

The United Nations has attempted since 1950 to treat South West Africa as a mandated territory. An *Ad Hoc* Committee on South West Africa was set up by a General Assembly resolution on December 13, 1950 to find ways and means of implementing the Court's opinion. The Committee was also authorized 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 and they have been unable to examine reports on the administration of South West Africa since none has been submitted by the South African Government. The eighth session of the General Assembly established a Committee on South West Africa and instructed it (1) to exercise supervisory functions over South West Africa to the extent formerly exercised by the Permanent Mandates Commission of the League of Nations, (2) to prepare "for the consideration of the General Assembly a procedure for the examination of reports and petitions which should conform as far as possible to the procedure followed in this respect by the . . . League of Nations" and (3) to continue negotiations with South Africa on the question of the status of South West Africa. South Africa refused to accept the ruling of the International Court and therefore 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 ninth and tenth sessions of the General Assembly were, as a result, largely concerned with the procedure recommended by the Committee for the examination of reports and petitions by the General Assembly. To conform as far as possible to the procedure followed by the League of Nations, where the principle of unanimity prevailed, the Committee recommended that decisions of the General Assembly on matters relating to South West Africa should be decided by a two-thirds majority. Several delegations immediately argued that this meant increasing the degree of supervision contemplated by the International Court. Once again the Assembly asked the Court to decide. The Court ruled that the Committee's recommendation was in conformity with the spirit of its 1950 opinion.

Another contentious issue arose in 1955 when the Committee on South West Africa was asked to grant an oral hearing to a South West African student who was studying in the United States. Under the League of Nations, oral hearings before the Permanent Mandates Commission were forbidden. The Committee therefore recommended that the International Court of Justice should be asked to rule on whether or not oral hearings were admissible. The Trusteeship Committee concurred with this recommendation that the International Court should be asked for an opinion on the admissibility of oral hearings before the Committee on South West Africa, and then the Trusteeship Committee itself granted an oral hearing. Since both the Trusteeship Committee and the Committee on South West Africa are committees of the General Assembly, the Canadian Delegation decided that if oral hearings are inadmissible before the Committee on South West Africa they are probably inadmissible before the Fourth Committee. Canada therefore supported the resolution referring the question to the International Court of Justice and opposed the granting of an oral hearing before the Trusteeship Committee.

Throughout the debates on South West Africa, the Canadian Delegation was guided in reaching its decision by the advisory opinions of the International Court. The Court's decisions, even if not legally binding on the parties concerned, are in the Canadian view, authoritative expressions of international law and should be accepted and supported.