

Noting that Mr. Beukes had been granted a scholarship by the Norwegian National Union of Students (Norsk Studentsamband) to study for three years at the University of Oslo,

Noting further that Mr. Beukes, a second-year student at the University of Cape Town, had been selected for the scholarship by a committee consisting of the Head of the Department of History, a professor of Roman law at that University, and the President of the National Union of South African Students,

Considering that the Government of the Union of South Africa granted Mr. Beukes a passport on 15 June 1959 to enable him to proceed to Norway, and withdrew that passport on 24 June, when Mr. Beukes arrived at the port of embarkation, subjecting Mr. Beukes to a search of his person, luggage and personal correspondence,

Noting the protests made by the South African Press, students of the University of Cape Town, and the Teachers' Educational and Professional Association in the Union of South Africa, as well as other representatives of the public in the Union of South Africa, against the action taken by the Union Government,

Taking into account that there are no facilities for university education in South West Africa and that "non-European" students from the Territory find it increasingly difficult to obtain adequate university education in the Union of South Africa,

1. *Is of the opinion* that the withholding or withdrawal from a qualified South African student of a passport for the purpose of studying abroad is not only a direct interference in the educational and general advancement of an individual but a hindrance to the educational development of the Territory of South West Africa which was entrusted under the Covenant of the League of Nations to the administration of the Union of South Africa;

2. *Considers* the withdrawal by the Union of South Africa of the passport granted to Mr. Beukes to be an act of administration contrary to the Mandate for South West Africa;

3. *Expresses the hope* that the Government of the Union of South Africa will reconsider its decision so that Mr. Beukes may take advantage of the scholarship offered him to study at the University of Oslo in circumstances permitting him to maintain normal relations with his family and his country.

*838th plenary meeting,
17 November 1959.*

1359 (XIV). Status of the Territory of South West Africa

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, 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, 1055 (XI) of 26 February 1957, 1141 (XII) of 25 October 1957 and 1246 (XIII) of 30 October 1958, 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 its resolution 449 A (V) of 13 December 1950, the advisory opinion of 11 July 1950 of the International Court of Justice on the question of South West Africa,²

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, 1055 (XI) of 26 February 1957, 1141 (XII) of 25 October 1957 and 1246 (XIII) of 30 October 1958, 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.

*838th plenary meeting,
17 November 1959.*

1360 (XIV). Question of South West Africa

The General Assembly,

Recalling its previous resolutions in which the Assembly recommended that the Mandated Territory of South West Africa be placed under the International Trusteeship System and 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 of the United Nations, all Mandated Territories, with the sole exception of South West Africa, have been placed under the International Trusteeship System,

Recalling further 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 Justice² to the effect, *inter alia*, 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) That the Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa,

Noting with grave concern that the administration of the Territory, in recent years, has been conducted increasingly in a manner contrary to the Mandate, the Charter of the United Nations, the Universal Declara-

tion of Human Rights, the advisory opinions of the International Court of Justice, and the resolutions of the General Assembly,

Having received from the Committee on South West Africa the sixth report⁹ submitted in accordance with General Assembly resolution 749 A (VIII) of 28 November 1953,

Noting further the conclusion of the Committee that it is essential to the welfare and security of the peoples of South West Africa that the administration of the Territory be altered without undue delay,¹⁰

Having also heard the statements of petitioners which further corroborate the conclusions and opinions formed by the Committee on South West Africa concerning political, social, economic and educational conditions prevailing in the Territory,

Considering further that, while the former Mandated Territories placed under the International Trusteeship System have rapidly progressed towards independence, the conditions in the Territory of South West Africa present a totally different picture,

1. *Notes* the statement made by the representative of the Union of South Africa at the 924th meeting of the Fourth Committee on 26 October 1959 expressing, *inter alia*, the Union's readiness to enter into discussions with the United Nations;

2. *Invites* the Government of the Union of South Africa to enter into negotiations with the United Nations through the Committee on South West Africa, which is authorized under its terms of reference to continue negotiations with the Union, or through any other committee which the General Assembly may appoint, with a view to placing the Mandated Territory under the International Trusteeship System;

3. *Requests* the Government of the Union of South Africa to formulate for the consideration of the General Assembly, at its fifteenth session, proposals which will enable the Mandated Territory of South West Africa to be administered in accordance with the principles and purposes of the Mandate, the supervisory functions being exercised by the United Nations according to the terms and intent of the Charter;

4. *Approves* the report of the Committee on South West Africa and commends it to the urgent attention of the Government of the Union of South Africa;

5. *Requests* the Committee on South West Africa, or any other committee which may be appointed in pursuance of paragraph 2 above, to submit to the General Assembly, at its fifteenth session, a report on the negotiations with the Union Government in addition to the annual report on conditions in the Territory of South West Africa.

*838th plenary meeting,
17 November 1959.*

1361 (XIV). 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

The General Assembly,

Recalling the advisory opinion of the International Court of Justice of 11 July 1950 concerning the international status of South West Africa,²

Recalling that, by its resolution 449 A (V) of 13 December 1950, it accepted the advisory opinion of the International Court of Justice,

Recalling further that, by its resolution 1142 A (XII) of 25 October 1957, it commended the special report of the Committee on South West Africa¹¹ on legal action which might be taken for that purpose, and in particular drew the attention of Member States 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,

Draws the attention of Member States to the conclusions of the special report of the Committee on South West Africa covering the legal action open to Member States to refer any dispute with the Union of South Africa concerning the interpretation or application of the Mandate for South West Africa to the International Court of Justice for adjudication in accordance with article 7 of the Mandate read in conjunction with Article 37 of the Statute of the Court.

*838th plenary meeting,
17 November 1959.*

1362 (XIV). Report of the Good Offices Committee on South West Africa

The General Assembly,

Having considered the report of the Good Offices Committee on South West Africa,¹² prepared in accordance with General Assembly resolution 1243 (XIII) of 30 October 1958,

1. *Takes note* of the report of the Good Offices Committee on South West Africa;

2. *Expresses its appreciation* to the members of the Committee for their efforts.

*838th plenary meeting,
17 November 1959.*

1409 (XIV). Report of the Trusteeship Council

The General Assembly,

Having examined the report of the Trusteeship Council covering the period from 2 August 1958 to 6 August 1959,¹³

1. *Takes note* of the report of the Trusteeship Council;

2. *Recommends* that the Trusteeship Council, in its future deliberations, should take into account the comments and suggestions made during the discussion of its report at the fourteenth session of the General Assembly.

*846th plenary meeting,
5 December 1959.*

1410 (XIV). Dissemination of information on the United Nations and on the International Trusteeship System in Trust Territories

The General Assembly,

Recalling its resolution 1276 (XIII) of 5 December 1958, whereby the General Assembly, *inter alia*, requested the Secretary-General to prepare, for the twenty-fourth session of the Trusteeship Council, a

¹¹ *Ibid.*, Twelfth Session, Supplement No. 12A (A/3625).

¹² *Ibid.*, Fourteenth Session, Annexes, agenda item 38, document A/4224.

¹³ *Ibid.*, Fourteenth Session, Supplement No. 4 (A/4100).

⁹ *Ibid.*, Supplement No. 12 (A/4191).

¹⁰ *Ibid.*, Supplement No. 12 (A/4191), para. 233.