

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 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;
- (e) Angola, including the enclave of Cabinda;
- (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

with the terms of paragraph 2 of General Assembly resolution 1332 (XIII) of 12 December 1958.

*948th plenary meeting,  
15 December 1960.*

### 1563 (XV). Petitions relating to the Territory of South West Africa

*The General Assembly,*

*Having accepted* the advisory opinion of 11 July 1950 of the International Court of Justice on the question of South West Africa,<sup>13</sup>

*Having authorized* the Committee on South West Africa, by resolution 749 A (VIII) of 28 November 1953, to examine petitions in accordance with the Mandates procedure of the League of Nations,

*Having received* a report from the Committee dealing with petitions relating, *inter alia*, to the status of South West Africa and conditions in the Territory, the situation in the Windhoek Native Location, the removal of the Native Location in Walvis Bay, conditions in the Ovamboland Native Reserve, conditions in the Hoachanas Native Reserve, general conditions in the Rehoboth Community, the imprisonment of Mr. Toivo Ja-Toivo, the question of the return of Hereros in Bechuanaland to South West Africa and a request for a scholarship from a student in South West Africa,<sup>14</sup>

*Noting* that these petitions raise questions relating to various aspects of the administration of South West Africa and of conditions in the Territory, upon which the Committee has presented a report,

*Draws the attention* of the petitioners concerned to the report and observations of the Committee on South West Africa regarding conditions in the Territory submitted to the General Assembly at its fifteenth session,<sup>15</sup> and to the action taken by the Assembly on this report.

*954th plenary meeting,  
18 December 1960.*

### 1564 (XV). Political freedom in South West Africa

*The General Assembly,*

*Having noted*, on the basis of the report of the Committee on South West Africa,<sup>16</sup> that leaders of the South West Africa Peoples Organisation and other Africans in the Territory of South West Africa are being subjected to arbitrary imprisonment and deportation,

1. *Expresses its deep concern* regarding this disturbing development;

2. *Urges* the Government of the Union of South Africa to instruct the competent authorities in the Mandated Territory of South West Africa to cease the arbitrary imprisoning and deporting of Africans, including the leaders and members of the South West Africa Peoples Organisation, and to ensure the free exercise of political rights and freedom of expression for all sectors of the population.

*954th plenary meeting,  
18 December 1960.*

<sup>13</sup> *International status of South-West Africa, Advisory Opinion: I.C.J. Reports, 1950, p. 128.*

<sup>14</sup> *Official Records of the General Assembly, Fifteenth Session, Supplement No. 12 (A/4464), part I, section IV.*

<sup>15</sup> *Ibid.*, part II.

<sup>16</sup> *Ibid.*, Supplement No. 12 (A/4464).

### 1565 (XV). Legal action to ensure the fulfilment of the obligations assumed by the Union of South Africa in respect of the Territory of South West Africa

*The General Assembly,*

*Recalling* its resolution 1361 (XIV) of 17 November 1959, in which it drew the attention of Member States to the conclusions of the special report of the Committee on South West Africa<sup>17</sup> concerning the legal action open to Member States to submit to the International Court of Justice any dispute with the Union of South Africa relating to the interpretation or application of the provisions of the Mandate for the Territory of South West Africa, if such dispute cannot be settled by negotiation,

*Noting with grave concern* that the administration of the Territory, in recent years, has been conducted in a manner contrary to the Mandate, the Charter of the United Nations, the Universal Declaration of Human Rights and the resolutions of the General Assembly, including resolution 449 A (V) of 13 December 1950, by which the Assembly accepted the advisory opinion of 11 July 1950 of the International Court of Justice on the question of South West Africa,<sup>13</sup>

*Noting* that all negotiations and efforts on the part of the General Assembly, of its several committees and organs constituted and authorized for this purpose, and of Member States acting through such committees and organs, have failed to bring about compliance on the part of the Government of the Union of South Africa with its obligations under the Mandate, as is evidenced, *inter alia*, by the following reports of the said committees and organs to the Assembly:

(a) Reports of the *Ad Hoc* Committee on South West Africa to the General Assembly at its sixth, seventh and eighth sessions,<sup>18</sup>

(b) Reports of the Committee on South West Africa to the General Assembly at its ninth to fifteenth sessions,<sup>19</sup>

(c) Reports of the Good Offices Committee on South West Africa to the General Assembly at its thirteenth and fourteenth sessions,<sup>20</sup>

*Noting* the aforesaid reports, and in particular the reports of the Committee on South West Africa concerning the failure of negotiations with the Government of the Union of South Africa and the Committee's conclusions that the Union has at all times declined to co-operate in any way with the Committee in the discharge of its functions,

1. *Notes with approval* the observations of the Committee on South West Africa concerning the administration of the Territory as set out in the Committee's

<sup>17</sup> *Ibid.*, Twelfth Session, Supplement No. 12A (A/3625).

<sup>18</sup> *Ibid.*, Sixth Session, Annexes, agenda item 38, documents A/1901 and Add.1-3; *ibid.*, Eighth Session, Annexes, agenda item 36, documents A/2261 and Add.1 and A/2475 and Add.1 and 2.

<sup>19</sup> *Ibid.*, Ninth Session, Supplement No. 14 (A/2666 and Corr.1); *ibid.*, Ninth Session, Annexes, agenda item 34, document A/2666/Add.1; *ibid.*, Tenth Session, Supplement No. 12 (A/2913); *ibid.*, Tenth Session, Annexes, agenda item 30, documents A/2913/Add.1 and 2; *ibid.*, Eleventh Session, Supplement No. 12 (A/3151); *ibid.*, Twelfth Session, Supplement No. 12 (A/3626); *ibid.*, Thirteenth Session, Supplement No. 12 (A/3906 and Add.1); *ibid.*, Fourteenth Session, Supplement No. 12 (A/4191); *ibid.*, Fifteenth Session, Supplement No. 12 (A/4464).

<sup>20</sup> *Ibid.*, Thirteenth Session, Annexes, agenda item 39, document A/3900; *ibid.*, Fourteenth Session, Annexes, agenda item 38, document A/4224.