

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,¹⁸

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.