

opinion that the Union was under no obligation to accept a trusteeship agreement but that South West Africa was still an international territory and that its status could not be altered without the consent of the United Nations. Furthermore, the supervisory functions formerly exercised by the League of Nations should now be exercised by the United Nations. Because of this opinion of the Court, the United Nations has attempted since 1950 to treat South West Africa as a mandated territory, and an *Ad Hoc* Committee on South West Africa was set up by a General Assembly resolution of December 13, 1950 (1) to find ways and means of implementing the Court's opinion and (2) to examine reports on the administration of the territory as well as petitions and other matters relating to the territory. Succeeding *Ad Hoc* Committees on South West Africa have made little progress since South Africa refused to accept the ruling of the International Court of Justice and maintains that the Committee on South West Africa is unconstitutional. Without the co-operation of the South African Government, the Committee on South West Africa has found it impossible either to exercise supervisory functions over the territory or to negotiate with South Africa on the status of the territory.

The Fourth (Trusteeship) Committee of the eleventh session of the General Assembly, when considering the problem of South West Africa, was faced with a letter dated November 30, 1956 from the Permanent Representative of the Union of South Africa, indicating that for reasons relating to matters other than South West Africa, the South African Delegation would not be present at further meetings of the Committee. The Committee also had before it requests for hearings concerning South West Africa. The Committee granted these requests by 47 votes to 3 with 13 abstentions (including Canada). The report of the Committee on South West Africa required close examination by the Fourth Committee, because of the Union's continued refusal to accept United Nations supervision over its administration of the territory and because of the steps taken by the South African Government toward the integration of the territory within the Union.

Altogether nine resolutions on this question were considered and eventually adopted by the Fourth Committee. Some of them were of a relatively minor nature; the Canadian Delegation abstained on these because it believed that the Committee could not, in the face of South African hostility, accomplish its avowed purpose, and that the constant reiteration of previous Assembly resolutions tends to weaken the prestige of the United Nations. In deference to the June 1, 1956 opinion of the International Court of Justice, the Canadian Delegation withdrew its opposition to the admissibility of oral petitions. The Delegation, however, continued to abstain on the resolutions resulting from these petitions. These abstentions were based on a variety of considerations including Canada's misgivings as to the oft-repeated request by the Ukuyanyama Tribal Congress that the administration of South West Africa be transferred to Canada under United Nations Trusteeship.

Of the remaining resolutions on South West Africa before the Fourth Committee, two called upon the Secretary-General of the United Nations to explore ways of finding a satisfactory solution and enter into negotiations with the Union of South Africa. Canada voted against the proposal to have