

35. SOUTH WEST AFRICA

In December, 1946, the General Assembly, at the second part of its First Session, refused to approve a South African proposal to incorporate the mandated territory of South West Africa in the Union.¹ It recommended instead that the territory be placed under trusteeship and invited South Africa to propose a draft trusteeship agreement for consideration by the Assembly.

On April 11, 1947, the South African Parliament decided that instead of incorporating South West Africa in the Union as a new province it would merely permit representatives of the territory to sit in the Union Parliament "as an integral portion" of that body. The mandated territory would not be placed under trusteeship. Instead the Union Government would send annual reports on South West Africa to the Secretary-General of the United Nations and continue to administer the territory in the spirit of the League of Nations mandate.

At the Second Session of the General Assembly the South African delegate argued that his Government was neither legally nor morally bound to submit a trusteeship agreement for South West Africa. The people of the territory, he explained, were opposed to trusteeship and the Union Government must abide by their wishes to that extent, although it had not acceded to their request for incorporation in the metropolitan area.

Delegates of twenty states, including the U.S.S.R., expressed the view that South Africa was under both legal and moral obligation to place South West Africa under trusteeship. They maintained that the provisions of Chapter XI of the Charter regarding the establishment of trusteeship agreements for former mandated territories were compulsory. Eleven delegates, including those of Canada, the United Kingdom, and the United States, opposed this view, the delegate of Canada citing the records of the San Francisco Conference to prove that the transfer of mandated territories to the

¹ See *The United Nations 1946*, Conference Series, 1946, No. 3, pp. 111 to 113.