

of the report of the Secretary-General on study and training facilities under General Assembly resolution 1471 (XIV) of 12 December 1959.

and *urges* the Administering Members to take all necessary measures to ensure that study and training facilities offered by Member States are utilized by the inhabitants of the Non-Self-Governing Territories, and to render every assistance to those persons who have applied for, or have been granted, scholarships or fellowships, particularly with regard to facilitating their travel formalities;

4. *Requests* all Administering Members which have not already done so to give the fullest publicity in the Territories under their administration to all offers of study and training facilities made by Member States;

5. *Urges* Member States to increase the number of scholarships offered;

6. *Requests* the Member States offering scholarships to take into account the necessity of furnishing complete information about the scholarships offered, and, whenever possible, the need to provide travel funds to prospective students;

7. *Requests* the Secretary-General and the specialized agencies to give such assistance as is possible and as may be sought by the Member States concerned and by the applicants;

8. *Further requests* the Secretary-General to prepare for the sixteenth session of the General Assembly a report on the actual use of scholarships and training facilities offered by Member States to students from the Non-Self-Governing Territories.

948th plenary meeting,  
15 December 1960.

1541 (XV). Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter

The General Assembly,

Considering the objectives set forth in Chapter XI of the Charter of the United Nations,

Bearing in mind the list of factors annexed to General Assembly resolution 742 (VIII) of 27 November 1953,

Having examined the report of the Special Committee of Six on the Transmission of Information under Article 73 e of the Charter,<sup>12</sup> appointed under General Assembly resolution 1467 (XIV) of 12 December 1959 to study the principles which should guide Members in determining whether or not an obligation exists to transmit the information called for in Article 73 e of the Charter and to report on the results of its study to the Assembly at its fifteenth session,

1. *Expresses its appreciation* of the work of the Special Committee of Six on the Transmission of Information under Article 73 e of the Charter;

2. *Approves* the principles set out in section V, part B, of the report of the Committee, as amended and as they appear in the annex to the present resolution;

3. *Decides* that these principles should be applied in the light of the facts and the circumstances of each

case to determine whether or not an obligation exists to transmit information under Article 73 e of the Charter.

948th plenary meeting,  
15 December 1960.

## ANNEX

PRINCIPLES WHICH SHOULD GUIDE MEMBERS IN DETERMINING WHETHER OR NOT AN OBLIGATION EXISTS TO TRANSMIT THE INFORMATION CALLED FOR IN ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

### Principle I

The authors of the Charter of the United Nations had in mind that Chapter XI should be applicable to territories which were then known to be of the colonial type. An obligation exists to transmit information under Article 73 e of the Charter in respect of such territories whose peoples have not yet attained a full measure of self-government.

### Principle II

Chapter XI of the Charter embodies the concept of Non-Self-Governing Territories in a dynamic state of evolution and progress towards a "full measure of self-government". As soon as a territory and its peoples attain a full measure of self-government, the obligation ceases. Until this comes about, the obligation to transmit information under Article 73 e continues.

### Principle III

The obligation to transmit information under Article 73 e of the Charter constitutes an international obligation and should be carried out with due regard to the fulfilment of international law.

### Principle IV

*Prima facie* there is an obligation to transmit information in respect of a territory which is geographically separate and is distinct ethnically and/or culturally from the country administering it.

### Principle V

Once it has been established that such a *prima facie* case of geographical and ethnical or cultural distinctness of a territory exists, other elements may then be brought into consideration. These additional elements may be, *inter alia*, of an administrative, political, juridical, economic or historical nature. If they affect the relationship between the metropolitan State and the territory concerned in a manner which arbitrarily places the latter in a position or status of subordination, they support the presumption that there is an obligation to transmit information under Article 73 e of the Charter.

### Principle VI

A Non-Self-Governing Territory can be said to have reached a full measure of self-government by:

- Emergence as a sovereign independent State;
- Free association with an independent State; or
- Integration with an independent State.

### Principle VII

(a) Free association should be the result of a free and voluntary choice by the peoples of the territory concerned expressed through informed and democratic processes. It should be one which respects the individuality and the cultural characteristics of the territory and its peoples, and retains for the peoples of the territory which is associated with an independent State the freedom to modify the status of that territory through the expression of their will by democratic means and through constitutional processes.

(b) The associated territory should have the right to determine its internal constitution without outside interference, in accordance with due constitutional processes and the freely

<sup>12</sup> *Ibid.*, agenda item 38, document A/4526.

the people. This does not preclude consultation or necessary aid in the terms of the final report.

*Principle VIII*

*Integration with the equality of the people*  
 Independent States should be on the basis of equality between the people of the erstwhile Non-Self-Governing Territory and those of the independent country to which they are integrated. The peoples of both territories should enjoy the same status and rights of citizenship and equal treatment in fundamental rights and freedoms without any distinction of race or origin; both should have equal rights and opportunities for representation and effective participation at all levels in the executive, legislative and judicial organs of government.

*Principle IX*

Integration should have come about in the following circumstances:

(a) The integrating territory should have attained an advanced stage of self-government with free political institutions, so that its peoples would have the capacity to make a responsible choice through informed and democratic processes;

(b) The integration should be the result of the freely expressed wishes of the territory's peoples acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based on universal adult suffrage. The United Nations could, when it deems it necessary, supervise these processes.

*Principle X*

The transmission of information in respect of Non-Self-Governing Territories under Article 73 e of the Charter is subject to such limitation as security and constitutional considerations may require. This means that the extent of the information may be limited in certain circumstances, but the limitation in Article 73 e cannot relieve a Member State of the obligations of Chapter XI. The "limitation" can relate only to the quantum of information of economic, social and educational nature to be transmitted.

*Principle XI*

The only constitutional considerations to which Article 73 e of the Charter refers are those arising from constitutional relations of the territory with the Administering Member. They refer to a situation in which the constitution of the territory gives it self-government in economic, social and educational matters through freely elected institutions. Nevertheless, the responsibility for transmitting information under Article 73 e continues, unless these constitutional relations preclude the Government or parliament of the Administering Member from receiving statistical and other information of a technical nature relating to economic, social and educational conditions in the territory.

*Principle XII*

Security considerations have not been invoked in the past. Only in very exceptional circumstances can information on economic, social and educational conditions have any security aspect. In other circumstances, therefore, there should be no necessity to limit the transmission of information on security grounds.

1542 (XV). Transmission of information under Article 73 e of the Charter

The General Assembly,

Recalling that, by resolution 742 (VIII) of 27 November 1953, the General Assembly approved a list of factors to be used as a guide in determining whether a Territory is or is no longer within the scope of Chapter XI of the Charter of the United Nations,

Recalling also that differences of views arose among Member States concerning the status of certain territories under the administrations of Portugal and Spain and described by these two States as "overseas provinces" of the metropolitan State concerned, and that with a view to resolving those differences the General Assembly, by resolution 1467 (XIV) of 12 December 1959, appointed the Special Committee of Six on the Transmission of Information under Article 73 e of the Charter to study the principles which should guide Members in determining whether or not an obligation exists to transmit the information called for in Article 73 e,

Recognizing that the desire for independence is the rightful aspiration of peoples under colonial subjugation and that the denial of their right to self-determination constitutes a threat to the well-being of humanity and to international peace,

Recalling with satisfaction the statement of the representative of Spain at the 1048th meeting of the Fourth Committee that his Government agrees to transmit information to the Secretary-General in accordance with the provisions of Chapter XI of the Charter,

Mindful of its responsibilities under Article 14 of the Charter,

Being aware that the Government of Portugal has not transmitted information on the territories under its administration which are enumerated in operative paragraph 1 below and has not expressed any intention of doing so, and because such information as is otherwise available in regard to the conditions in these territories gives cause for concern,

1. Considers that, in the light of the provisions of Chapter XI of the Charter, General Assembly resolution 742 (VIII) and the principles approved by the Assembly in resolution 1541 (XV) of 15 December 1960, the territories under the administration of Portugal listed hereunder are Non-Self-Governing Territories within the meaning of Chapter XI of the Charter:

- ✓ (a) The Cape Verde Archipelago;
- ✓ (b) Guinea, called Portuguese Guinea;
- ✓ (c) São Tomé and Príncipe, and their dependencies;
- ✓ (d) ~~São João Batista de Ajudá;~~ *Angola/61 annual*
- ✓ (e) Angola, including the enclave of Cabinda; *by Sabony*
- ✓ (f) Mozambique;
- ✓ (g) ~~Goa and dependencies, called the State of India;~~
- ✓ (h) Macau and dependencies;
- ✓ (i) Timor and dependencies;

2. Declares that an obligation exists on the part of the Government of Portugal to transmit information under Chapter XI of the Charter concerning these territories and that it should be discharged without further delay;

3. Requests the Government of Portugal to transmit to the Secretary-General information in accordance with the provisions of Chapter XI of the Charter on the conditions prevailing in the territories under its administration enumerated in paragraph 1 above;

4. Requests the Secretary-General to take the necessary steps in pursuance of the declaration of the Government of Spain that it is ready to act in accordance with the provisions of Chapter XI of the Charter;

5. Invites the Governments of Portugal and Spain to participate in the work of the Committee on Information from Non-Self-Governing Territories in accordance

1. *Takes note of the conclusions of the report of the Ad Hoc Committee on Factors (Non-Self-Governing Territories);*
2. *Approves the list of factors as adopted by the Fourth Committee;*
3. *Recommends that the annexed list of factors should be used by the General Assembly and the Administering Members as a guide in determining whether any Territory, due to changes in its constitutional status, is or is no longer within the scope of Chapter XI of the Charter, in order that, in view of the documentation provided under resolution 222 (III) of 3 November 1948, a decision may be taken by the General Assembly on the continuation or cessation of the transmission of information required by Chapter XI of the Charter;*
4. *Reasserts that each concrete case should be considered and decided upon in the light of the particular circumstances of that case and taking into account the right of self-determination of peoples;*
5. *Considers that the validity of any form of association between a Non-Self-Governing Territory and a metropolitan or any other country essentially depends on the freely expressed will of the people at the time of the taking of the decision;*
6. *Considers that the manner in which Territories referred to in Chapter XI of the Charter can become fully self-governing is primarily through the attainment of independence, although it is recognized that self-government can also be achieved by association with another State or group of States if this is done freely and on the basis of absolute equality;*
7. *Reaffirms that the factors, while serving as a guide in determining whether the obligations as set forth in Chapter XI of the Charter shall exist, should in no way be interpreted as a hindrance to the attainment of a full measure of self-government by a Non-Self-Governing Territory;*
8. *Further reaffirms that, for a Territory to be deemed self-governing in economic, social or educational affairs, it is essential that its people shall have attained a full measure of self-government;*
9. *Instructs the Committee on Information from Non-Self-Governing Territories to study any documentation transmitted hereafter under resolution 222 (III) in the light of the list of factors approved by the present resolution, and other relevant considerations which may arise from each concrete case of cessation of information;*
10. *Recommends that the Committee on Information from Non-Self-Governing Territories take the initiative of proposing modifications at any time to improve the list of factors, as may seem necessary in the light of circumstances.*

*459th plenary meeting,  
27 November 1953.*

ANNEX  
*List of Factors*

FACTORS INDICATIVE OF THE ATTAINMENT OF INDEPENDENCE OR OF OTHER SEPARATE SYSTEMS OF SELF-GOVERNMENT

*First part*

FACTORS INDICATIVE OF THE ATTAINMENT OF INDEPENDENCE

A. *International status*

1. *International responsibility.* Full international responsibility of the Territory for the acts inherent in the exercise of

its external sovereignty and for the corresponding acts in the administration of its internal affairs.

2. *Eligibility for membership in the United Nations.*

3. *General international relations.* Power to enter into direct relations of every kind with other governments and with international institutions and to negotiate, sign and ratify international instruments.

4. *National defence.* Sovereign right to provide for its national defence.

B. *Internal self-government*

1. *Form of government.* Complete freedom of the people of the Territory to choose the form of government which they desire.

2. *Territorial government.* Freedom from control or interference by the government of another State in respect of the internal government (legislature, executive, judiciary, and administration of the Territory).

3. *Economic, social and cultural jurisdiction.* Complete autonomy in respect of economic, social and cultural affairs.

*Second part*

FACTORS INDICATIVE OF THE ATTAINMENT OF OTHER SEPARATE SYSTEMS OF SELF-GOVERNMENT

A. *General*

1. *Opinion of the population.* The opinion of the population of the Territory, freely expressed by informed and democratic processes, as to the status or change in status which they desire.

2. *Freedom of choice.* Freedom of choosing on the basis of the right of self-determination of peoples between several possibilities, including independence.

3. *Voluntary limitation of sovereignty.* Degree of evidence that the attribute or attributes of sovereignty which are not individually exercised will be collectively exercised by the larger entity thus associated and the freedom of the population of a Territory which has associated itself with the metropolitan country to modify at any time this status through the expression of their will by democratic means.

4. *Geographical considerations.* Extent to which the relations of the Non-Self-Governing Territory with the capital of the metropolitan government may be affected by circumstances arising out of their respective geographical positions, such as separation by land, sea or other natural obstacles; and extent to which the interests of boundary States may be affected, bearing in mind the general principle of good-neighbourliness referred to in Article 74 of the Charter.

5. *Ethnic and cultural considerations.* Extent to which the populations are of different race, language or religion or have a distinct cultural heritage, interests or aspirations, distinguishing them from the peoples of the country with which they freely associate themselves.

6. *Political advancement.* Political advancement of the population sufficient to enable them to decide upon the future destiny of the Territory with due knowledge.

B. *International status*

1. *General international relations.* Degree or extent to which the Territory exercises the power to enter freely into direct relations of every kind with other governments and with international institutions and to negotiate, sign and ratify international instruments freely. Degree or extent to which the metropolitan country is bound, through constitutional provisions or legislative means, by the freely expressed wishes of the Territory in negotiating, signing and ratifying international conventions which may influence conditions in the Territory.

2. *Change of political status.* The right of the metropolitan country or the Territory to change the political status of that Territory in the light of the consideration whether that Territory is or is not subject to any claim or litigation on the part of another State.

3. *Eligibility for membership in the United Nations.*

C. *Internal self-government*

1. *Territorial government.* Nature and measure of control or interference, if any, by the government of another State in

respect of the internal government, for example, in respect of the following:

**Legislature:** The enactment of laws for the Territory by an indigenous body whether fully elected by free and democratic processes or lawfully constituted in a manner receiving the free consent of the population;

**Executive:** The selection of members of the executive branch of the government by the competent authority in the Territory receiving consent of the indigenous population, whether that authority is hereditary or elected, having regard also to the nature and measure of control, if any, by an outside agency on that authority, whether directly or indirectly exercised in the constitution and conduct of the executive branch of the government;

**Judiciary:** The establishment of courts of law and the selection of judges.

2. **Participation of the population.** Effective participation of the population in the government of the Territory: (a) Is there an adequate and appropriate electoral and representative system? (b) Is this electoral system conducted without direct or indirect interference from a foreign government?\*

3. **Economic, social and cultural jurisdiction.** Degree of autonomy in respect of economic, social and cultural affairs, as illustrated by the degree of freedom from economic pressure as exercised, for example, by a foreign minority group which, by virtue of the help of a foreign Power, has acquired a privileged economic status prejudicial to the general economic interest of the people of the Territory; and by the degree of freedom and lack of discrimination against the indigenous population of the Territory in social legislation and social developments.

#### Third part

FACTORS INDICATIVE OF THE FREE ASSOCIATION OF A TERRITORY ON EQUAL BASIS WITH THE METROPOLITAN OR OTHER COUNTRY AS AN INTEGRAL PART OF THAT COUNTRY OR IN ANY OTHER FORM

#### A. General

1. **Opinion of the population.** The opinion of the population of the Territory, freely expressed by informed and democratic processes, as to the status or change in status which they desire.

2. **Freedom of choice.** The freedom of the population of a Non-Self-Governing Territory which has associated itself with the metropolitan country as an integral part of that country or in any other form to modify this status through the expression of their will by democratic means.

3. **Geographical considerations.** Extent to which the relations of the Territory with the capital of the central government may be affected by circumstances arising out of their respective geographical positions, such as separation by land, sea or other natural obstacles. The right of the metropolitan country or the Territory to change the political status of that Territory in the light of the consideration whether that Territory is or is not subject to any claim or litigation on the part of another State.

4. **Ethnic and cultural considerations.** Extent to which the population are of different race, language or religion or have a distinct cultural heritage, interests or aspirations, distinguishing them from the peoples of the country with which they freely associate themselves.

5. **Political advancement.** Political advancement of the population sufficient to enable them to decide upon the future destiny of the Territory with due knowledge.

6. **Constitutional considerations.** Association by virtue of a treaty or bilateral agreement affecting the status of the Territory, taking into account (i) whether the constitutional guarantees extend equally to the associated Territory, (ii) whether the powers in certain matters constitutionally reserved to the Territory or to the central authority, and (iii) whether there is provision for the participation of the Territory on a basis of equality in any changes in the constitutional system of the State.

#### B. Status

1. **Legislative representation.** Representation without discrimination in the central legislative organs on the same basis as other inhabitants and regions.

2. **Participation of the population.** Effective participation of the population in the government of the Territory: (a) Is there an adequate and appropriate electoral and representative system? (b) Is this electoral system conducted without direct or indirect interference from a foreign government?\*

3. **Citizenship.** Citizenship without discrimination on the same basis as other inhabitants.

4. **Government officials.** Eligibility of officials from the Territory to all public offices of the central authority, by appointment or election, on the same basis as those from other parts of the country.

#### C. Internal constitutional conditions

1. **Suffrage.** Universal and equal suffrage, and free periodic elections, characterized by an absence of undue influence over and coercion of the voter or of the imposition of disabilities on particular political parties.<sup>b</sup>

2. **Local rights and status.** In a unitary system equal rights and status for the inhabitants and local bodies of the Territory as enjoyed by inhabitants and local bodies of other parts of the country; in a federal system an identical degree of self-government for the inhabitants and local bodies of all parts of the federation.

3. **Local officials.** Appointment or election of officials in the Territory on the same basis as those in other parts of the country.

4. **Internal legislation.** Local self-government of the same scope and under the same conditions as enjoyed by other parts of the country.

5. **Economic, social and cultural jurisdiction.** Degree of autonomy in respect of economic, social and cultural affairs, as illustrated by the degree of freedom from economic pressure as exercised, for example, by a foreign minority group which, by virtue of the help of a foreign Power, has acquired a privileged economic status prejudicial to the general economic interest of the people of the Territory; and by the degree of freedom and lack of discrimination against the indigenous population of the Territory in social legislation and social developments.

\* For example, the following questions would be relevant:

(i) Has each adult inhabitant equal power (subject to special safeguards for minorities) to determine the character of the government of the Territory?

(ii) Is this power exercised freely, i.e., is there an absence of undue influence over and coercion of the voter and of the imposition of disabilities on particular political parties?

Some tests which can be used in the application of this factor are as follows:

(a) The existence of effective measures to ensure the democratic expression of the will of the people;

(b) The existence of more than one political party in the Territory;

(c) The existence of a secret ballot;

(d) The existence of legal prohibitions on the exercise of undemocratic practices in the course of elections;

(e) The existence for the individual elector of a choice between candidates of differing political parties;

(f) The absence of "martial law" and similar measures at election times;

(iii) Is each individual free to express his political opinions, to support or oppose any political party or cause, and to criticize the government of the day?

<sup>b</sup> For example, the following tests would be relevant:

(a) The existence of effective measures to ensure the democratic expression of the will of the people;

(b) The existence of more than one political party in the Territory;

(c) The existence of a secret ballot;

(d) The existence of legal prohibitions on the exercise of undemocratic practices in the course of elections;

(e) The existence for the individual elector of a choice between candidates of differing political parties;

(f) The absence of "martial law" and similar measures at election times;

(g) Freedom of each individual to express his political opinions, to support or oppose any political party or cause, and to criticize the government of the day.