Appendices
Appendix A

Extracts from the Covenant of the League of Nations

Article 22

To those colonies and territories which, as a consequence of the late war, have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization, and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience, or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.
There are territories, such as South West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

Article 23

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

(a) Will endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations;

(b) Undertake to secure just treatment of the native inhabitants of territories under their control;

(c) Will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;
(d) Will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;

(e) Will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;

(f) Will endeavour to take steps in matters of international concern for the prevention and control of disease.
Appendix B

Mandate for the Administration of German South-West Africa, conferred upon His Britannic Majesty for and on behalf of the Government of the Union of South Africa, confirmed and defined by the Council of the League of Nations - Geneva, December 17, 1920.

The Council of the League of Nations:

WHEREAS by Article 119 of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein German South-West Africa; and

Whereas the Principal Allied and Associated Powers agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations), of the said Treaty, a mandate should be conferred upon His Britannic Majesty, to be exercised on his behalf by the Government of the Union of South Africa, to administer the territory afore-mentioned, and have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty, for and on behalf of the Government of the Union of South Africa, has agreed to accept the mandate in respect of the said territory and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and

Whereas, by the aforementioned Article 22, paragraph 8, it is provided that the degree of authority, control or administration to be exercised by the mandatory, not having been previously agreed upon by the members of the League, shall be explicitly defined by the Council of the League of Nations:

Confirming the said mandate, defines its terms as follows:

ART. 1. The territory over which a mandate is conferred upon His Britannic Majesty for and on behalf of the Government of the Union of South Africa (hereinafter called the mandatory) comprises the territory which formerly constituted the German Protectorate of South-West Africa.
2. The mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Union of South Africa, and may apply the laws of the Union of South Africa to the territory, subject to such local modifications as circumstances may require.

The mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

3. The mandatory shall see that the slave trade is prohibited, and that no forced labour is permitted, except for essential public works and services, and then only for adequate remuneration.

The mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed on the 10th September, 1919, or in any Convention amending the same.

The supply of intoxicating spirits and beverages to the natives should be prohibited.

4. The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

5. Subject to the provisions of any local law for the maintenance of public order and public morals, the mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State member of the League of Nations, to enter into, travel and reside in the territory, for the purpose of prosecuting their calling.

6. The mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 2, 3, 4 and 5.

7. The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.
The mandatory agrees that, if any dispute whatever should arise between the mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present declaration shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers signatories of the Treaty of Peace with Germany.

Made at Geneva, the 17th day of December, 1920.
Appendix C

Relevant Extracts from the Charter of the United Nations

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 18

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1(c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of
aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:
a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapter XII and XIII apply.

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:
a. to further international peace and security;

b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

   a. territories now held under mandate;

   b. territories which may be detached from enemy states as a result of the Second World War; and

   c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.
Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To
this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

**Article 85**

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

**Article 87**

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

**Article 88**

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory.

**Article 94**

Each Member of the United Nations undertakes to comply
with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgement rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

(Emphasis supplied in Article 77 above)
Appendix D

Submissions of Ethiopia and Liberia before the International Court of Justice in the case filed by them against the Union of South Africa on 4 November 1960

May it please the Court, to adjudge and declare, whether the Government of the Union of South Africa is present or absent and after such time limitations as the Court may see fit to fix, that,

(a) South West Africa is a territory under the Mandate conferred upon His Britannic Majesty by the Principal Allied and Associated Powers, to be exercised on his behalf by the Government of the Union of South Africa, accepted by His Britannic Majesty for and on behalf of the Government of the Union of South Africa, and confirmed by the Council of the League of Nations on December 17, 1920; and that the aforesaid Mandate is a treaty in force, within the meaning of Article 37 of the Statute of the International Court of Justice.

(b) The Union of South Africa remains subject to the international obligations set forth in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa and that the General Assembly of the United Nations is legally qualified to exercise the supervisory functions previously exercised by the League of Nations with regard to the administration of the Territory, and that the Union is under an obligation to submit to the supervision and control of the General Assembly with regard to the exercise of the Mandate.

(c) The Union of South Africa remains subject to the obligations to transmit to the United Nations petitions from the inhabitants of the Territory, as well as to submit an annual report to the satisfaction of the United Nations in accordance with Article 6 of the Mandate.

(d) The Union has substantially modified the terms of the Mandate without the consent of the United Nations; that such modification is a violation of Article 7 of the Mandate and Article 22 of the Covenant; and that the consent of the United Nations is a necessary prerequisite and condition to attempt on the part of the Union directly or indirectly to modify the terms of the Mandate.

(e) The Union has failed to promote to the utmost the material and moral well-being and social progress of the inhabitants of the Territory; its failure to do so is a violation of Article 2 of the Mandate and Article 22 of the
Covenant; and that the Union has the duty forthwith to take all practicable action to fulfil its duties under such Articles.

(f) The Union, in administering the Territory, has practised apartheid, that is, has distinguished as to race, colour, national or tribal origin, in establishing the right and duties of the inhabitants of the Territory, that such practice is in violation of Article 2 of the Mandate and Article 22 of the Covenant; and that the Union has the duty forthwith to cease the practice of apartheid in the Territory.

(g) The Union, in administering the Territory, has adopted and applied legislation, regulations, proclamations, and administrative decrees which are by their terms and in their application, arbitrary, unreasonable, unjust and detrimental to human dignity; that the foregoing action by the Union violate Article 2 of the Mandate and Article 22 of the Covenant; and that the Union has the duty forthwith to repeal and not to apply such legislation, regulation, proclamation and administrative decrees.

(h) The Union has adopted and applied legislation, administrative regulations, and official actions which suppress the right and liberties of inhabitants of the Territory essential to their orderly evolution toward self-government, the right to which is implicit in the Covenant of the League of Nations, the terms of the Mandate, and currently accepted international standards, as embodied in the Charter of the United Nations and the Declaration of Human Rights; that the foregoing actions by the Union violate Article 2 of the Mandate and Article 22 of the Covenant; and that the Union has the duty forthwith to cease and desist from any action which thwarts the orderly development of self-government in the Territory.

(i) The Union has exercised powers of administration and legislation over the Territory inconsistent with the international status of the Territory; that the foregoing action by the Union is in violation of Article 2 of the Mandate and Article 22 of the Covenant; that the Union has the duty to refrain from acts of administration and legislation which are inconsistent with the international status of the Territory.

(j) The Union has failed to render to the General Assembly of the United Nations annual reports containing information with regard to the Territory and indicating the measures it has taken to carry out its obligations under the
Mandate; that such failure is a violation of Article 6 of the Mandate; and that the Union has the duty forthwith to render such annual reports to the General Assembly.

(k) The Union has failed to transmit to the General Assembly of the United Nations petitions from the Territory's inhabitants addressed to the General Assembly; that such failure is a violation of the League of Nations rules; and that the Union has the duty to transmit such petitions to the General Assembly.
Appendix E(i)

Operative part of Resolution 1899 (XVIII) adopted by the General Assembly on 13 November 1967

1. Approves the report of the Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on the question of South West Africa, particularly its conclusions and recommendations, and express keen appreciation for the work of the Committee;

2. Solemnly reaffirms the inalienable right of the people of South West Africa to self-determination and independence;

3. Condemns the Government of the Republic of South Africa for its persistent refusal to cooperate with the United Nations in applying the principles of the Charter of the United Nations and implementing the resolutions of the General Assembly;

4. Considers that any attempt to annex a part or the whole of the Territory of South West Africa constitutes an act of aggression;

5. Requests the Secretary-General:

(a) To continue his efforts with a view to achieving the objectives stated in paragraphs 5 and 6 of General Assembly resolution 1805 (XVII);

(b) To invite the Government of South Africa to inform him of its decision regarding the provisions of those paragraphs not later than 30 November 1963;

(c) To report to the General Assembly immediately after he has received the reply of the Government of South Africa;

6. Decides to draw the attention of the Security Council to the present critical situation in South West Africa, the continuation of which constitutes a serious threat to international peace and security;

7. Urges all States which have not yet done so to take, separately or collectively, the following measures with reference to the question of South West Africa:
(a) Refrain forthwith from supplying in any manner or form any arms or military equipment to South Africa;

(b) Refrain also from supplying in any manner or form any petroleum or petroleum products to South Africa;

(c) Refrain from any action which might hamper the implementation of the present resolution and of the previous General Assembly resolutions on South West Africa;

8. Requests the Special Committee:

(a) To continue its efforts with a view to discharging the tasks assigned to it by resolution 1805 (XVII);

(b) To consider, in cooperation with the Secretary-General and the agencies of the United Nations, the implications of the activities of the mining industry and the other international companies having interests in South West Africa, in order to assess their economic and political influence and their mode of operation;

(c) To report on these questions to the General Assembly at its nineteenth session;

9. Decides to maintain the question of South West Africa on the agenda of its eighteenth session and to resume consideration of this question in the light of the reply of the Government of South Africa, given in accordance with paragraph 5 above, and immediately after receipt of that reply.
Appendix E(ii)

Operative part of Resolution 2074 (XX) adopted by the General Assembly on 17 December 1965

1. Approves the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to South West Africa;

2. Endorses the conclusions and recommendations of the Special Committee contained in its report on the implications of the activities of the mining industry and of the other international companies having interests in South West Africa;

3. Reaffirms the inalienable right of the people of South West Africa to freedom and independence, in accordance with General Assembly resolution 1514 (XV);

4. Condemns the policies of apartheid and racial discrimination practised by the Government of South Africa in South West Africa, which constitute a crime against humanity;

5. Considers that any attempt to partition the Territory or to take any unilateral action, directly or indirectly, preparatory thereto constitutes a violation of the Mandate and of resolution 1514 (XV);

6. Considers further that any attempt to annex a part or whole of the Territory of South West Africa constitutes an act of aggression;

7. Calls upon the Government of South Africa to remove immediately all bases and other military installations located in the Territory of South West Africa and to refrain from utilizing the Territory in any way whatsoever as a military base for internal or external purposes;

8. Condemns the policies of financial interests operating in South West Africa, which mercilessly exploit human and material resources and impede the progress of the Territory and the right of the people to freedom and independence;

9. Condemns the policy of the Government of South
Africa to circumvent the political and economic rights of the indigenous people of the Territory through a large scale settlement of foreign immigrants in the Territory;

10. **Condemns** the Government of South Africa for its refusal to cooperate with the United Nations in implementing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

11. **Requests** all States to take immediate action to carry out paragraph 7 of General Assembly resolution 1899 (XVIII);

12. **Appeals** to all States to give the indigenous people of South West Africa all necessary moral and material support in their legitimate struggle for freedom and independence;

13. **Requests** the Security Council to keep watch over the critical situation prevailing in South West Africa in the light of the ninth preambular paragraph of the present resolution.
Appendix B(iii)

Operative part of Resolution 1761 (XVII) adopted by the General Assembly on 6 November 1962

1. Deplores the failure of the Government of the Republic of South Africa to comply with the repeated requests and demands of the General Assembly and of the Security Council and its flouting of world public opinion by refusing to abandon its racial policies;

2. Strongly deprecates the continued and total disregard by the Government of South Africa of its obligations under the Charter of the United Nations and, furthermore, its determined aggravation of racial issues by enforcing measures of increasing ruthlessness involving violence and bloodshed;

3. Requests Member States to take the following measures, separately or collectively, in conformity with the Charter, to bring about the abandonment of those policies:

   (a) Breaking off diplomatic relations with the Government of the Republic of South Africa or refraining from establishing such relations;

   (b) Closing their ports to all vessels flying the South African flag;

   (c) Enacting legislation prohibiting their ships from entering South African ports;

   (d) Boycotting all South African goods and refraining from exporting goods, including all arms and ammunition, to South Africa;

   (e) Refusing landing and passage facilities to all aircraft belonging to the Government of South Africa and companies registered under the laws of South Africa;

5. Decides to establish a Special Committee consisting of representatives of Member States nominated by the President of the General Assembly, with the following terms of reference:

   (a) To keep the racial policies of the Government of South Africa under review when the Assembly is not in session;
(b) To report either to the Assembly or to
the Security Council or to both, as may be
appropriate, from time to time;

6. \textit{Requests} all Member States:

(a) To do everything in their power to help
the Special Committee to accomplish its task;

(b) To \textit{refrain from} any act likely to delay
or hinder the implementation of the present
resolution;

7. \textit{Invites} Member States to inform the General
Assembly at its eighteenth session regarding actions
taken, separately or collectively, in dissuading the
Government of South Africa from pursuing its policies
of \textit{apartheid};

8. \textit{Requests} the Security Council to take appro-
priate measures, including sanctions, to secure South
Africa's compliance with the resolutions of the General
Assembly and of the Security Council on this subject
and, if necessary, to consider action under Article
6 of the Charter.
Appendix E(iv)

Operative part of Resolution 2248 (S-V) adopted by the General Assembly on 19 May 1967 at its Fifth Special Session

I

Reaffirms the territorial integrity of South West Africa and the inalienable right of its people to freedom and independence, in accordance with the Charter of the United Nations, General Assembly resolution 1514 (XV) and all other resolutions concerning South West Africa;

II

1. Decides to establish a United Nations Council for South West Africa (hereinafter referred to as the Council) comprising eleven Member States to be elected during the present session and to entrust to it the following powers and functions, to be discharged in the Territory:

(a) To administer South West Africa until independence, with the maximum possible participation of the people of the Territory;

(b) To promulgate such laws, decrees and administrative regulations as are necessary for the administration of the Territory until a legislative assembly is established following elections conducted on the basis of universal adult suffrage;

(c) To take as an immediate task all the necessary measures, in consultation with the people of the Territory, for the establishment of a constituent assembly to draw up a constitution on the basis of which elections will be held for the establishment of a legislative assembly and a responsible government;

(d) To take all the necessary measures for the maintenance of law and order in the Territory;

(e) To transfer all powers to the people of the Territory upon the declaration of independence;
2. **Decides** that in the exercise of its powers and in the discharge of its functions the Council shall be responsible to the General Assembly;

3. **Decides** that the Council shall entrust such executive and administrative tasks as it deems necessary to a United Nations Commissioner for South West Africa (hereinafter referred to as the Commissioner) who shall be appointed during the present session by the General Assembly on the nomination of the Secretary-General;

4. **Decides** that in the performance of his tasks the Commissioner shall be responsible to the Council;

III

1. **Decides** that:

   (a) the administration of South West Africa under the United Nations shall be financed from the revenues collected in the Territory;

   (b) expenses directly related to the operation of the Council and the Office of the Commissioner – the travel and subsistence expenses of members of the Council, the remuneration of the Commissioner and his staff and the cost of ancillary facilities – shall be met from the regular budget of the United Nations;

2. **Requests** the specialized agencies and the appropriate organs of the United Nations to render to South West Africa technical and financial assistance through a co-ordinated emergency programme to meet the exigencies of the situation;

IV

1. **Decides** that the Council shall be based in South West Africa;

2. **Requests** the Council to enter immediately into contact with the authorities of South Africa in order to lay down procedures, in accordance with General Assembly resolution 2145 (XXI) and the present
resolution, for the transfer of the administration of the Territory with the least possible upheaval;

3. Further requests the Council to proceed to South West Africa with a view to:

(a) Taking over the administration of the Territory;

(b) Ensuring the withdrawal of South African police and military forces;

(c) Ensuring the withdrawal of South African personnel and their replacement by personnel operating under the authority of the Council;

(d) Ensuring that in the utilization and recruitment of personnel preference be given to the indigenous people;

4. Calls upon the Government of South Africa to comply without delay with the terms of resolution 2145 (XXI) and the present resolution and to facilitate the transfer of the administration of the Territory of South West Africa to the Council;

5. Requests the Security Council to take all appropriate measures to enable the United Nations Council for South West Africa to discharge the functions and responsibilities entrusted to it by the General Assembly;

6. Requests all States to extend their whole-hearted cooperation and to render assistance to the Council in the implementation of its task;

V

Requests the Council to report to the General Assembly at intervals not exceeding three months on its administration of the Territory, and to submit a special report to the Assembly at its twenty-second session concerning the implementation of the present resolution;

VI

Decides that South West Africa shall become independent
on a date to be fixed in accordance with the wishes of the people and that the Council shall do all in its power to enable independence to be attained by June 1968.

1. **Reaffirms** its resolution 264 (1969);

2. **Condemns** the Government of South Africa for its refusal to comply with resolution 264 (1969) and for its persistent defiance of the authority of the United Nations;

3. **Decides** that the continued occupation of the Territory of Namibia by the South African authorities constitutes an aggressive encroachment on the authority of the United Nations, a violation of the territorial integrity and a denial of the political sovereignty of the people of Namibia;

4. **Recognizes** the legitimacy of the struggle of the people of Namibia against the illegal presence of the South African authorities in the Territory;

5. **Calls upon** the Government of South Africa to withdraw its administration from the Territory immediately and in any case before 4 October 1969;

6. **Decides** that in the event of failure on the part of the Government of South Africa to comply with the provisions of the preceding paragraph of the present resolution, the Security Council will meet immediately to determine upon effective measures in accordance with the appropriate provisions of the relevant Chapters of the Charter of the United Nations;

7. **Calls upon** all States to refrain from all dealings with the Government of South Africa purporting to act on behalf of the Territory of Namibia;

8. **Requests** all States to increase their moral and material assistance to the people of Namibia in their struggle against foreign occupation;

9. **Requests** the Secretary-General to follow closely the implementation of the present resolution and to report to the Security Council as soon as possible;

10. **Decides** to remain actively seized of the matter.
Appendix E(vi)

Operative part of Resolution 301 (1971) adopted by the Security Council on 20 October 1971

1. **Reaffirms** that the Territory of Namibia is the direct responsibility of the United Nations and that this responsibility includes the obligation to support and promote the rights of the people of Namibia in accordance with General Assembly resolution 1614 (XV);

2. **Reaffirms** the national unity and territorial integrity of Namibia;

3. **Condemns** all moves by the Government of South Africa designed to destroy that unity and territorial integrity, such as the establishment of Bantustans;

4. **Declares** that South Africa's continued illegal presence in Namibia constitutes an internationally wrongful act and a breach of international obligations and that South Africa remains accountable to the international community for any violations of its international obligations or the rights of the people of the Territory of Namibia;

5. **Takes note with appreciation** of the advisory opinion of the International Court of Justice of 21 June 1971;

6. **Agrees** with the Court's opinion, as expressed in paragraph 133 of its advisory opinion:

"(1) that, the continued presence of South Africa in Namibia being illegal, South Africa is under obligation to withdraw its administration from Namibia immediately and thus put an end to its occupation of the Territory;

"(2) that States Members of the United Nations are under obligation to recognize the illegality of South Africa's presence in Namibia and the invalidity of its acts on behalf of or concerning Namibia, and to refrain from any acts and in particular any dealings with the Government of South Africa implying recognition of the legality of, or lending support or assistance to, such presence and administration;

"(3) that it is incumbent upon States which are not Members of the United Nations to give
assistance, within the scope of sub-paragraph (2) above, in the action which has been taken
by the United Nations with regard to Namibia;

7. **Declares** that all matters affecting the rights of the people of Namibia are of immediate concern to all Members of the United Nations and, as a result, the latter should take this into account in their dealings with the Government of South Africa, in particular in any dealings implying recognition of the legality of, or lending support or assistance to, such illegal presence and administration;

8. **Calls once again** upon South Africa to withdraw from the Territory of Namibia;

9. **Declares** that any further refusal of the South African Government to withdraw from Namibia could create conditions detrimental to the maintenance of peace and security in the region;

10. **Reaffirms** the provisions of resolution 283 (1970), in particular paragraphs 1 to 8 and 11;

11. **Calls upon** all States, in the discharge of their responsibilities towards the people of Namibia and subject to the exceptions set forth in paragraphs 122 and 125 of the advisory opinion of 21 June 1971:

   (a) To abstain from entering into treaty relations with South Africa in all cases in which the Government of South Africa purports to act on behalf of or concerning Namibia;

   (b) To abstain from invoking or applying those treaties or provisions of treaties concluded by South Africa on behalf of or concerning Namibia which involve active intergovernmental cooperation;

   (c) To review their bilateral treaties with South Africa in order to ensure that they are not inconsistent with paragraphs 5 and 6 above;

   (d) To abstain from sending diplomatic or special missions to South Africa that include the Territory of Namibia in their jurisdiction;

   (e) To abstain from sending consular agents to Namibia and to withdraw any such agents already there;
(f) To abstain from entering into economic and other forms of relationship or dealings with South Africa on behalf of or concerning Namibia which may entrench its authority over the Territory;

12. **Declares** that franchises, rights, titles or contracts relating to Namibia granted to individuals or companies by South Africa after the adoption of General Assembly resolution 2145 (XXI) are not subject to protection or espousal by their States against claims of a future lawful Government of Namibia;

13. **Requests** the Ad Hoc Sub-Committee on Namibia to continue to carry out the tasks entrusted to it under paragraphs 14 and 15 of Security Council resolution 283 (1970) and, in particular, taking into account the need to provide for the effective protection of Namibian interests at the international level, to study appropriate measures for the fulfilment of the responsibility of the United Nations towards Namibia;

14. **Requests** the Ad Hoc Sub-Committee on Namibia to review all treaties and agreements which are contrary to the provisions of the present resolution in order to ascertain whether States have entered into agreements which recognize South Africa's authority over Namibia, and to report periodically thereon;

15. **Calls upon** all States to support and promote the rights of the people of Namibia and to this end to implement fully the provisions of the present resolution;

16. **Requests** the Secretary-General to report periodically on the implementation of the provisions of the present resolution.
Appendix E(vii)

Paragraphs 6 and 7 of Resolution 2288 (XXII) adopted by the General Assembly on 7 December 1967

6. **Calls upon all States concerned to fulfil their fundamental obligation to ensure that the concessions granted, the investments authorized and the enterprises permitted to their nationals in the Territories under Colonial domination do not run counter to the present or future interests of the indigenous inhabitants of those territories;**

7. **Further calls upon the colonial Powers to prohibit the following practices, which run counter to the principles of the Charter, violate the economic and social rights of the peoples of the Territories under colonial domination and impede the rapid implementation of resolution 1514 (XV):**

   (a) The exploitation of human and national resources contrary to the interests of the indigenous inhabitants;

   (b) The obstruction of the access of the indigenous inhabitants to their natural resources;

   (c) The promotion and tolerance of injustice and discrimination in the remuneration of labour and in the establishment of working conditions.
Appendix F

(a) Resolutions of the General Assembly adopted from 1946 to 1971

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<td>Activities of foreign economic and other interests which are impeding the implementation of the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, Namibia and Territories under Portuguese domination and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa</td>
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Resolutions adopted by the Security Council on the question of South West Africa (Namibia)

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Appendix G

Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the General Assembly on 14 December 1960 vide Resolution 1514 (XV)

(The General Assembly)

Solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations;

And to this end

 Declares that:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation.

2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.

5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.
6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.

7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.