

The Advisory Opinion given by the International Court on July 11, 1950 concluded that the General Assembly of the United Nations should act in place of the Council of the League of Nations in exercising international supervision over the administration of the Territory of South West Africa and should conform as far as possible to the procedure followed in this respect by the Council of the League of Nations. The Council of the League and the Mandates Commission received extensive information concerning South West Africa from direct sources such as annual reports, written petitions and hearings of accredited representatives of the Mandatory Power. What action the League Council would have taken, had that body and the Mandates Commission been denied such information, must necessarily be a matter of speculation. It can be argued, however, that the League Council considered itself competent to authorize the Mandates Commission to obtain information through such appropriate means as circumstances might require for the effective supervision of the Mandates System. That supervision, as I have said before, was intended to be effective and genuine.

Now what has been the experience under the United Nations? The League of Nations received full information. Under the United Nations the mandates system for South West Africa has broken down completely. The Government of the Union of South Africa has failed to provide the United Nations with the information it requires to exercise effective supervision of the Mandate. It has discontinued the submission of annual reports, and it has refused to submit petitions on the Territory or otherwise provide information to the Committee on South West Africa. The Union Government contends that the Mandate in respect of South West Africa has lapsed; it does not accept the judgment of the International Court and does not agree to accept accountability to the United Nations.