

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.

interpretation of the advisory opinion of the International Court of Justice of 11 July 1950:

“Decisions of the General Assembly on questions relating to reports and petitions concerning the Territory of South West Africa shall be regarded as important questions within the meaning of Article 18, paragraph 2, of the Charter of the United Nations.”

“(b) If this interpretation of the advisory opinion of the Court is not correct, what voting procedure should be followed by the General Assembly in taking decisions on questions relating to reports and petitions concerning the Territory of South West Africa?”

*501st plenary meeting,
23 November 1954.*

905 (IX). Report of the Security Council

The General Assembly

Takes note of the report² of the Security Council to the General Assembly covering the period from 16 July 1953 to 15 July 1954.

*503rd plenary meeting,
4 December 1954.*

906 (IX). Complaint of detention and imprisonment of United Nations military personnel in violation of the Korean Armistice Agreement

The General Assembly,

Having considered the item proposed by the United States of America as the Unified Command regarding eleven members of the United States armed forces under the United Nations Command captured by Chinese forces when undertaking a mission on 12 January 1953, at the direction of the United Nations Command,

² See *Official Records of the General Assembly, Ninth Session, Supplement No. 2.*

Recalling the provisions of article III of the Korean Armistice Agreement³ regarding the repatriation of prisoners of war,

1. *Declares* that the detention and imprisonment of the eleven American airmen, members of the United Nations Command, referred to in document A/2830,⁴ and the detention of all other captured personnel of the United Nations Command desiring repatriation is a violation of the Korean Armistice Agreement;

2. *Condemns*, as contrary to the Korean Armistice Agreement, the trial and conviction of prisoners of war illegally detained after 25 September 1953;

3. *Requests* the Secretary-General, in the name of the United Nations, to seek the release, in accordance with the Korean Armistice Agreement, of these eleven United Nations Command personnel, and all other captured personnel of the United Nations Command still detained;

4. *Requests* the Secretary-General to make, by the means most appropriate in his judgment, continuing and unremitting efforts to this end and to report progress to all Members on or before 31 December 1954.

*509th plenary meeting,
10 December 1954.*

907 (IX). Appointment of members of the Peace Observation Commission

The General Assembly

Appoints as members of the Peace Observation Commission, for the calendar years 1955 and 1956, the following fourteen States Members: China, Czechoslovakia, France, Honduras, India, Iraq, Israel, New Zealand, Pakistan, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay.

*510th plenary meeting,
11 December 1954.*

³ See *Official Records of the Security Council, Eighth Year, Supplement for July, August and September 1953*, document S/3079.

⁴ See *Official Records of the General Assembly, Ninth Session, Annexes*, agenda item 72.