

II. FACTORS INDICATIVE OF THE FREE ASSOCIATION (WHETHER IN A FEDERAL OR UNITARY RELATIONSHIP) OF A TERRITORY ON EQUAL STATUS 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 of the territory, taking into account (i) whether the constitutional guarantees extend equally to the associated territory, (ii) whether there are constitutional fields reserved to the territory, 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*: Appointment or election of officials from the territory on the same basis as those from other parts of the country.

C. INTERNAL CONSTITUTIONAL CONDITIONS

1. *Suffrage*: Universal and equal suffrage, free periodic elections by secret ballot, freedom of choice of electoral candidates.

2. *Local rights and status*: 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.

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*: Complete legislative autonomy of the territory, by means of electoral and representative systems, in all matters which in accordance with the normal terms of association are, in the case of non-unitary systems, not reserved to the central government.

568 (VI). Cessation of the transmission of information under Article 73 e of the Charter in respect of the Netherlands Antilles and Surinam

The General Assembly,

Having regard to its resolution 222 (III) of 3 November 1948 requesting the Members concerned to communicate information regarding any change in the

constitutional position and status of a Non-Self-Governing Territory, as a result of which the responsible government concerned thinks it unnecessary to transmit information in respect of that Territory under Article 73 e of the Charter,

Considering that it has received from the Secretary-General²⁸ a copy of the communication dated 31 August 1951 from the Netherlands Government, which states that, in the opinion of that Government, the Netherlands Antilles and Surinam have now ceased to be Non-Self-Governing Territories within the meaning of Article 73 e of the Charter of the United Nations, and that consequently the Netherlands Government has decided to terminate the transmission to the Secretary-General of information under Article 73 e concerning these Territories,

Having regard to resolution 448 (V) of 12 December 1950, by which the General Assembly requested the Special Committee on Information transmitted under Article 73 e of the Charter to examine such information as may be transmitted and to report thereon to the General Assembly,

Having regard to the information made available by the Government of the Netherlands relating to the Netherlands Antilles and Surinam and to the report of the Special Committee,

*Having decided*²⁹ to appoint an *Ad Hoc* Committee to carry out a further study of 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,

Having been informed that a conference among representatives of the Netherlands, the Netherlands Antilles and Surinam on an equal footing is to be held in March 1952 to decide upon a system of co-operation for the common affairs of the three countries and the establishment of a new constitutional order to replace the present interim arrangement,³⁰

1. *Reaffirms* the statement contained in paragraph 1 of General Assembly resolution 222 (III) welcoming any development of self-government that may have taken place in Territories previously enumerated as Non-Self-Governing;

2. *Expresses its appreciation* to the Government of the Netherlands for communicating full information in compliance with paragraph 3 of General Assembly resolution 222 (III), and decides to transmit this information to the *Ad Hoc* Committee created by resolution 567 (VI) of the General Assembly;

3. *Considers* that in 1952 the General Assembly should examine the communication of the Netherlands Government in the light of any report prepared by the *Ad Hoc* Committee, and taking into account whatever new arrangements as to common affairs may be developed by the 1952 conference of representatives of the Netherlands and of the Netherlands Antilles and Surinam;

4. *Decides* to include in the agenda of the next regular session of the General Assembly the question

²⁸ See document A/C.4/200.

²⁹ See resolution 567 (VI), p. 60.

³⁰ See *Official Records of the General Assembly, Sixth Session, Supplement No. 14*, p. 7.

of the cessation of the transmission of information under Article 73 e of the Charter as regards the Netherlands Antilles and Surinam.

*361st plenary meeting,
18 January 1952.*

569 (VI). New title for the Special Committee on Information transmitted under Article 73 e of the Charter

The General Assembly,

Considering that the present title of the Special Committee on Information transmitted under Article 73 e of the Charter is too long and not conducive to the broadest dissemination of knowledge of the important work being done by the Committee,

Considering that a knowledge of this work should not be reserved to specialists and experts but, on the contrary, should receive wide publicity through the Department of Public Information of the Secretariat of the United Nations,

Decides that the Committee shall henceforth be known by the following title: "Committee on Information from Non-Self-Governing Territories".

*361st plenary meeting,
18 January 1952.*

570 (VI). Question of South West Africa

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The General Assembly,

Believing that an agreed solution of the question of South West Africa would not only bring greater peace and harmony to the Continent of Africa, but would contribute significantly to the relieving of tensions in wider areas of the world,

Considering that the acceptance of the advisory opinion of the International Court of Justice of 11 July 1950³¹ is essential to the rule of law and reason in international affairs, thus strengthening the cause of the United Nations,

Having by resolution 449 A (V) of 13 December 1950 accepted the advisory opinion of the International Court of Justice with respect to South West Africa,

Recalling that the advisory opinion of the International Court of Justice with respect to the Territory of South West Africa sets forth, *inter alia*, that:

(a) The Territory of South West Africa is a Territory under the international Mandate assumed by the Union of South Africa on 17 December 1920,

(b) The Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations,

(c) The Union of South Africa continues to have the international obligations stated in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa as well as the obligation to

transmit petitions from the inhabitants of that Territory, the supervisory functions to be exercised by the United Nations to which the annual reports and the petitions are to be submitted,

*Having established*³² an *ad hoc* committee of five, consisting of the representatives of Denmark, Syria, Thailand, the United States of America and Uruguay, to confer with the Union of South Africa concerning the procedural measures necessary for implementing the advisory opinion of the International Court of Justice,

Having authorized this committee, as an interim measure, to examine the report on the administration of the Territory of South West Africa covering the period since the last report, as well as petitions and any other matters relating to the Territory that may be transmitted to the Secretary-General,

Having received the report of the *Ad Hoc* Committee on South West Africa,³³

Noting that the Union of South Africa submitted to the *Ad Hoc* Committee on South West Africa a proposal which the *Ad Hoc* Committee found unacceptable because it did not allow for an adequate implementation of the advisory opinion of the International Court of Justice and because the proposal made no provision for the supervision of the administration of the Territory of South West Africa by the United Nations,

Noting that the *Ad Hoc* Committee submitted to the Union of South Africa a counter-proposal based on the existing Mandates agreement and providing for a procedure for the supervision of the administration of the Territory of South West Africa by the United Nations as nearly as possible analogous to that which existed under the League of Nations and, to the extent practicable, involving international obligations no more extensive or onerous than those existing under the League of Nations,

Noting that the Government of the Union of South Africa, in reply to the *Ad Hoc* Committee's counter-proposal, had stated that it was willing to resume negotiations only on the basis of its own proposal, and had informed the Committee that the Union of South Africa was unable to accept the principle of submission of reports on the administration of the Territory,

Noting with concern that the *Ad Hoc* Committee was unable to comply with the resolution of the General Assembly authorizing it to examine the report on the administration of the Territory of South West Africa because no report was received, and that no petitions were transmitted by the Union of South Africa,

1. *Commends* the *Ad Hoc* Committee on South West Africa for its earnest and constructive efforts to find a reasonable basis of agreement;

2. *Regrets* the fact that, in the course of the negotiations with the *Ad Hoc* Committee, the Union of South Africa, while prepared to negotiate on the basis of certain articles of the Mandate, indicated its unwillingness to give adequate expression to its international obligations with respect to South West Africa, and in particular with regard to the supervisory responsibility of the United Nations toward this Territory;

³¹ See *International Status of South West Africa, Advisory Opinion*: I.C.J. Reports 1950, p. 128.

³² See resolution 449 A (V) of 13 December 1950.

³³ See documents A/1901 and Add. 1 to 3.