

Having authorized the Committee on South West Africa, by General Assembly resolution 749 A (VIII) of 28 November 1953, to examine petitions in accordance with the Mandates procedure of the League of Nations,

Having received a report from the Committee on South West Africa dealing with a petition dated 5 August 1954 from Mr. Jariretundu Kozonguizi,¹⁹

Noting the petitioner's allegations that:

(a) Since the Government of the Union of South Africa assumed the administration of the Territory of South West Africa, the indigenous people have suffered under oppressive legislation and have not developed in any sphere,

(b) In spite of their repeated objections to incorporation under the Government of the Union of South Africa, the Africans of South West Africa were placed under the direct administration of the Minister of Native Affairs in the Government of the Union of South Africa,

(c) The enforcement of the Bantu Education Act in South West Africa, as contemplated by the Parliament of the Union of South Africa, would virtually eliminate African education in the Territory, where at present there are no more than six non-Europeans who have progressed beyond high school standard,

(d) The Administrator of South West Africa, without giving any reasons, would not allow or sanction the establishment of a proposed student body purely concerned with the education of the people,

Noting the observations of the Committee on South West Africa with respect to education in the Territory and with respect to a bill proposing the transfer of control over Native affairs from the Administrator of South West Africa to the Minister of Native Affairs of the Union,

Noting that the South West Africa Native Affairs Administration Act (Act No. 56 of 1954) was applied to the Territory on 30 June 1954 and came into operation on 1 April 1955,

Decides to transmit to the petitioner those sections of the report and observations²⁰ of the Committee on South West Africa dealing with education and the transfer of control over Native affairs where the Committee expresses its apprehensions concerning these matters.

550th plenary meeting,
3 December 1955.

940 (X). Status of the Territory of South West Africa

The General Assembly,

Recalling that, 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, 570 B (VI) of 19 January 1952, 749 B (VIII) of 28 November 1953 and 852 (IX) of 23 November 1954, it had recommended that the Mandated Territory of South West Africa be placed under the International Trusteeship System, and

¹⁹ Official Records of the General Assembly, Ninth Session, Annexes, agenda item 34, document A/2666/Add.1, annex III.
²⁰ Ibid., Ninth Session, Supplement No. 14 (A/2666 and Corr. 1), annex V.

that it had 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,

Considering that, in accordance with Chapter XII of the Charter, 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 mentioned above 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 present 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.

550th plenary meeting,
3 December 1955.

941 (X). Report of the Committee on South West Africa

The General Assembly,

Having established by resolution 749 A (VIII) of 28 November 1953, until such time as an agreement is reached between the United Nations and the Union of South Africa, a Committee on South West Africa,

Having requested that Committee to 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 and to 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,

Having considered, in accordance with the special rules adopted by the General Assembly in its resolution 844 (IX) of 11 October 1954, the second report and observations²¹ of the Committee on South West Africa regarding conditions in the Territory,

1. Expresses its appreciation of the work of the Committee on South West Africa;

2. Takes note of the observations of the Committee concerning conditions in the Territory;

3. Approves the report²² of the Committee on South West Africa;

4. Draws the attention of the Government of the Union of South Africa to the Committee's report and observations;

5. Urges the Government of the Union of South Africa to give serious consideration to the observations and recommendations of the Committee and to study the possibility of adopting measures to implement them in order to ensure the fulfilment of its obligations and responsibilities under the Mandate;

²¹ Ibid., Tenth Session, Supplement No. 12 (A/2913), annex II.

²² Ibid., Supplement No. 12 (A/2913) and *ibid.*, Tenth Session, Annexes, agenda item 30, documents A/2913/Add.1 and A/2913/Add.2.

6. *Invites* the Government of the Union of South Africa to co-operate with the Committee and, in particular, to submit to the Committee reports and such petitions as may be received on its administration of the Territory of South West Africa, and to assist the Committee in the examination of such reports and petitions, or of such information and documentation as may be available to that Committee;

7. *Requests* the Committee on South West Africa, in the preparation of its next report, to take into account the discussions in the Fourth Committee at the tenth session of the General Assembly;

8. *Further requests* the Committee on South West Africa, in the preparation of its next and all future reports, to include its recommendations on each aspect of conditions in the Territory for such particular action as it considers the Government of the Union of South Africa should take to ensure the fulfilment of its obligations and responsibilities under the Mandate.

*550th plenary meeting,
3 December 1955.*

942 (X). Question of the admissibility of oral hearings by the Committee on South West Africa: request for an advisory opinion from the International Court of Justice

The General Assembly,

Having been requested by the Committee on South West Africa to decide whether or not the oral hearing of petitioners on matters relating to the Territory of South West Africa is admissible before that Committee,²³

Having instructed the Committee, in General Assembly resolution 749 A (VIII) of 28 November 1953, to examine petitions as far as possible in accordance with the procedure of the former Mandates System,

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

“Is it consistent with the advisory opinion²⁴ of the International Court of Justice of 11 July 1950 for the Committee on South West Africa, established by General Assembly resolution 749 A (VIII) of 28 November 1953, to grant oral hearings to petitioners on matters relating to the Territory of South West Africa?”

*550th plenary meeting,
3 December 1955.*

943 (X). Hearing of the Reverend Michael Scott

The General Assembly,

Having granted an oral hearing to the Reverend Michael Scott on behalf of the Native inhabitants of the Territory of South West Africa under the administration of the Union of South Africa,

1. *Takes note* of the statements of the Reverend Michael Scott on behalf of the Native inhabitants of South West Africa under the administration of the Union of South Africa;

²³ *Ibid.*, Tenth Session, Annexes, agenda item 30, document A/2913/Add.2.

²⁴ *International Status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.*

2. *Decides* to transmit to the Committee on South West Africa the statements of the Reverend Michael Scott for its study and consideration as appropriate.

*550th plenary meeting,
3 December 1955.*

944 (X). The Togoland unification problem and the future of the Trust Territory of Togoland under British administration

The General Assembly,

I. *The future of Togoland under British administration:*

Recalling its resolution 860 (IX) of 14 December 1954, by which the Trusteeship Council was requested to consider the arrangements to be made to ascertain the wishes of the inhabitants of the Trust Territory of Togoland under British administration as to their future, without prejudice to the eventual solution which they might choose, whether it be independence, unification of an independent Togoland under British administration with an independent Togoland under French administration, unification with an independent Gold Coast, or some other self-governing or independent status,

Having received the report²⁵ of the Trusteeship Council transmitting the special report²⁶ of the United Nations Visiting Mission to the Trust Territories of Togoland under British Administration and Togoland under French Administration, 1955, the observations²⁷ of the representative of the United Kingdom of Great Britain and Northern Ireland, and the official records of the relevant meetings of the Council,

Noting the opinion of the Trusteeship Council that the views expressed in the special report of the Visiting Mission provide in general a useful basis for determining the arrangements to be made in pursuance of General Assembly resolution 860 (IX),

Taking note also of the views expressed orally by the various local political groups before the Fourth Committee during its hearings,

Noting further the statement of the Government of the United Kingdom that the Gold Coast will attain independence in the near future and that, in consequence, it will be impossible thereafter for Togoland under British administration to be administered as at present,

1. *Accepts* the recommendation of the United Nations Visiting Mission to the Trust Territories of Togoland under British Administration and Togoland under French Administration, 1955, contained in its special report that the wishes of the inhabitants of Togoland under British administration as to their future should be ascertained by plebiscite;

2. *Recommends* that the Administering Authority of Togoland under British administration, in pursuance of Article 76 b of the Charter of the United Nations, take steps, in consultation with a United Nations Plebiscite Commissioner, to organize and conduct without delay, under the supervision of the United Nations, a plebiscite in respect of the Trust Territory in order to

²⁵ *Official Records of the General Assembly, Tenth Session, Annexes, agenda item 35, document A/3046.*

²⁶ *Official Records of the Trusteeship Council, Fifth Special Session, Supplement No. 2 (T/1218), document T/1206 and Add.1.*

²⁷ *Ibid.*, document T/1214.