

conditions in the Territory upon which the Committee has presented a report,⁴

Decides to draw the attention of the petitioners to the report and observations of the Committee on South West Africa regarding conditions in the Territory, submitted to the General Assembly at its fourteenth session, and to the action taken by the Assembly on this report.

838th plenary meeting,
17 November 1959.

1357 (XIV). The Hoachanas Native Reserve

The General Assembly,

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

Having received the report⁵ from the Committee dealing, *inter alia*, with its examination of petitions concerning developments in the Hoachanas Native Reserve,

Considering that the original inhabitants of the Territory have an inherent right to continued and unmolested residence on their own land,

Noting that inhabitants of the Hoachanas Native Reserve, survivors of the Red Nation, or Rooinasie Namas, have an inherent right of ownership and possession of their ancestral land at Hoachanas, where they claim an area of 50,000 hectares as recognized by agreement with the German Government, and that former Governor Theodor Leutwein, recording the history of his governorship of German South West Africa from 1894 to 1905, stated: "The next reserve was in Hoachanas, headquarters of the Red Nation. There, in 1902, a total of 50,000 hectares was declared the inalienable property of the tribe",⁶

Noting further that the Government of the Union of South Africa reported to the League of Nations in 1923 that it had confirmed the rights of "Natives" on land occupied by them under treaties or agreements with the former German administration,

Noting that the residents of the Hoachanas Native Reserve were ordered by the Government of the Union of South Africa to vacate Hoachanas by 31 December 1956, that the majority refused to leave their traditional land and move, as directed by the Government, to land found by a government commission to be inferior to that of Hoachanas, and that the Administrator of South West Africa consequently obtained a court order in July 1958 for the eviction of one of the Nama residents, the Reverend Markus Kooper, Minister of the African Methodist Episcopal Church,

Recalling that the Committee on South West Africa, in its report to the General Assembly at the thirteenth session,⁷ urged the Union of South Africa to take all steps necessary to ensure that the people of Hoachanas retained their traditional homeland and to investigate their claim to surrounding land,

Recalling further that the General Assembly, by resolution 1245 (XIII) of 30 October 1958, approved the

⁴ *Ibid.*, part II.

⁵ *Ibid.*, Supplement No. 12 (A/4191).

⁶ Theodor Leutwein, *Elf Jahre Gouverneur in Deutsch-Südwestafrika*, Berlin, 1907, p. 272.

⁷ *Official Records of the General Assembly, Thirteenth Session, Supplement No. 12 (A/3906 and Add.1)*, para. 119.

report of the Committee on South West Africa and thereby endorsed the Committee's decision regarding Hoachanas,

Noting with concern that the Government of the Union of South Africa disregarded this decision, and caused the Reverend Markus Kooper and his family to be forcibly removed from Hoachanas on 29 January 1959 to a site approximately 150 miles away, thereby depriving his congregation of their minister, that several residents of the reserve were allegedly injured during the removal, and that the other inhabitants of the reserve were informed by Government officials of their impending removal by force,

Considering with regret that it is the policy of the Mandatory Power to remove the "Native" inhabitants from their lands which they have held as their own in order to make room for "European" settlers, in violation of fundamental human rights and the sacred trust assumed by the Government of the Union of South Africa over the Mandated Territory,

Considering the removal of the inhabitants of Hoachanas for a purpose not in conformity with the Mandate or the Charter of the United Nations to be contrary to the obligation undertaken by the Mandatory Power to promote to the utmost the material and moral well-being and the social progress of the "Native" inhabitants of the Territory,

1. *Urges* the Government of the Union of South Africa to desist from carrying out the removal of other residents of the Hoachanas Native Reserve and to arrange for the return of the Reverend Markus Kooper and his family to that reserve;

2. *Requests* the Government of the Union of South Africa to investigate the claims of the Rooinasie Namas to the original area of Hoachanas, of which only 14,254 hectares are now occupied by them, and to take such further steps as may be necessary, in consultation with the territorial Administration and the people concerned, to ensure the recognition and protection of the full rights of the people of Hoachanas and the promotion of their general welfare;

3. *Requests* the Government of the Union of South Africa to inform the United Nations on the measures taken to implement the present resolution.

838th plenary meeting,
17 November 1959.

1358 (XIV). Withdrawal of a passport from Mr. Hans Johannes Beukes

The General Assembly,

Having accepted the advisory opinion of 11 July 1950 of the International Court of Justice on the question of South West Africa,²

Having authorized the Committee on South West Africa, by 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 report³ from the Committee dealing with petitions from Mr. Hans Johannes Beukes, a South West African student, and from Mr. Neville Rubin, President of the National Union of South African Students,

² *Ibid.*, Fourteenth Session, Supplement No. 12 (A/4191), part I, section III; part II, section III, para. 80, and section VI, paras. 226 and 227; see also annexes XXIX to XXXII.

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-