

with the terms of paragraph 2 of General Assembly resolution 1332 (XIII) of 12 December 1958.

*948th plenary meeting,
15 December 1960.*

1563 (XV). Petitions relating to the Territory of South West Africa

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,¹³

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 dealing with petitions relating, *inter alia*, to the status of South West Africa and conditions in the Territory, the situation in the Windhoek Native Location, the removal of the Native Location in Walvis Bay, conditions in the Ovamboland Native Reserve, conditions in the Hoachanas Native Reserve, general conditions in the Rehoboth Community, the imprisonment of Mr. Toivo Ja-Toivo, the question of the return of Hereros in Bechuanaland to South West Africa and a request for a scholarship from a student in South West Africa,¹⁴

Noting that these petitions raise questions relating to various aspects of the administration of South West Africa and of conditions in the Territory, upon which the Committee has presented a report,

Draws the attention of the petitioners concerned to the report and observations of the Committee on South West Africa regarding conditions in the Territory submitted to the General Assembly at its fifteenth session,¹⁵ and to the action taken by the Assembly on this report.

*954th plenary meeting,
18 December 1960.*

1564 (XV). Political freedom in South West Africa

The General Assembly,

Having noted, on the basis of the report of the Committee on South West Africa,¹⁶ that leaders of the South West Africa Peoples Organisation and other Africans in the Territory of South West Africa are being subjected to arbitrary imprisonment and deportation,

1. *Expresses its deep concern* regarding this disturbing development;

2. *Urges* the Government of the Union of South Africa to instruct the competent authorities in the Mandated Territory of South West Africa to cease the arbitrary imprisoning and deporting of Africans, including the leaders and members of the South West Africa Peoples Organisation, and to ensure the free exercise of political rights and freedom of expression for all sectors of the population.

*954th plenary meeting,
18 December 1960.*

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

¹⁴ *Official Records of the General Assembly, Fifteenth Session, Supplement No. 12 (A/4464), part I, section IV.*

¹⁵ *Ibid.*, part II.

¹⁶ *Ibid.*, Supplement No. 12 (A/4464).

1565 (XV). 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 its resolution 1361 (XIV) of 17 November 1959, in which it drew the attention of Member States to the conclusions of the special report of the Committee on South West Africa¹⁷ concerning the legal action open to Member States to submit to the International Court of Justice any dispute with the Union of South Africa relating to the interpretation or application of the provisions of the Mandate for the Territory of South West Africa, if such dispute cannot be settled by negotiation,

Noting with grave concern that the administration of the Territory, in recent years, has been conducted in a manner contrary to the Mandate, the Charter of the United Nations, the Universal Declaration of Human Rights and the resolutions of the General Assembly, including resolution 449 A (V) of 13 December 1950, by which the Assembly accepted the advisory opinion of 11 July 1950 of the International Court of Justice on the question of South West Africa,¹³

Noting that all negotiations and efforts on the part of the General Assembly, of its several committees and organs constituted and authorized for this purpose, and of Member States acting through such committees and organs, have failed to bring about compliance on the part of the Government of the Union of South Africa with its obligations under the Mandate, as is evidenced, *inter alia*, by the following reports of the said committees and organs to the Assembly:

(a) Reports of the *Ad Hoc* Committee on South West Africa to the General Assembly at its sixth, seventh and eighth sessions,¹⁸

(b) Reports of the Committee on South West Africa to the General Assembly at its ninth to fifteenth sessions,¹⁹

(c) Reports of the Good Offices Committee on South West Africa to the General Assembly at its thirteenth and fourteenth sessions,²⁰

Noting the aforesaid reports, and in particular the reports of the Committee on South West Africa concerning the failure of negotiations with the Government of the Union of South Africa and the Committee's conclusions that the Union has at all times declined to co-operate in any way with the Committee in the discharge of its functions,

1. *Notes with approval* the observations of the Committee on South West Africa concerning the administration of the Territory as set out in the Committee's

¹⁷ *Ibid.*, Twelfth Session, Supplement No. 12A (A/3625).

¹⁸ *Ibid.*, Sixth Session, Annexes, agenda item 38, documents A/1901 and Add.1-3; *ibid.*, Eighth Session, Annexes, agenda item 36, documents A/2261 and Add.1 and A/2475 and Add.1 and 2.

¹⁹ *Ibid.*, Ninth Session, Supplement No. 14 (A/2666 and Corr.1); *ibid.*, Ninth Session, Annexes, agenda item 34, document A/2666/Add.1; *ibid.*, Tenth Session, Supplement No. 12 (A/2913); *ibid.*, Tenth Session, Annexes, agenda item 30, documents A/2913/Add.1 and 2; *ibid.*, Eleventh Session, Supplement No. 12 (A/3151); *ibid.*, Twelfth Session, Supplement No. 12 (A/3626); *ibid.*, Thirteenth Session, Supplement No. 12 (A/3906 and Add.1); *ibid.*, Fourteenth Session, Supplement No. 12 (A/4191); *ibid.*, Fifteenth Session, Supplement No. 12 (A/4464).

²⁰ *Ibid.*, Thirteenth Session, Annexes, agenda item 39, document A/3900; *ibid.*, Fourteenth Session, Annexes, agenda item 38, document A/4224.

report to the General Assembly at its fifteenth session, and finds that the Government of the Union of South Africa has failed and refused to carry out its obligations under the Mandate for the Territory of South West Africa;

2. *Concludes* that the dispute which has arisen between Ethiopia, Liberia and other Member States on the one hand, and the Union of South Africa on the other, relating to the interpretation and application of the Mandate has not been and cannot be settled by negotiation;

3. *Notes* that Ethiopia and Liberia, on 4 November 1960, filed concurrent applications in the International Court of Justice instituting contentious proceedings against the Union of South Africa;

4. *Commends* the Governments of Ethiopia and Liberia upon their initiative in submitting such dispute to the International Court of Justice for adjudication and declaration in a contentious proceeding in accordance with article 7 of the Mandate.

*954th plenary meeting,
18 December 1960.*

1566 (XV). Assistance of the specialized agencies and of the United Nations Children's Fund in the economic, social and educational development of South West Africa

The General Assembly,

Recalling the purposes of Article 55 of the Charter of the United Nations,

Bearing in mind the international status of the Mandated Territory of South West Africa, the General Assembly's own obligations and the concern of the community of nations to promote the well-being and interest of the inhabitants of that Territory,

Having perused the observations and recommendations contained in part II, sections IV, V and VI, of the report of the Committee on South West Africa to the General Assembly,²¹

1. *Considers* that the economic, social, educational and health conditions prevailing in the Mandated Territory of South West Africa, especially as they concern the indigenous inhabitants, are unsatisfactory, and that the need for urgent co-operative action for the improvement of present conditions in these fields is imperative;

2. *Endorses* the considered view of the Committee on South West Africa that assistance should be sought, and that it should be provided by the United Nations, the specialized agencies and the United Nations Children's Fund;

3. *Invites* the Food and Agriculture Organization of the United Nations, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund to undertake urgent programmes to assist the indigenous population of the Territory of South West Africa in their respective fields;

4. *Requests* the Government of the Union of South Africa to seek such assistance and to extend its co-operation to the above-mentioned specialized agencies and the United Nations Children's Fund in implementing such urgent programmes to improve the economic, social, educational and health conditions of the indigenous population in South West Africa, and to facilitate their work in the Territory in every possible way;

²¹ *Ibid.*, Fifteenth Session, Supplement No. 12 (A/4464).

5. *Requests* the above-mentioned specialized agencies and the United Nations Children's Fund to report to the Committee on South West Africa and to the General Assembly at their respective sessions during 1961 on the action taken in implementing the present resolution.

*954th plenary meeting,
18 December 1960.*

1567 (XV). The Windhoek Location

The General Assembly,

Having received a report from the Committee on South West Africa with respect to disturbances in the Windhoek Native Location relating to the removal of the Location residents to a new site called Katutura,²²

Noting with regret that the construction of the new Location at Katutura is part of the plan laid down by the present Prime Minister in his former capacity as Minister of Native Affairs to the effect that Native Locations in urban areas, based on the policy of *apartheid*, must be situated in such a manner that a permanent "buffer strip of at least 500 yards" on which "no development at all is allowed" is maintained "between the Native residential area and that of any other racial group",²³

Observing with deep concern that on the night of 10 to 11 December 1959, after repeated expressions of opposition by Location residents to their removal had failed to obtain the sympathetic consideration of officials of the Mandatory Power, police and soldiers opened fire on a crowd of Location residents, killing eleven Africans and injuring at least forty-four others,

Noting the report transmitted to the United Nations by the Government of the Union of South Africa²⁴ concerning an inquiry into the events in Windhoek Location on 10 to 11 December 1959, and the direct causes which gave rise thereto,

Taking into account the additional information contained in the report of the Committee on South West Africa and in oral and written petitions from inhabitants of the Territory,

Noting also the many protests received by the Committee during 1959 in petitions and communications against the impending removal to the new Location site on the grounds, *inter alia*, that the removal was part of the intensified application of the *apartheid* policy,

Considering that the *apartheid* policy applied in South West Africa is contrary to the terms of the Mandate, the provisions of the Charter of the United Nations and the Universal Declaration of Human Rights,

Considering further that the application of the *apartheid* policy, of which the occurrences in Windhoek have been an unfortunate consequence, is prejudicial to the maintenance of a peaceful and orderly administration in the Mandated Territory,

1. *Expresses deep regret* at the action taken by the police and soldiers in the Windhoek Native Location on the night of 10 to 11 December 1959 against residents of the Location, resulting in the death of eleven Africans and many other casualties;

²² *Ibid.*, Fifteenth Session, Supplement No. 12 (A/4464), paras. 138-229.

²³ Union of South Africa, *Senate Debates*, 1956, No. 15, cols. 3884 and 3885.

²⁴ For the text of the report, see *Official Records of the General Assembly, Fifteenth Session, Supplement No. 12 (A/4464), annex V.*