

*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?<sup>a</sup>

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.

*Factors indicative of the free association of a territory with other component parts of the metropolitan or other country*

#### A. General

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

2. *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.

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.

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. *Constitutional considerations.* Association (a) by virtue of the constitution of the metropolitan country, or (b) by virtue of a treaty or bilateral agreement affecting the status

<sup>a</sup> 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?

of the territory, taking into account (i) whether the constitutional guarantees extend equally to the associated territory, (ii) whether there are 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. *Citizenship.* Citizenship without discrimination on the same basis as other inhabitants.

3. *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.

### 649 (VII). Administrative unions affecting Trust Territories

#### *The General Assembly,*

*Recalling* that the Trusteeship Agreements for the Trust Territories concerned authorize the Administering Authorities to establish customs, fiscal or administrative unions or federations,

*Recalling* its resolution 224 (III) of 18 November 1948, recommending that the Trusteeship Council should investigate the question of administrative unions in all its aspects, and resolution 326 (IV) of 15 November 1949, recommending that the Trusteeship Council should complete the investigation,

*Recalling, further,* that in resolution 326 (IV) it noted that the Trusteeship Agreements do not authorize

<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.

any form of political association which would involve annexation of the Trust Territories in any sense, or would have the effect of extinguishing their status as Trust Territories, and affirmed the view that measures of customs, fiscal or administrative union must not in any way hamper the free evolution of each Trust Territory toward self-government or independence,

*Recalling* its resolution 563 (VI) of 18 January 1952, requesting the Trusteeship Council to submit to it, at its seventh session, a special report containing a complete analysis of each of the administrative unions to which a Trust Territory is a party, and of the status of the Cameroons and Togoland under French administration arising out of their membership in the French Union,

*Recalling* the studies<sup>6</sup> on administrative unions undertaken by the Trusteeship Council in 1949 and 1950, and in particular the important analysis of administrative unions contained in resolution 293 (VII) adopted by the Council on 17 July 1950,

*Recalling* the regular annual reports adopted by the Trusteeship Council in 1951 and 1952 on each of the Trust Territories participating in an administrative union,

1. *Takes note* of the special report<sup>7</sup> submitted by the Trusteeship Council in compliance with General Assembly resolution 563 (VI), and the observations<sup>8</sup> made thereon by the General Assembly Committee on Administrative Unions;

2. *Calls* to the attention of the Administering Authorities the observations and conclusions contained in the special report of the Trusteeship Council and the observations of the General Assembly Committee on Administrative Unions;

3. *Requests* the Administering Authorities to continue to transmit promptly to the Trusteeship Council information as complete as possible concerning the operation of the administrative unions affecting Trust Territories under their administration, indicating the benefits and advantages derived by the inhabitants of the Trust Territories from administrative unions;

4. *Expresses the hope* that the Administering Authorities concerned will take into account the freely expressed wishes of the inhabitants before establishing or extending the scope of administrative unions;

5. *Expresses the hope* that the Administering Authorities concerned will consult with the Trusteeship Council concerning any change in or extension of existing administrative unions, or concerning any proposal to establish new administrative unions;

6. *Requests* the Trusteeship Council to continue its regular examination of each administrative union affecting a Trust Territory, and to study these administrative unions, not only with regard to the four safeguards enumerated in Trusteeship Council resolution 293 (VII), but also with regard to the interests of the inhabitants of the Territory and the terms of the

<sup>6</sup> See *Official Records of the Trusteeship Council, Fifth Session, Annex, agenda item 10, p. 255 and Official Records of the General Assembly, Fifth Session, Supplement No. 4, annex.*

<sup>7</sup> See *Official Records of the General Assembly, Seventh Session, Supplement No. 12.*

<sup>8</sup> See document A/2217.

Charter and the Trusteeship Agreements, as well as any other matters which the Council may deem appropriate.

409th plenary meeting,  
20 December 1952.

#### 650 (VII). Cessation of the transmission of information under Article 73 e of the Charter in respect of the Netherlands Antilles and Surinam

*The General Assembly,*

*Bearing in mind* the importance of the question of cessation of the transmission of information and the information<sup>9</sup> supplied on that subject by the Netherlands Government, and in view of the short time remaining for the conclusion of the work of the seventh session,

*Decides* that the Committee set up<sup>10</sup> to study the factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government, should examine carefully the documents submitted by the Netherlands Government relating to the Netherlands Antilles and Surinam in the light of the resolution on factors adopted by the General Assembly, and report to the Assembly at its next regular session.

409th plenary meeting,  
20 December 1952.

#### 651 (VII). Question of South West Africa

*The General Assembly*

*Decides* to postpone consideration of the question of South West Africa until the eighth session of the General Assembly, and requests the *Ad Hoc* Committee on South West Africa, established by General Assembly resolution 570 A (VI) of 19 January 1952, to continue on the same basis as stated in that resolution and further requests the Committee to report to the General Assembly at its eighth session.

409th plenary meeting,  
20 December 1952.

#### 652 (VII). The Ewe and Togoland unification problem

*The General Assembly,*

*Having adopted* at the sixth session resolution 555 (VI) on the Ewe and Togoland unification problem, which recommended, *inter alia*, that the Trusteeship Council arrange for the dispatch of either a special mission or its next periodic visiting mission to the two Trust Territories concerned to study thoroughly the Ewe and Togoland unification problem, including the functioning of the proposed Joint Council for

<sup>9</sup> See document A/2177.

<sup>10</sup> See resolution 648 (VII).