

2. *Decides* to transmit to the petitioners the report and observations¹² made by the Committee on South West Africa at its second session regarding conditions in the Territory of South West Africa.

*550th plenary meeting,
3 December 1955.*

937 (X). Petition and related communication from the Reverend T. H. Hamtumbangela concerning South West Africa

The General Assembly,

Having accepted the advisory opinion¹³ of 11 July 1950 of the International Court of Justice on the question of South West Africa, including the opinion that petitions concerning the Territory of South West Africa are to be transmitted by the Government of the Union of South Africa "to the General Assembly of the United Nations, which is legally qualified to deal with them",

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 October 1954, and a related communication, dated 19 February 1955, from the Reverend T. H. Hamtumbangela,¹⁴

Noting that the petitioner requests that the question of the future status of the Territory of South West Africa be submitted to the International Court of Justice for decision,

Noting further that the petitioner raises questions concerning the racially discriminatory measures applied against the non-European population of the Territory,

1. *Decides* to inform the petitioner that, according to the advisory opinion of 11 July 1950 of the International Court of Justice:

(a) "South West Africa is a territory under the international Mandate assumed by the Union of South Africa on December 17th, 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";

(c) "... competence to determine and modify the international status of the Territory [of South West Africa] rests with the Union of South Africa acting with the consent of the United Nations";

and that the General Assembly, by its resolution 449 A (V) of 13 December 1950, accepted the advisory opinion of the International Court of Justice on the question of South West Africa;

Noting the observations of the Committee on South West Africa with respect to discriminatory measures applied in the Territory against the non-European population,

¹² *Ibid.*, annex II.

¹³ *International status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.*

¹⁴ *Official Records of the General Assembly, Tenth Session, Supplement No. 12 (A/2913), chap. VIII and annex VIII.*

2. *Decides* to transmit to the petitioner the report and observations¹⁵ made by the Committee on South West Africa at its second session regarding conditions in the Territory of South West Africa.

*550th plenary meeting,
3 December 1955.*

938 (X). Petition from Miss Margery F. Perham concerning South West Africa

The General Assembly,

Having accepted the advisory opinion¹⁶ of 11 July 1950 of the International Court of Justice on the question of South West Africa,

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 November 1953 from Miss Margery F. Perham,¹⁷

Noting the petitioner's statement that Mr. Himumuine, a Native school principal of South West Africa, has been unable to avail himself of a scholarship at Oxford University because the Government of the Union of South Africa has refused to grant him a passport and has given no reason for its action,

Noting that education forms the foundation of all development in the Territory and that educational facilities for Natives are still inadequate,

1. *Is of the opinion* that the withholding of a passport from a qualified student 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. *Regrets* that the Government of the Union of South Africa did not respond to the appeal addressed to it by the representatives of such an eminent educational institution as Oxford University;

3. *Invites* the Secretary-General to use his good offices with the Government of the Union of South Africa in order to assist Mr. Himumuine to obtain a passport and all other administrative facilities so that he may avail himself of the scholarship granted to him by Oxford University.

*550th plenary meeting,
3 December 1955.*

939 (X). Petition from Mr. Jariretundu Kozonguizi concerning South West Africa

The General Assembly,

Having accepted the advisory opinion¹⁸ of 11 July 1950 of the International Court of Justice on the question of South West Africa,

¹⁵ *Ibid.*, annex II.

¹⁶ *International status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.*

¹⁷ *Official Records of the General Assembly, Ninth Session, Supplement No. 14 (A/2666 and Corr.1), chap. VII and annex VI.*

¹⁸ *International status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.*

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.