapter XI of the Charter,

1. *Takes note favourably* of the conclusions set forth by the Committee on Information from Non-Self-Governing Territories in its resolution;⁹

2. *Recognizes* that the people of the Commonwealth of Puerto Rico, by expressing their will in a free and democratic way, have achieved a new constitutional status;

3. *Expresses the opinion* that it stems from the documentation provided that the association of the Commonwealth of Puerto Rico with the United States of America has been established as a mutually agreed association;

4. *Recognizes* that, when choosing their constitutional and international status, the people of the Commonwealth of Puerto Rico have effectively exercised their right to self-determination;

5. *Recognizes* that, in the framework of their Constitution and of the compact agreed upon with the United States of America, the people of the Commonwealth of Puerto Rico have been invested with attributes of political sovereignty which clearly identify the status of self-government attained by the Puerto Rican people as that of an autonomous political entity;

6. *Considers* that, due to these circumstances, the Declaration regarding Non-Self-Governing Territories and the provisions established under it in Chapter XI of the Charter can no longer be applied to the Commonwealth of Puerto Rico;

7. *Takes note* of the opinion of the Government of the United States of America as to the cessation of the transmission under Article 73 e of the Charter of information on Puerto Rico;

8. *Considers it appropriate* that the transmission of this information should cease;

9. *Expresses its assurance* that, in accordance with the spirit of the present resolution, the ideals embodied in the Charter of the United Nations, the traditions of the people of the United States of America and the political advancement attained by the people of Puerto Rico, due regard will be paid to the will of both the Puerto Rican and American peoples in the conduct of their relations under their present legal statute, and also in the eventuality that either of the parties to the mutually agreed association may desire any change in the terms of this association.

459th plenary meeting,
27 November 1953.

749. (VIII). Question of South West Africa

A

The General Assembly,

Having accepted, by resolution 449 A (V) of 13 December 1950 and by resolution 570 (VI) of 19 January 1952, the advisory opinion of the International Court of Justice with respect to South West Africa,

Recalling that the advisory opinion¹⁰ 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,

Considering that, in accordance with the opinion of the International Court of Justice, the Union of South Africa is under an obligation to accept the compulsory jurisdiction of the Court as provided by Article 37 of the Statute of the International Court of Justice, by Article 80, paragraph 1, of the Charter of the United Nations and by article 7 of the Mandate for South West Africa,

Having reconstituted the *Ad Hoc* Committee on South West Africa, consisting of the representatives of Norway, Syria, Thailand, the United States of America and Uruguay, by General Assembly resolution 570 A (VI) of 19 January 1952 and, by General Assembly resolution 651 (VII) of 20 December 1952, having continued it on the same basis as before,

Having considered the reports of the aforesaid *Ad Hoc* Committee, i.e., document A/2261 submitted on 21 November 1952 and documents A/2475 and Add.1 and 2 submitted on 16 September, 8 October and 9 November 1953,

⁸ See *Official Records of the General Assembly, Eighth Session, Supplement No. 15*, part I, section VII.

⁹ *Ibid.*, page 6.

¹⁰ See *International Status of South West Africa, Advisory Opinion*: I.C.J. Reports 1950, page 128.

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

2. *Records with deep regret* that the Government of the Union of South Africa continues in its refusal to assist in the implementation of the advisory opinion of the International Court of Justice concerning South West Africa, and continues to maintain that the Union of South Africa has no international commitments as the result of the demise of the League of Nations, and that the Government of the Union of South Africa is prepared only to enter into new arrangements for the Territory of South West Africa with the Principal Allied and Associated Powers of the First World War (France, the United Kingdom and the United States of America), and not with the United Nations;

3. *Notes with concern* that, as required by paragraph 6 of General Assembly resolution 570 A (VI), the *Ad Hoc* Committee was unable to examine reports on the administration of the Territory of South West Africa because again no such reports were submitted by the Government of the Union of South Africa;

4. *Notes with further regret* that the Union of South Africa has refused to co-operate with the United Nations concerning the submission of petitions in accordance with the procedures of the Mandates System;

5. *Notes* the contents of the communications relating to South West Africa received by the *Ad Hoc* Committee in 1951, 1952 and 1953 from sources within and outside the Territory of South West Africa and contained in the aforesaid reports of the *Ad Hoc* Committee;

6. *Affirms* that, in order to implement the advisory opinion of the International Court of Justice with regard to South West Africa,

(a) The supervision of the administration of South West Africa, though it should not exceed that which applied under the Mandates System, should be exercised by the United Nations; judicial supervision by the International Court of Justice, which the Union Government is prepared to accept, is not in accordance with the advisory opinion expressed by that Court and accepted by the General Assembly;

(b) The Union Government should assume its obligations to the United Nations and not, as proposed by the Union Government, to the three Powers (France, the United Kingdom and the United States of America) as principals;

7. *Appeals solemnly* to the Government of the Union of South Africa to reconsider its position, and urges it to continue negotiations with the Committee on South West Africa, established under paragraph 12 below, in accordance with the aforesaid principles 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 resume submission of reports on the administration of the Territory of South West Africa and to transmit to the United Nations petitions from individuals or groups of the population of the Territory;

8. *Recalls and reaffirms* that the Territory of South West Africa is a Territory under the international Mandate assumed by the Union of South Africa on 17 December 1920;

9. *Reaffirms further* 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 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;

10. *Considers* that without United Nations supervision the inhabitants of the Territory are deprived of the international supervision envisaged by the Covenant of the League of Nations;

11. *Believes* that it would not fulfil its obligation towards the inhabitants of South West Africa if it were not to assume the supervisory responsibilities with regard to the Territory of South West Africa which were formerly exercised by the League of Nations;

12. *Establishes*, until such time as an agreement is reached between the United Nations and the Union of South Africa, a Committee on South West Africa, consisting of seven Members, and requests this Committee to:

(a) Examine, within the scope of the Questionnaire adopted by the Permanent Mandates Commission of the League of Nations in 1926, such information and documentation as may be available in respect of the Territory of South West Africa;

(b) Examine, as far as possible in accordance with the procedure of the former Mandates System, reports and petitions which may be submitted to the Committee or to the Secretary-General;

(c) Transmit to the General Assembly a report concerning conditions in the Territory taking into account, as far as possible, the scope of the reports of the Permanent Mandates Commission of the League of Nations;

(d) Prepare, for the consideration of the General Assembly, a procedure for the examination of reports and petitions which should conform as far as possible to the procedure followed in this respect by the Assembly, the Council and the Permanent Mandates Commission of the League of Nations;

13. *Authorizes* the Committee to continue negotiations with the Union of South Africa in order to implement fully the advisory opinion of the International Court of Justice regarding the question of South West Africa;

14. *Requests* the Committee to submit reports on its activities to the General Assembly at its regular sessions.

460th plenary meeting,
28 November 1953.

*
*

At its 467th plenary meeting on 3 December 1953, the General Assembly, on the recommendation of the Fourth Committee to the President, approved the nomination of the following Members to serve on the Committee on South West Africa: Brazil, Mexico, Norway, Pakistan, Syria, Thailand and Uruguay.

B

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 and 570 B (VI) of 19 January 1952, 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 resolution 449 A (V) of 13 December 1950, the advisory opinion of 11 July 1950 of the International Court of Justice concerning South West Africa, *inter alia*, to the effect that:

(a) While "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", they "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 Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa," and "... 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",

Considering that, in accordance with Chapter XII of the Charter, all Mandated Territories which have not achieved independence have been brought under the 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 and 570 B (VI) of 19 January 1952, to the effect that the Territory of South West Africa be placed under the International Trusteeship System;

2. *Reasserts* that the normal way of modifying the international status of the Territory would be to place it under the Trusteeship System by means of a Trusteeship Agreement in accordance with the provisions of Chapter XII of the Charter.

*460th plenary meeting,
28 November 1953.*

750 (VIII). The Togoland unification problem

A

The General Assembly,

Having examined the special report¹¹ of the Trusteeship Council on the Ewe and Togoland unification problem,

Taking into account the conclusion contained in the special report¹² of the 1952 United Nations Visiting Mission (T/1034) that "the people of the Trust Territories desire in principle unification of the two Trust Territories",

Recalling that the General Assembly based its resolution 652 (VII) of 20 December 1952 upon the consideration, *inter alia*, that the unification of the two parts of Togoland is the manifest aspiration of the majority of the population of the two Trust Territories,

Considering that the best means of achieving a form of unification acceptable to all groups of the population is through direct and continuous interchange of opinions among the representatives of those groups, and that such interchange of opinions could be realized in a reconstituted Joint Council for Togoland Affairs with

ample powers to examine all aspects of the problem of unification of both Territories and to formulate pertinent recommendations,

Having heard the declarations¹³ of the representatives of the All-Ewe Conference, of the Joint Togoland Congress and of the Parti togolais du progrès,

Having heard also the declarations¹⁴ of the representatives of the Administering Authorities concerned,

1. *Regrets* that the Joint Council for Togoland Affairs has not yet been re-established;

2. *Reaffirms* the principles and aims of its resolutions 555 (VI) and 652 (VII) approved on 18 January and 20 December 1952 respectively;

3. *Recommends* that, in order to ensure that the Joint Council will faithfully reflect the wishes of all sections of the population of the two Trust Territories, its members should be directly elected by universal adult suffrage and secret ballot;

4. *Recommends* that the Administering Authorities establish, in consultation with the representatives of the different political parties, the rules concerning the structure which the Joint Council for Togoland Affairs should assume;

5. *Recommends* that the Administering Authorities assist the representatives of the different political parties to explain freely throughout Togoland their views on the problem of unification and, to this effect, that they take all necessary measures to ensure freedom of speech, movement and assembly in all parts of the Territories;

6. *Recommends* that the Administering Authorities disseminate throughout the two Trust Territories the complete texts of the pertinent resolutions of the General Assembly and of the Trusteeship Council in the main vernacular languages as well as in French or in English;

7. *Recommends* to the Administering Authorities the re-establishment of the Joint Council with the power to consider and make recommendations on the question of unification, as well as on all political, economic, social and educational matters affecting the two Trust Territories, and to serve as a means of ascertaining the opinions of the inhabitants of the Territories concerning any proposed changes in the terms of the Trusteeship Agreement for either of the Territories;

8. *Re-emphasizes* its recommendation that, through the Joint Council and in other ways, the Administering Authorities adopt measures to promote common policies on political, economic and social matters of mutual concern to the two Trust Territories, and expresses the opinion that the implementation of this recommendation requires that the Administering Authorities accord to each Territory simultaneously a large measure of progress towards the objectives of Article 76 of the Charter and harmonize in all major respects the political, economic, social and educational policies and systems applying in the two Trust Territories;

9. *Invites* the Trusteeship Council to submit to the General Assembly at its ninth session a special report concerning the steps which have been taken towards the implementation of the present resolution;

10. *Expresses the hope* that the different political parties of both Territories will co-operate to achieve

¹¹ See document A/2424.

¹² See document T/1034, page 127.

¹³ See *Official Records of the General Assembly, Eighth Session, Fourth Committee*, 365th, 366th and 367th meetings.

¹⁴ *Ibid.*, 365th meeting.