

RESOLUTIONS ADOPTED WITHOUT REFERENCE TO A COMMITTEE

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903 (IX). Question of the representation of China in the General Assembly

The General Assembly

Decides not to consider, at its ninth regular session during the current year, any proposals to exclude the representatives of the Government of the Republic of China or to seat representatives of the Central People's Government of the People's Republic of China.

*473th plenary meeting,
21 September 1954.*

904 (IX). Voting procedure on questions relating to reports and petitions concerning the Territory of South West Africa: request for an advisory opinion from the International Court of Justice

The General Assembly,

Having accepted, by resolution 449 A (V) of 13 December 1950, the advisory opinion¹ of the International Court of Justice of 11 July 1950 with respect to South West Africa,

Having regard, in particular, to the Court's opinion on the general question, namely, "that South-West Africa is a territory under the international Mandate assumed by the Union of South Africa on December 17th, 1920", and to the Court's opinion on question (a), namely, "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, and the reference to the Permanent Court of International

Justice 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 Court;"

Having expressed, in resolution 749 A (VIII) of 28 November 1953, its opinion "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" and its belief "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",

Having regard to the opinion of the International Court of Justice that "The degree of supervision to be exercised by the General Assembly should not... exceed that which applied under the Mandates System, and should conform as far as possible to the procedure followed in this respect by the Council of the League of Nations" and that "These observations are particularly applicable to annual reports and petitions",

Having adopted, by resolution 844 (IX) of 11 October 1954, a special rule F on the voting procedure to be followed by the General Assembly in taking decisions on questions relating to reports and petitions concerning the Territory of South West Africa,

Having adopted this rule in a desire "to apply, as far as possible, and pending the conclusion of an agreement between the United Nations and the Union of South Africa, the procedure followed in that respect by the Council of the League of Nations",

Considering that some elucidation of the advisory opinion is desirable,

Requests the International Court of Justice to give an advisory opinion on the following questions:

"(a) Is the following rule on the voting procedure to be followed by the General Assembly a correct

¹ See *International Status of South West Africa, Advisory Opinion: I.C.J. Reports 1950*, p. 128.