

GENERAL
ASSEMBLYDistr.
GENERALA/4526
3 October 1960

ORIGINAL: ENGLISH

Fifteenth session

REPORT OF THE SPECIAL COMMITTEE OF SIX ON THE TRANSMISSION
OF INFORMATION (NON-SELF-GOVERNING TERRITORIES)

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I. CONSTITUTION OF THE COMMITTEE

1. By resolution 1467 (XIV), adopted on 12 December 1959, the General Assembly considered that it would be desirable for it to enumerate the principles which should guide Members in determining whether or not an obligation exists to transmit information called for in Article 73 e of the Charter and established a Special Committee of six Members to study these principles.
2. The Committee appointed by the General Assembly comprised India, Mexico, Morocco, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The list of representatives attending the meeting is given in the annex to the present report.
3. The Committee met at the Headquarters of the United Nations in New York from 2 September to 22 September 1960 and held fourteen meetings.

II. OFFICERS

4. The Committee elected by acclamation Ambassador C.S. Jha (India) as Chairman.

III. DOCUMENTATION AND ORGANIZATION OF WORK

5. By resolution 1467 (XIV), the General Assembly invited Members to communicate to the Secretary-General their views on the question before the Committee. By 1 September 1960, replies had been received from twenty-six Governments which were placed before the Committee. In reaching its conclusions the Committee took these replies and the views expressed in twenty-four of them fully into account.^{1/} The texts of the replies are transmitted to the General Assembly with this report in documents A/AC.100/1 and Add.1.
6. In addition, in accordance with the terms of the General Assembly resolution, the Secretary-General had prepared for the Committee an account of the history of the discussions on this question together with a summary of opinions expressed by Members in the United Nations and opinions contained in legal treatises (A/AC.100/2 and Add.1 and 2).

^{1/} See also A/AC.100/1, para. 4.

7. The Committee also had before it as background information the Report of the Ad Hoc Committee on Factors appointed by the General Assembly under resolution 648 (VII), the list of factors approved by General Assembly resolution 742 (VIII), and the Repertory of Practice of the United Nations Organs.

8. The Committee began its work by hearing preliminary observations by Members on the question referred to it. Statements were made by all Members of the Committee. In the case of the representatives of Mexico, Morocco, the Netherlands and the United Kingdom, the observations made supplemented the written replies previously communicated by their Governments to the Secretary-General. These preliminary observations are contained in the summary records of the relevant meetings.

9. Subsequently the Committee discussed the general considerations and principles relating to the application of Chapter XI of the Charter. After this exchange of views, the Committee decided to proceed on the basis of a draft text of the principles to be enumerated, which had been prepared for this purpose by the delegation of India. After discussions and a further exchange of views, the Committee formulated a list of the principles which should guide Members in determining whether or not an obligation exists to transmit information under Article 73 e.

10. The list of principles is given in Section V below.

IV. INTRODUCTION

11. The preliminary observations showed that there was a wide area of agreement on the general approach to the problem and on the basic principles involved, which made it possible for the Committee to reach unanimous conclusions. The Committee also took into consideration the factors annexed to resolution 742 (VIII) of the General Assembly.

12. The conclusions reached by the Committee are reflected in the principles formulated in this report. The following paragraphs, however, clarify the position of Members on certain points contained in these principles.

13. On Principle IX: The representative of the United Kingdom had certain reservations about this principle. In particular, he thought that, although his Government fully accepted the desirability in principle of universal adult

suffrage, there might be circumstances in which full self-government could be achieved before it was practicable to implement this principle. In any case, he thought that paragraph (a) of Principle IX contained an unnecessary qualification of paragraph (b) of this Principle. He also had reservations about referring to the desirability of United Nations supervision in this context.

14. On the question of international supervision, the representative of Morocco stated that it was a point of principle for his Government that the process of consultation should be supervised by the United Nations. He felt that United Nations supervision was not only desirable but sometimes even necessary. To state that international supervision "may be" desirable only partially met the position of his Government.

15. On Principle X: The representative of the United Kingdom said that he accepted Principle X on the understanding that there might be circumstances in which constitutional considerations of the kind referred to reduced to nil the amount of information which could be transmitted.

V. 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

A. General considerations

16. In the course of the discussions in the Committee certain general considerations were advanced to which reference should be made in order to clarify the nature of the Committee's work.

17. The Committee noted that since 1946 over 100 million people in some thirty dependent territories have attained the goals set forth in Chapter XI. Many independent States which were previously Non-Self-Governing Territories have been admitted to the membership of the United Nations. The right of dependent peoples to choose their own destiny is more universally accepted today than at any time since the signing of the Charter in San Francisco. The Charter was the culmination of progressive evolution in international thinking for it expressed international concern for the welfare and freedom of dependent peoples in a manner which went far beyond that of any previous similar international instrument. There now exists general recognition that independence is among the rightful aspirations of

every nation, the fulfilment of which is an important factor in the preservation of international peace and security.

18. The Charter is a living document and the obligations under Chapter XI must be viewed in the light of the changing spirit of the times. Under Article 73 of the Charter, Members of the United Nations recognize that in Non-Self-Governing Territories the interests of the inhabitants are paramount. The progressive development of self-government must take into account the particular circumstances of a territory and the aspirations of its peoples. Such development must be in tune with the movement towards freedom and equality everywhere.

19. The obligations of Members under Chapter XI are not limited to Article 73. Under Article 74 they agree to abide, not only in respect of their metropolitan areas, but also in regard to the territories for which they have or assume responsibilities, by the principle of good neighbourliness. This principle is applicable in respect both of countries which are immediate neighbours in the geographical sense and the international community as a whole. Good neighbourliness implies a moral obligation that reinforces the obligation to transmit information under Article 73 e, thereby contributing to the rapid evolution of Non-Self-Governing Territories.

20. The Committee agreed that the principles which follow should be applied in the light of the facts and the specific circumstances of each case in determining whether or not an obligation exists to transmit information under Article 73 e of the Charter.

B. The Principles

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.

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.

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.

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.

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.

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.

VII

- (a) Free association should be the result of a free and voluntary choice by the peoples of the territory concerned expressed by 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 its status 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.

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.

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. It is recognized that in certain circumstances United Nations supervision of such processes may be desirable.

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.

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.

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.

ANNEX

LIST OF REPRESENTATIVES TO THE SPECIAL COMMITTEE OF SIX
ON TRANSMISSION OF INFORMATION UNDER ARTICLE 73 e

Country	Representatives	Alternates, Advisers, Experts
India	H.E. Mr. C.S. Jha	Mr. M.A. Vellodi Mr. M. Rasgotra
Mexico	Dr. Francisco Cuevas Cancino	-
Morocco	H.E. Dr. El Mehdi Ben Aboud	M. Mohamed Dey Ould Sidi Baba M. Ali Skalli M. Mohamed Warzazi
Netherlands	H.E. Mr. C.W.A. Schurmann	Mr. Jan Polderman Mr. L.J. Goedhart
United Kingdom of Great Britain and Northern Ireland	Mr. G.K. Caston	Mr. D.F. Milton Miss A.M. Warburton
United States of America	Mr. Francis L. Spalding	Mr. John George Bacon Mr. John W. Simms
