

West Africa) and thus recognized the supervisory role of the United Nations with respect to the territory. This supervisory function of the United Nations had been clearly recognized by the International Court in its advisory opinion.

The *Ad Hoc* Committee, in its report to the sixth session of the General Assembly, said that it had thoroughly examined the South African Government's proposals and had found that they were not within the Committee's terms of reference since they did not allow for a full implementation of the advisory opinion of the International Court of Justice. The Committee noted particularly that South Africa did not include in its proposals any provision for the supervision of the administration of the territory by the United Nations. The report also stated that South Africa had found the *Ad Hoc* Committee's proposals unacceptable on the ground that they would have the effect of imposing on South Africa obligations even more extensive than those implicit in the mandate system. South Africa said, for example, that the implementation of the Committee's proposals would confer certain rights in respect of South West Africa on states now members of the United Nations which had had no such rights under the League of Nations mandate. Furthermore, it affirmed that it was unable to accept that part of the Committee's proposals which called for the submission of reports on the administration of South West Africa.

When the Trusteeship Committee began considering its agenda at the beginning of the sixth session of the Assembly in the autumn of 1951, it agreed to give priority to the consideration of requests for hearings which had been received from representatives of the Herero people and other sections of the indigenous population of South West Africa. In spite of objections from South Africa, the Committee agreed, by a vote of 37 in favour, 7 against, with 7 abstentions (including Canada) to grant the hearings, and requested the South African Government to facilitate the travel of the witnesses from South West Africa to Paris. The South African Delegate argued that this resolution was illegal. The Charter of the United Nations, he said, made no provision for the right of petition except for trust territories, and South West Africa was not a trust territory; furthermore, the advisory opinion of the International Court of Justice provided that in regard to South West Africa, the procedures of the League of Nations mandate system should be followed as far as possible, and these procedures did not include the hearing of oral petitions. The Canadian Delegation was not prepared, without closer examination of the problem, to reject the South African contention that the resolution was outside the competence of the Committee; neither was it prepared to reject the opposing viewpoint that, since South Africa had shown no inclination to accept that part of the International Court's advisory opinion dealing with petitions and annual reports, the Committee was morally justified in consulting representatives from that territory as a means of obtaining more complete information on local conditions. It was for these reasons that the Canadian Delegation did not take part in the debate and abstained on the vote on the hearing of these witnesses.