

932 (X). Progress achieved by the Non-Self-Governing Territories in pursuance of Chapter XI of the Charter

The General Assembly,

Considering that Chapter XI of the Charter of the United Nations contains various provisions regarding the advancement of territories whose peoples have not yet attained a full measure of self-government,

Considering that, by virtue of Article 73 e of the Charter, the Secretary-General has, since 1946, received information on the economic, social and educational conditions in Non-Self-Governing Territories and that, in some cases, Members administering such Territories have voluntarily submitted information on the development of the free political institutions of the peoples of these Territories,

Considering further that, under the resolutions adopted by the General Assembly from 1946 onwards, this valuable information transmitted by the Administering Members, indicating how and to what extent the principle that the interests of the inhabitants of the Non-Self-Governing Territories are paramount has been implemented, has been analysed and summarized by the Secretary-General and studied each year by the General Assembly,

1. *Expresses the opinion* that an examination of the progress achieved in the Non-Self-Governing Territories since the establishment of the United Nations, based on the information received from the Administering Members under Article 73 e of the Charter, would be highly desirable and should make it possible to ascertain the extent to which the peoples of the Non-Self-Governing Territories are advancing towards the attainment of the goals set in Chapter XI of the Charter;

2. *Considers* that such an examination would require careful preparation, with the assistance of the specialized agencies concerned;

3. *Invites* the Secretary-General, after consultation with the specialized agencies concerned, to submit to the General Assembly, for consideration at its eleventh session, a report on the main points that might be useful in such an examination.

*541st plenary meeting,
8 November 1955.*

933 (X). Renewal of the Committee on Information from Non-Self-Governing Territories

The General Assembly,

Having considered the work of the Committee on Information from Non-Self-Governing Territories constituted by resolution 332 (IV) adopted by the General Assembly on 2 December 1949,

Recognizing the value of further constructive work by the Committee in the interests of the advancement of the peoples of Non-Self-Governing Territories and the attainment of the objectives set forth in Chapter XI of the Charter,

1. *Decides* to continue the Committee on Information from Non-Self-Governing Territories on the same basis for a further three-year period;

2. *Decides* that, as provided in resolutions 332 (IV) and 646 (VII) of 2 December 1949 and 10 December

1952 respectively, the Committee should be composed of those Members of the United Nations transmitting information in accordance with Article 73 e of the Charter and of an equal number of non-administering Members elected by the Fourth Committee on behalf of the General Assembly on as wide a geographical basis as possible;

3. *Invites* the members of the Committee to continue to attach to their delegations persons specially qualified in the functional fields within the Committee's purview;

4. *Invites* the Administering Members to attach to their delegations indigenous persons specially qualified to speak on economic, social and educational policies in the Non-Self-Governing Territories;

5. *Instructs* the Committee to examine, in the spirit of paragraphs 3 and 4 of Article 1 and of Article 55 of the Charter, the summaries and analyses of information transmitted under Article 73 e of the Charter on the economic, social and educational conditions in the Non-Self-Governing Territories, including any papers prepared by the specialized agencies and any reports or information on measures taken in pursuance of the resolutions adopted by the General Assembly concerning economic, social and educational conditions in the Non-Self-Governing Territories;

6. *Instructs* the Committee to submit to the regular sessions of the General Assembly reports containing such procedural recommendations as it may deem fit and such substantive recommendations as it may deem desirable relating to functional fields generally but not with respect to individual Territories;

7. *Considers* that the Committee should, without prejudice to the annual consideration of all the functional fields enumerated in Article 73 e of the Charter, give special attention to educational, economic and social conditions in turn and should consider the information transmitted in respect of these questions in the light of the reports approved by the General Assembly on such conditions in Non-Self-Governing Territories;

8. *Decides* that, at its thirteenth session, the General Assembly will reconsider the question of continuing the Committee on Information from Non-Self-Governing Territories, together with the questions of the composition and terms of reference of this or any such future committee.

*541st plenary meeting,
8 November 1955.*

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At its 512th meeting on 17 November 1955 the Fourth Committee, acting in the name of the General Assembly, in accordance with the terms of the above resolution, was called upon to fill the vacancies in the membership of the Committee on Information from Non-Self-Governing Territories created by the expiration of the terms of office of BRAZIL, CHINA, INDIA and IRAQ.

The following States were elected for a three-year period: CHINA, INDIA, IRAQ and VENEZUELA.

934 (X). Voting procedure on questions relating to reports and petitions concerning the Territory of South West Africa: advisory opinion of the International Court of Justice

The General Assembly,

Having requested, in its resolution 904 (IX) of 23 November 1954, an advisory opinion from the Interna-

tional Court of Justice regarding the voting procedure to be followed by the General Assembly on questions relating to reports and petitions concerning the Territory of South West Africa,

Having noted that, in its advisory opinion⁴ of 7 June 1955, the Court was unanimously of the opinion that the rule⁵ that decisions of the General Assembly on questions relating to reports and petitions concerning the Territory of South West Africa should be regarded as important questions within the meaning of Article 18, paragraph 2, of the Charter was a correct interpretation of the advisory opinion⁶ of the Court of 11 July 1950,

Accepts and endorses the advisory opinion of 7 June 1955 of the International Court of Justice on voting procedure on questions relating to reports and petitions concerning the Territory of South West Africa.

550th plenary meeting,
3 December 1955.

935 (X). Petitions and communications relating to the Rehoboth Community of South West Africa

The General Assembly,

Having accepted the advisory opinion⁷ 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 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, undated, from Mr. A. J. Beukes, Mr. P. Diegaard and Mr. A. van Wyk, members of the Rehoboth Community of South West Africa, and related communications from the Rehoboth Community, received on 22 November 1954, and from Mr. Jacobus Beukes, dated 27 November 1954,⁸

Noting that the Government of the Union of South Africa, by a letter⁹ dated 25 March 1954, has informed the Committee that it has "never recognized any obligation to submit . . . petitions to any international body since the demise of the League of Nations",

Noting that the petitioners request that their right of self-government under the Constitutions of the Rehoboth Community of 1870-1874 be restored, and seek an interpretation of the legal status of the Rehoboth Community; that they request that Proclamations Nos. 28 of 1923, 31 of 1924, 9 of 1928, 29 of 1929, 17 of 1932, 5 of 1935, 20 of 1935, 16 of 1938 and 22 of 1941, issued

by the Administrator of South West Africa and applied to the Rehoboth Community, be declared null and void in that Community, that the boundaries of the Rehoboth Community, as allegedly recognized by the German Government, be restored and that certain lands allegedly alienated unlawfully from the Rehoboth Community be returned to that Community.

I. *With respect to the status of the Rehoboth Community:*

Noting that a Treaty of Protection and Friendship was concluded in 1885 between the German Government and the Rehoboth Community, as an agreement between two Governments, whereby the German Government agreed to assume the protection of the Rehoboth Community, while recognizing the rights and freedom which the Rehobothians had established for themselves,

Noting that the German Government abrogated this Treaty in 1915, when the Rehobothians refused to join German forces and to provide men to guard captured Union of South Africa prisoners during the First World War,

Noting that the Administrator of South West Africa as representing the Government of the Union of South Africa on the one part and the *Kapitein* and members of the *Raad* of the Rehoboth Community for themselves and their lawful successors as representing the Rehoboth Community on the other part concluded an Agreement on 17 August 1923 "regulating the future administration by the Government of the Union of South Africa in its capacity as Mandatory of the territory situate within the district of Rehoboth occupied by the said Community known as the *Gebiet*", that this Agreement was ratified and confirmed by Proclamation No. 28 of 1923 and came into force on 1 October 1923,

Noting further that this Agreement provides, *inter alia*, that:

(a) Subject to the provisions of the Agreement, "the Administration concedes to the Rehoboth Community the right of self-government within the *Gebiet* according to the laws presently to be found in the Law Book of the *Raad* of the Rehoboth Community and such additions thereto or amendments thereof as may from time to time lawfully be enacted by the *Raad* of the Rehoboth Community", subject to the assent of the Administrator to any law passed by the *Raad* after 1 October 1923,

(b) "The Administrator shall, after consultation with the *Raad* of the Rehoboth Community, possess the power to legislate for the *Gebiet* and to extend thereto the operation of any law, whether at present in force in the Territory of South West Africa or hereafter enacted, if he considers such legislation or extension to be expedient or desirable in the interest of either the Territory of South West Africa or the *Gebiet*",

Noting that in 1924 political dissension within the Rehoboth Community gave rise to a situation which, in the view of the Administration, seriously endangered the maintenance of law, order and good government both within the *Gebiet* and in the Territory of South West Africa, and that as a consequence the Administrator issued Proclamation No. 31 of 1924, declaring that the *Kapitein* and *Raad* and all persons acting under their authority should cease to function within the *Gebiet* and vesting all their powers, functions and duties in the Magistrate of the Rehoboth District who was to exercise these powers, functions and duties "in accordance with

⁴ *South-West Africa—Voting Procedure, Advisory Opinion of June 7th, 1955: I.C.J. Reports 1955, p. 67.*

⁵ Special rule F adopted under General Assembly resolution 844 (IX) of 11 October 1954.

⁶ *International status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.*

⁷ *Ibid.*

⁸ *Official Records of the General Assembly, Tenth Session, Supplement No. 12 (A/2913), chap. VIII and annex VI.*

⁹ *Ibid., Ninth Session, Supplement No. 14 (A/2666 and Corr. 1), annex I (c).*