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STUDY OF 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: REPORT OF THE  
SPECIAL COMMITTEE ESTABLISHED UNDER GENERAL ASSEMBLY  
RESOLUTION 1467 (XIV)

Report of the Fourth Committee

Rapporteur: Mr. Poul BOEG (Denmark)

1. At its 881st plenary meeting on 1 October 1960, the General Assembly allocated to the Fourth Committee the following item on its agenda:

"38. Study of 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: report of the Special Committee established under General Assembly resolution 1467 (XIV)."

2. The Committee considered this item from its 1031st to its 1049th meetings inclusive, from 1 to 14 November 1960.

3. The Committee had before it the report of the Special Committee of Six on the Transmission of Information under Article 73 e of the Charter<sup>1/</sup> established under General Assembly resolution 1467 (XIV) of 12 December 1959, containing, as a result of its study, the general considerations and twelve principles which, in the unanimous opinion of the Committee of Six, should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter.

<sup>1/</sup> A/4526.

4. Following the general debate on this item, the Committee, at the 1042nd meeting, took up a draft resolution (A/C.4/L.648) jointly sponsored by Iraq, Ireland, Nigeria and Venezuela. Subsequently, Bolivia joined as a co-sponsor (A/C.4/L.648/Add.1). Under the terms of this draft resolution, the General Assembly would, inter alia: (1) express its appreciation of the work of the Special Committee of Six; (2) approve the list of principles contained in the report of the Special Committee (and annexed to the text of the draft resolution); and (3) decide 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 the information called for under Article 73 e.

5. The Committee discussed this draft resolution from its 1042nd to its 1045th meetings inclusive. At the 1043rd meeting, Togo and Tunisia submitted an amendment (A/C.4/L.650) which would replace the last sentence of sub-paragraph (b) of Principle IX, reading "it is recognized that in certain circumstances United Nations supervision of such processes may be desirable", by "Supervision of such processes by the United Nations is necessary". Many Members recalled that the Special Committee, which had been composed of an equal number of Administering and non-Administering Members, in the interest of unanimity, had accepted the text of the principles as a compromise, and appealed to the representatives of Togo and Tunisia to withdraw their amendment so that the principles could be adopted with the greatest possible majority. In response to these appeals, the representative of Tunisia, speaking also on behalf of Togo, at the 1044th meeting, orally revised the amendment to read: "The United Nations could, when it deems necessary, supervise these processes".

6. At the 1045th meeting, the representative of Guinea orally reintroduced the original amendment submitted by Togo and Tunisia but replaced the word "necessary" by the word "indispensable". Subsequently, at the same meeting, in response to appeals addressed to him by the sponsors of the original amendment, the representative of Guinea withdrew his amendment.

7. At the same meeting, the representative of Iran orally proposed an amendment to operative paragraph 2 to insert after the word "Approves" the words "the general considerations set out in part A and".

8. At the 1045th meeting, the Committee voted on the draft resolution (A/C.4/L.648) and the annex thereto, and the amendment (A/C.4/L.650) as orally revised. The representative of Haiti, who had expressed reservations concerning the principle of integration of a dependent Territory with an independent State as a satisfactory way of achieving independence in conformity with the objectives of the Charter, asked for Principles VI (c), VIII and IX to be put to the vote separately. The Committee decided to vote first separately on the various paragraphs in the annex. In the course of the vote, the representative of Iran withdrew his amendment. Following the adoption of the amendment to sub-paragraph (b) of Principle IX and the adoption of the annex as a whole, the representative of the United Kingdom of Great Britain and Northern Ireland orally suggested a drafting change in operative paragraph 2 of the draft resolution to read "Approves the principles set out in part B of section V of the report of the Special Committee of Six, as amended, and as they appear in the annex to this resolution". The Committee agreed to this suggestion.

(1) The amendment submitted by Togo and Tunisia (A/C.4/L.650) as orally revised, was adopted by a roll-call vote of 38 to 24, with 26 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroun, Central African Republic, Chad, Congo (Brazzaville), Czechoslovakia, Ecuador, Ethiopia, Hungary, Indonesia, Ivory Coast, Jordan, Lebanon, Liberia, Libya, Mali, Morocco, Niger, Pakistan, Panama, Philippines, Poland, Romania, Saudi Arabia, Senegal, Somalia, Sudan, Thailand, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Yugoslavia.

Against: Argentina, Australia, Austria, Belgium, Canada, China, Denmark, Dominican Republic, Finland, France, Greece, Ireland, Italy, Japan, Mexico, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bolivia, Brazil, Burma, Cambodia, Ceylon, Chile, Colombia, Costa Rica, Cuba, Cyprus, El Salvador, Federation of Malaya, Ghana, Guatemala, Guinea, Haiti, India, Iran, Iraq, Israel, Nepal, Nigeria, Paraguay, Peru, Turkey, Venezuela.

(2) Sub-paragraph (c) of Principle VI contained in the annex to the draft resolution (A/C.4/L.648) was adopted by 63 votes to none, with 19 abstentions.

(3) Principle VI, as a whole, was adopted by 67 votes to none, with 22 abstentions.

(4) Principle VIII was adopted by 69 votes to none, with 18 abstentions.

(5) Principle IX, sub-paragraph (a) was adopted by 68 votes to none, with 19 abstentions.

(6) Principle IX, sub-paragraph (b), as amended, was adopted by 57 votes to 5, with 24 abstentions.

(7) Principle IX, as a whole, as amended, was adopted by 50 votes to 3, with 32 abstentions.

(8) The principles annexed to the draft resolution (A/C.4/L.648), as a whole as amended, were adopted by a roll-call vote of 66 to 3, with 19 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Austria, Bolivia, Brazil, Burma, Cambodia, Cameroun, Canada, Central African Republic, Ceylon, Chad, Chile, Colombia, Congo (Brazzaville), Costa Rica, Cuba, Cyprus, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Japan, Jordan, Lebanon, Liberia, Libya, Mali, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Senegal, Somalia, Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, United Arab Republic, Uruguay, Venezuela, Yugoslavia.

Against: Portugal, Spain, Union of South Africa.

Abstaining: Albania, Australia, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, Dominican Republic, France, Hungary, Italy, Netherlands, New Zealand, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

(9) The draft resolution and the annex thereto, as a whole, as amended, was adopted by a roll-call vote of 62 to 3, with 19 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Austria, Bolivia, Brazil, Burma, Cambodia, Cameroun, Canada, Central African Republic, Ceylon, Chad, Chile, Colombia, Costa Rica, Cuba, Cyprus, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Japan, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Somalia, Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, United Arab Republic, Uruguay, Venezuela, Yugoslavia.

Against: Portugal, Spain, Union of South Africa.

Abstaining: Albania, Australia, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, Dominican Republic, France, Hungary, Italy, Netherlands, New Zealand, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

9. The text as approved by the Committee appears in paragraph 19 of the present report as draft resolution I.

10. At the 1040th meeting, Afghanistan, Burma, Ceylon, Ghana, Guinea, India, Nepal and Nigeria jointly submitted a draft resolution (A/C.4/L.649) on the transmission of information under Article 73 e of the Charter. Under the terms of this draft resolution, the General Assembly would, inter alia: (1) enumerate the territories under the administration of Spain and Portugal<sup>2/</sup> which it considered to be Non-Self-Governing Territories in the light of the provisions of Chapter XI of the Charter, General Assembly resolution 742 (VIII) of 27 November 1953 and the principles enumerated by the Special Committee of Six; (2) request the Governments of Portugal and Spain to transmit information in accordance with Article 73 e of

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<sup>2/</sup> The Spanish Territories as enumerated were Ifni, West Sahara, Fernando Póo and Rio Muni. For the list of the Portuguese Territories, see paragraph 19 of the present report, draft resolution II.

the Charter on these territories; and (3) urge the Governments of Portugal and Spain to ensure to the indigenous populations of these territories the enjoyment of full freedom for democratic political activities which would accelerate their attainment of independence.

11. The Committee considered this draft resolution from its 1046th to its 1049th meetings inclusive. At the 1046th meeting, the sponsors introduced a revised text of the draft resolution (A/C.4/L.649/Rev.1 and Rev.1/Corr.1) to take into account a statement made by the representative of Spain at the 1038th meeting on the transmission of information under Article 73 e.<sup>3/</sup> The revised text also omitted the operative paragraph of the draft resolution referred to under (3) in paragraph 10 of the present report. Iraq, Liberia, Libya and Senegal joined as co-sponsors (A/C.4/L.649/Rev.1/Add.1).

12. At the same meeting, the Ukrainian Soviet Socialist Republic submitted amendments (A/C.4/L.651). These amendments were as follows: (1) In the fourth paragraph of the preamble to delete the words "with satisfaction", and add at the end of the paragraph "concerning the following Non-Self-Governing Territories: Ifni, West Sahara, Fernando Póo, Rio Muni, Canary Islands"; (2) to insert, as operative paragraph 2, the following:

"1. Urges the Governments of Spain and Portugal to grant to the indigenous populations of the Non-Self-Governing Territories under their administration the enjoyment of full freedom for democratic political activities which would ensure their attainment of independence;"

(3) In operative paragraph 2, to insert after the words "concerning these Territories" the following: "until they are granted full independence"; (4) To delete operative paragraph 4.

13. At the 1048th meeting, the representative of Guinea orally proposed a drafting change in the list of territories enumerated as Non-Self-Governing Territories under the administration of Portugal, so that Cabinda, instead of being listed separately, would be listed with Angola as "Angola, including the enclave of Cabinda". This was accepted by the Committee.

14. The representative of the Ukrainian Soviet Socialist Republic did not insist on a vote on paragraph 2 of his amendment in view of the fact that the representative of Guinea stated during the discussion that a draft resolution would subsequently be submitted on the substance of this amendment.

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<sup>3/</sup> The statement of the representative of Spain was further clarified at the 1048th meeting (A/C.4/453), see paragraph 15 of the present report.

15. At the same meeting, the representative of Spain in further clarification of the position of his Government, stated that "The Government of Spain had decided to transmit to the Secretary-General the information pertaining to the territories referred to in Chapter XI of the Charter". In view of this statement, the representative of Bulgaria orally proposed an amendment to insert the words "at the 1048th meeting" in the fourth preambular paragraph, in which reference was made to the statement by Spain.

16. At the 1048th meeting, the Committee voted on the draft resolution (A/C.4/L.649/Rev.1 and Rev.1/Corr.1 and Rev.1/Add.1) and some of the amendments thereto submitted by the Ukrainian Soviet Socialist Republic (A/C.4/L.651). In consequence of the adoption of the draft resolution on the principles,<sup>4/</sup> the Committee accepted a drafting change in operative paragraph 1 as suggested by the Chairman to delete the words "enumerated by the Special Committee of Six and".

(1) The amendment to the fourth preambular paragraph to delete the words "with satisfaction" was rejected by 50 votes to 11, with 11 abstentions.

(2) The amendment orally proposed by the representative of Bulgaria to insert in the fourth preambular paragraph the words "at the 1048th meeting" was adopted by 57 votes to none, with 17 abstentions.

(3) The amendment to add at the end of the fourth paragraph of the preamble the words "concerning the following Non-Self-Governing Territories" was rejected by 42 votes to 15, with 16 abstentions. In consequence, the Committee did not vote on the remaining part of paragraph 1 of the Ukrainian amendment.

(4) The fourth preambular paragraph, as a whole, as amended, was adopted by a roll-call vote of 54 to 8, with 13 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Burma, Cambodia, Canada, Chile, China, Colombia, Cuba, Cyprus, Denmark, Ecuador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Lebanon, Liberia, Libya, Mexico, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Somalia, Spain, Sweden, Thailand, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

<sup>4/</sup> See paragraph 19 of the present report, draft resolution I.

Against: Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Portugal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Brazil, Chad, Dominican Republic, France, Hungary, Italy, Mali, Morocco, Romania, Togo, Tunisia, Union of South Africa, Yugoslavia.

(5) The third preambular paragraph was adopted by 64 votes to none, with 11 abstentions.

(6) In operative paragraph 1, the first part of the list of territories administered by Portugal, from "The Cape Verde Archipelago" to "Mozambique", as orally amended by Guinea, was adopted by 45 votes to 6, with 22 abstentions.

(7) The last part of the list of territories administered by Portugal, namely, "Goa and dependencies, called the 'State of India', Macao and dependencies, and Timor and dependencies", was adopted by 44 votes to 6, with 24 abstentions.

(8) Operative paragraph 1, as a whole, as revised and amended, was adopted by a roll-call vote of 50 to 6, with 19 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Chad, Cuba, Cyprus, Czechoslovakia, Denmark, Ecuador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Lebanon, Liberia, Libya, Mali, Morocco, Nigeria, Norway, Peru, Philippines, Poland, Romania, Saudi Arabia, Somalia, Sweden, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yugoslavia.

Against: Belgium, Brazil, France, Portugal, Spain, Union of South Africa.

Abstaining: Australia, Austria, Canada, Chile, China, Colombia, Dominican Republic, Guatemala, Italy, Japan, Mexico, Netherlands, New Zealand, Pakistan, Panama, Paraguay, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America.

(9) The amendment to operative paragraph 2 to add the words "until they are granted full independence" was rejected by 28 votes to 21, with 21 abstentions.



(10) The amendment to delete operative paragraph 4 was rejected by a roll-call vote of 51 to 9, with 14 abstentions. The voting was as follows:

In favour: Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Burma, Canada, Chile, China, Colombia, Cuba, Cyprus, Denmark, Dominican Republic, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Haiti, India, Iran, Iraq, Ireland, Israel, Italy, Japan, Lebanon, Liberia, Libya, Mexico, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Spain, Sweden, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Brazil, Cambodia, Chad, Ecuador, France, Guinea, Indonesia, Mali, Morocco, Somalia, Togo, Union of South Africa, United Arab Republic, Yugoslavia.

(11) Operative paragraph 4 of the draft resolution was adopted by 52 votes to 10, with 9 abstentions.

(12) Operative paragraph 5 of the draft resolution was adopted by 51 votes to 3, with 19 abstentions.

(13) The draft resolution, as a whole, as orally revised and amended, was adopted by a roll-call vote of 45 to 6, with 24 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Burma, Cambodia, Chad, Cuba, Cyprus, Denmark, Ecuador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, India, Indonesia, Iran, Iraq, Ireland, Israel, Lebanon, Liberia, Libya, Mali, Mexico, Morocco, Nigeria, Norway, Paraguay, Peru, Philippines, Saudi Arabia, Somalia, Sweden, Thailand, Togo, Tunisia, Turkey, United Arab Republic, Venezuela, Yugoslavia.

Against: Belgium, Brazil, France, Portugal, Spain, Union of South Africa.

Abstaining: Albania, Australia, Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Czechoslovakia, Dominican Republic, Hungary, Italy, Japan, Netherlands, New Zealand, Pakistan, Panama, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

17. The representative of Portugal reserved the position of his Government.
18. The text as approved by the Committee appears in paragraph 19 of the present report as draft resolution II.

#### RECOMMENDATIONS OF THE FOURTH COMMITTEE

19. The Committee therefore recommends to the General Assembly the adoption of the following draft resolutions.

#### DRAFT RESOLUTION I

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>5/</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 General 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 part B of Section V of the report of the Special Committee of Six as amended and as they appear in the Annex to the present resolution;
3. Decides that the principles as annexed to this resolution 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.

## ANNEX

### LIST OF PRINCIPLES

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 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:

- (a) Emergence as a sovereign independent State;
- (b) Free association with an independent State; or
- (c) 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 by information 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 expressed wishes of the people. This does not preclude consultations as appropriate or necessary under the terms of the free association agreed upon.

### Principle VIII

Integration with an independent State should be on the basis of complete equality between the peoples of the erstwhile Non-Self-Governing Territory and those of the independent country with which it is integrated. The peoples of both territories should have equal status and rights of citizenship and equal guarantees of fundamental rights and freedoms without any distinction or discrimination; 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 should 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 with full knowledge of the change in their status and through informed and democratic processes, impartially conducted and based on universal adult suffrage. The United Nations could, when it deems necessary, supervise these processes.

### Principle X

The transmission of information in respect of Non-Self-Governing Territories under Article 73 e 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 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 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.

### DRAFT RESOLUTION II

#### 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, described by them 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 a threat to international peace,

Recalling with satisfaction the statement of the representative of Spain at the 1048th meeting of the Fourth Committee of the General Assembly,<sup>6/</sup> 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 General Assembly in resolution \_\_\_\_\_, 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 Cap Verde Archipelago;
- (b) Guinea, called Portuguese Guinea;
- (c) Sao Tome and Principe and their dependencies;
- (d) Sao Joao Baptista de Ajuda;
- (e) Angola, including the enclave of Cabinda;
- (f) Mozambique;
- (g) Goa and dependencies, called the "State of India";
- (h) Macao 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 operative 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 with the terms of operative paragraph 2 of General Assembly resolution 1332 (XIII) of 12 December 1958.

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