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**REPORT
OF THE
COMMITTEE ON INFORMATION
FROM
NON-SELF-GOVERNING TERRITORIES
Addendum**

**GENERAL ASSEMBLY
OFFICIAL RECORDS : TENTH SESSION
SUPPLEMENT No. 16A (A/2908/Add.1)**

NEW YORK, 1955

UNITED NATIONS

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REPORT OF THE COMMITTEE ON INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

ADDENDUM

1. The Committee on Information from Non-Self-Governing Territories resumed its sixth session on 7 September 1955 to consider the communication from the Netherlands Government relating to the cessation of the transmission of information under Article 73 e of the Charter in respect of the Netherlands Antilles and Surinam.

I. Election of the Vice-Chairman

2. At its 131st meeting, the Committee, under rule 107 of the rules of procedure of the General Assembly, elected Mr. Emilio Arenales (Guatemala) as Vice-Chairman in replacement of Mr. S. A. Frazão (Brazil) who was unable to continue to serve.

II. Communication by the Netherlands Government relating to the cessation of the transmission of information under Article 73 e of the Charter in respect of the Netherlands Antilles and Surinam

3. At its 131st meeting, the Committee resumed consideration of the item on its agenda relating to the communication by the Netherlands Government (A/AC.35/L.206) on the cessation of the transmission of information under Article 73 e of the Charter in respect of the Netherlands Antilles and Surinam. This item had been previously considered at the 125th and 126th meetings of the Committee held on 10 May 1955.¹

4. The representative of the Netherlands pointed out that the Charter of the Kingdom of the Netherlands had been communicated to the Secretary-General and that, at the 125th and 126th meetings, the representatives of Surinam and the Netherlands Antilles had reviewed the constitutional changes and explained the various provisions of the Charter of the Kingdom. He reminded the Committee that an exchange of questions and answers had followed between a number of representatives and the two representatives of Surinam and the Netherlands Antilles, and that at the conclusion of the debate the Committee had been unable to reach a decision since some delegates had not then received instructions from their Governments.

5. The representative of the Netherlands considered that it was not intended that the Committee should again go over all the ground that had been so well covered in the previous part of the session. In the view of the Netherlands Government, it was no longer appropriate for information to be transmitted to the United Nations in respect of Surinam and the Netherlands Antilles under Article 73 e of the United Nations Charter. Under the constitutional order set up by the Interim Orders, these two countries had had an oppor-

tunity to familiarize themselves during a number of years with the practice of democratic government. Meanwhile, there had been elections and new Governments had taken over. These new Governments were as staunch supporters of the Charter of the Kingdom as their predecessors. The promulgation of that Charter had marked the beginning of full and equal partnership between the three countries forming the Kingdom of the Netherlands.

6. The representative of Guatemala sought information on the extent to which the factors contained in the annex to General Assembly resolution 742 (VIII) had been fulfilled in respect to the recent constitutional changes. In particular, he referred to the third part of the list of factors "indicative of the free association of a Territory on an equal basis with the metropolitan or other country as an integral part of that country or in any other form". The representative of the Netherlands replied that the attitude of the Government of the Netherlands in respect of resolution 742 (VIII) and its annex were well known. He reserved the position of his Government with respect to the resolution and the list of factors; in its opinion, each case as it arose had to be judged on its own merits. Moreover, the competence of the General Assembly in this field was not recognized by the Netherlands Government.

7. The representative of Guatemala put a number of questions to which the representative of the Netherlands replied as follows:

(i) With respect to whether the opinion of the populations of Surinam and the Netherlands Antilles had been freely expressed by informed and democratic processes, the answer was in the affirmative. The freely elected Parliaments in Surinam and the Netherlands Antilles had unanimously accepted the Charter of the Kingdom of the Netherlands. Negotiations with respect to the Charter had been under way for a number of years, and the questions at issue had been freely discussed in the local Press. As a consequence, the population of Surinam and the Netherlands Antilles had been kept fully informed with respect to the constitutional changes which had subsequently been enacted.

(ii) As to the freedom of the populations of Surinam and the Netherlands Antilles to modify their present status, the Ministers Plenipotentiary of Surinam and the Antilles had the right to introduce a bill for amendment of the Charter and modification of the status of the countries in the Parliament of the Kingdom. Her Majesty the Queen had made a statement prior to the promulgation of the Charter to the effect that no political partnership could endure unless supported by the overwhelming majority of the citizens. It would also be contrary to the established policy of the Netherlands to prevent a partner from leaving the Kingdom if that partner desired to do so.

(iii) As to the respective competence of the countries and of the Kingdom, article 3 of the Charter

¹ For the discussions at the 125th and 126th meetings, see the previous report of the Committee, *Official Records of the General Assembly, Tenth Session, Supplement No. 16 (A/2908)*, paras. 65-82.

set forth those matters which were affairs of the Kingdom and these included defence and foreign relations. In all other respects, each of the three countries comprising the Kingdom was completely self-governing. In matters of defence, the citizens of Surinam and the Netherlands Antilles could only be called into the armed forces pursuant to their own local legislation. In the field of foreign relations, each Government had the right to decide whether it would take part in any international agreement under consideration by the Kingdom of the Netherlands. Except in rare cases where it was impossible to do so, each Government had the right to abstain from such agreements.

(iv) There was no discrimination in respect to the appointment of citizens from the three countries to government posts within the Kingdom; each of the three countries could summon its own citizens only for service in the armed forces.

(v) The Council of Ministers of the Kingdom of the Netherlands decided upon the amount each country would contribute to the support of the armed forces. This decision, however, had to be taken unanimously under the provision of article 35 of the Charter, and no contribution could therefore be imposed on Surinam and the Antilles without their consent.

(vi) With respect to voting rights of illiterate persons, appropriate provision was made by the use of symbols on ballot forms. The percentage of illiteracy in the Netherlands Antilles was less than one half of 1 per cent. In Surinam, the percentage was slightly higher.

(vii) The populations of Surinam and the Netherlands Antilles were very mixed in origin. In Surinam, the population was predominantly of mixed white and coloured origin. There were also other ethnic groups, but smaller in number. The group of Dutch origin constituted a small minority of the total population. Apart from the Dutch language a vernacular was spoken by people in the interior. With respect to the Netherlands Antilles, Dutch was the common language of the islands, although Papiamentu was also spoken in those islands lying off the coast of Venezuela, and English was spoken in the three islands of the Leeward Group.

(viii) With respect to political development in Surinam and the Netherlands Antilles, the transition had been one from a completely colonial régime through various stages of self-government. At first, representative bodies were made up of partly elected and partly appointed members having limited powers. Gradually, the powers of these bodies had been increased and the system of appointing members had been relinquished. Eventually a stage had been reached when the representative bodies assumed full powers in all internal matters. The forerunners of the parliamentary bodies in the two countries had been in existence for nearly a century.

(ix) Amendment of the Charter was provided for in article 55. An amendment had to be voted upon and accepted by a majority in Surinam and in the Netherlands Antilles before being enacted for the Kingdom. Representation of Surinam and the Netherlands Antilles in the Kingdom Parliament was provided for in articles 17 to 19 inclusive. If Surinam and the Netherlands Antilles had been given representation in the Kingdom Parliament on the basis of population, they could have exerted only a negligible influence in Kingdom affairs. Thus, a different system of repre-

sentation for the Netherlands Antilles and Surinam in the Kingdom Parliament had been provided for by which their representatives would have a larger voice in Kingdom affairs than under a numerical system of representation. Actually, under articles 12 and 18 of the Charter, Surinam and the Antilles now could exert influence equal to two fifths of the votes.

(x) Only one nationality—Netherlands nationality—prevailed throughout the three countries comprised in the Kingdom of the Netherlands.

(xi) Residence for purposes of voting in each country was a matter regulated by the country concerned.

8. Following the above replies, the Committee discussed the procedure to be adopted in the preparation of a draft resolution. The Chairman suggested the establishment of a working group to prepare a text for the consideration of the Committee. Statements were made by the representatives of Brazil, Guatemala, India, Iraq, the Netherlands, Peru and the United States of America. The representatives of Iraq and Peru were not in favour of the suggested working group, and the Committee finally agreed that the Chairman would undertake to consult the representatives on the preparation of a draft resolution.

9. At the 132nd meeting, the representatives of Brazil and the United States of America introduced the following joint draft resolution (A/AC.35/L.216):

"The Committee on Information from Non-Self-Governing Territories,

"Recalling that by resolution 222 (III), adopted on 3 November 1948, the General Assembly, while welcoming any development of self-government in Non-Self-Governing Territories, considers that it is essential that the United Nations be informed of any change in the constitutional status of any such 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,

"Recalling that by resolution 747 (VIII), adopted on 27 November 1953, the General Assembly invited the Government of the Netherlands to communicate to the Secretary-General the result of the further negotiations which were to be undertaken with respect to the status of Surinam and the Netherlands Antilles,

"Recalling that by resolution 747 (VIII) the General Assembly further invited the Committee on Information from Non-Self-Governing Territories to examine the communications referred to in the previous paragraph in connexion with the information already transmitted and to report thereon to the General Assembly,

"Having examined a communication, dated 30 March 1955, by which the Government of the Netherlands transmitted the Charter of the Kingdom of the Netherlands promulgated on 29 December 1954 together with an explanatory memorandum thereon,

"Having heard the explanations given in relation to the basic principles of Chapter XI of the Charter of the United Nations and the provisions of General Assembly resolution 742 (VIII) by the representatives of the Government of the Netherlands,

"1. Commends the action of the Government of the Netherlands in including in its delegation to the Committee representatives of the Governments of

Surinam and the Netherlands Antilles for the purpose of explaining the new constitutional situation;

"2. *Notes with satisfaction* the political advancement achieved by the peoples of Surinam and the Netherlands Antilles;

"3. *Notes* from the documentation submitted that the peoples of Surinam and the Netherlands Antilles have expressed, through their freely elected Parliaments, their approval of the new constitutional order negotiated with the Government of the Netherlands;

"4. *Expresses the opinion*—within the limits of its terms of reference and without anticipating the final disposal of this question by the General Assembly—that, on the basis of the information before the Committee, the transmission of information under Article 73 e of the Charter in respect of Surinam and the Netherlands Antilles is no longer necessary or appropriate."

10. The representative of Brazil, in introducing the resolution, stated that the aims of Article 73 e of the Charter had been satisfied and that transmission of information was no longer necessary or appropriate. In his opinion, Surinam and Netherlands Antilles had become self-governing countries whose freely elected parliaments had approved the Charter of the Kingdom making them equal partners with the Netherlands. The Committee had also been informed that it would be contrary to the established policy of the Netherlands Government to prevent these two countries from leaving the Kingdom if they wished to do so.

11. The representative of the United States of America endorsed the comments of the representative of Brazil and hoped that the resolution would meet with a wide measure of support.

12. The representative of Iraq regretted that he was unable to support the resolution. His Government's opinion, based on the available information, was that the measure of self-government provided for in the Charter of the Kingdom did not warrant a release from the obligations of Article 73 e. It was not certain that the Charter gave full promise of real self-government, and to accept such an arrangement would be to make inroads into the meaning and validity of Article 73 e. In his opinion the terms of General Assembly resolution 747 (VIII), which had requested the Netherlands Government to continue to supply information under Article 73 e, could not be abrogated unless by the General Assembly, and the Netherlands Government could not by its unilateral action cease transmitting information. The Government of Iraq maintained the principle that an Administering Member should not alter the status of a Non-Self-Governing Territory without the approval of the General Assembly. He felt therefore that the question before the Committee was one for the General Assembly alone to decide.

13. The representative of Peru referred to the position of the American States in respect of the dependent territories and colonies in America of extracontinental countries, mentioning resolution 97 of the Tenth Inter-American Conference of Caracas on which his delegation's attitude was based. He recognized that Surinam and the Netherlands Antilles had advanced considerably towards full self-government, but that the present constitutional system should not be considered as the final or definitive stage, and pointed out that the explanatory memorandum presented by the Neth-

erlands Government (A/AC.35/L.206) did not give it a definitive character. It was pertinent, therefore, to express the hope that the political progress of these Territories would continue in the future and that they would attain full self-government through the exercise of the right of self-determination. With regard to General Assembly resolution 747 (VIII), the Committee should limit itself to the examination of, and reporting on, the documentation received without taking a decision on the substance of the question. His delegation considered that the Committee could not take a decision until it had fully explored the provisions of Chapter XI of the Charter of the United Nations, especially as regards the concept and conditions of "full self-government", with a view to their strict observance. In his opinion, Surinam and the Netherlands Antilles had attained some measure of political autonomy as well as complete autonomy in respect of their economic, social and educational affairs, which was the subject matter of the information supplied; it might therefore be impossible for the Netherlands Government to continue to transmit the information required by Article 73 e of the Charter. This Article rendered the transmission of information dependent, among other things, on constitutional considerations, and even if this special obligation should cease, Chapter XI contained other obligations which would continue to exist until the Territory had attained a full measure of self-government, at which point the entire Chapter became inapplicable. It was clear that, under the new constitutional structure, Surinam and the Antilles, although juridical collectivities or entities forming part of the Kingdom, remained, nevertheless, in a state of dependency in important respects within the juridical system and under the authority of the State which had been administering them; but it was no less certain that they enjoyed autonomy in the specific fields to which Article 73 e of the Charter referred. He could not support the draft resolution and would abstain in the final voting because the said resolution did not make it clear that the cessation of information was a consequence of the autonomy of the local Governments from the point of view of the subject matter of the information supplied and that the information would be accepted only for institutional purposes, but implied that the cessation of information was a consequence of the achievement of full self-government.

14. The representative of France, commenting on the remarks of the representative of Iraq, stated that, with the exception of Trust Territories, the General Assembly did not have under the Charter to pass judgment on the change in political status of a Territory.

15. The representative of China expressed his general approval of the text of the draft resolution although, in respect to operative paragraph 4, he thought it preferable that the words "necessary or appropriate" should be replaced by the word "feasible".

16. The representative of Netherlands explained that, in the opinion of his Government, it had the right to decide when its Non-Self-Governing Territory had reached a status where the obligation under Article 73 e ceased. However, subject to this principle, he had no objection to a reference to resolution 742 (VIII) in paragraph 5 of the preamble. He felt that the omission of the question of competence in the draft resolution would enable a larger measure of agreement, and he hoped that this point would also be left out

of discussion in the Fourth Committee. The draft resolution had also omitted to state explicitly that Surinam and the Netherlands Antilles had attained a full measure of self-government. The Netherlands delegation, in order to avoid unnecessary controversy, was prepared to accept that omission because the conclusion reached in the draft resolution that transmission of information was no longer necessary or appropriate implied that those countries were no longer non-self-governing. The Netherlands delegation would therefore be able to vote for the draft resolution.

17. The representatives of India and Peru then introduced certain amendments to the draft resolution. The representative of India proposed the substitution of "representative bodies" for "Parliaments" in operative paragraph 3. This was accepted by the sponsors.

18. The representative of Peru proposed substitution of "feasible" for "necessary or appropriate" in operative paragraph 4; this proposal had originally been suggested by the representative of China but was not accepted by the sponsors.

19. The draft resolution was voted upon as follows:

	<i>In favour</i>	<i>Against</i>	<i>Abstaining</i>
<i>First to fourth paragraphs of the preamble</i>	8	0	5
<i>Fifth paragraph of the preamble: the words "in relation to the basic principles of Chapter XI of the Charter of the United Nations and the provisions of General Assembly resolution 742 (VIII)" (separate vote requested by India)</i>	3	3	7
<i>Fifth paragraph of the preamble (remainder)</i>	9	0	4
<i>Operative paragraph 1</i>	8	0	5
<i>Operative paragraph 2: the words "with satisfaction" (separate vote requested by India)</i>	6	0	7
<i>Operative paragraph 2</i>	6	0	7
<i>Operative paragraph 3</i>	11	0	2
<i>Operative paragraph 4: the words "within the limits of its terms of reference and without anticipating the final disposal of this question by the General Assembly" (separate vote requested by France)</i>	7	0	6
<i>Operative paragraph 4: to substitute "feasible" for "necessary or appropriate" (amendment of Peru, originally suggested by China)</i>	2	6	5
<i>Operative paragraph 4: the words "or appropriate" (separate vote requested by India)</i>	6	3	4
<i>Operative paragraph 4</i>	7	1	5

20. The revised draft resolution as a whole, as amended, was approved by a roll-call vote (requested by the representative of Iraq) of 7 to 1, with 5 abstentions. The voting was as follows:

In favour: Australia, Brazil, China, Netherlands, New Zealand, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Iraq.

Abstaining: Burma, France, Guatemala, India, Peru.

21. The text of the resolution as adopted by the Committee is as follows:

"The Committee on Information from Non-Self-Governing Territories,

"Recalling that by resolution 222 (III), adopted on 3 November 1948, the General Assembly, while welcoming any development of self-government in Non-Self-Governing Territories, considers that it is essential that the United Nations be informed of any change in the constitutional status of any such 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,

"Recalling that by resolution 747 (VIII), adopted on 27 November 1953, the General Assembly invited the Government of the Netherlands to communicate to the Secretary-General the result of the further negotiations which were to be undertaken with respect to the status of Surinam and the Netherlands Antilles,

"Recalling that by resolution 747 (VIII) the General Assembly further invited the Committee on Information from Non-Self-Governing Territories to examine the communications referred to in the previous paragraph in connexion with the information already transmitted and to report thereon to the General Assembly,

"Having examined a communication, dated 30 March 1955, by which the Government of the Netherlands transmitted the Charter of the Kingdom of the Netherlands promulgated on 29 December 1954 together with an explanatory memorandum thereon,

"Having heard the explanation given by the representatives of the Government of the Netherlands,

"1. Commends the action of the Government of the Netherlands in including in its delegation to the Committee representatives of the Governments of Surinam and the Netherlands Antilles for the purpose of explaining the new constitutional situation;

"2. Notes with satisfaction the political advancement achieved by the peoples of Surinam and the Netherlands Antilles;

"3. Notes from the documentation submitted that the peoples of Surinam and the Netherlands Antilles have expressed, through their freely elected representative bodies, their approval of the new constitutional order negotiated with the Government of the Netherlands;

"4. Expresses the opinion—within the limits of its terms of reference and without anticipating the final disposal of this question by the General Assembly—that, on the basis of the information before the Committee, the transmission of information under Article 73 e of the Charter in respect of Surinam and the Netherlands Antilles is no longer necessary or appropriate."

22. The representatives of Australia, Burma, France, Guatemala, India, Iraq, New Zealand, the United Kingdom and the United States of America gave explanations of their votes.

23. The representative of India abstained from voting and reserved the position of his Government regarding any future action to be taken in the Fourth Committee of the General Assembly. He pointed out, however, that the Netherlands Government had claimed that the draft resolution implied that all its responsi-

bilities under Chapter XI had terminated, that the two Territories had become fully self-governing under the new Charter of the Kingdom and that it was therefore no longer necessary to transmit information under Article 73 e. He considered that the two countries had not yet attained a full measure of self-government, and he could not therefore be a party to a decision which conveyed any other implication.

24. The representative of the United States regretted that the non-Administering Members of the Committee, with the exception of Brazil and China, had abstained from voting on the draft resolution as amended. His Government thought that the efforts of dependent peoples towards a greater degree of self-government should be recognized. In the present case the people of Surinam and the Netherlands Antilles would have been encouraged by a larger vote in favour of the draft resolution.

25. The representative of France said that he had abstained from voting on the draft resolution, as amended, and in particular on those paragraphs of the resolution which implied a recognition of the competence of the Committee or of the General Assembly to decide whether the Netherlands Government should cease to transmit information on Surinam and the Netherlands Antilles.

26. The representative of Guatemala stated that he had abstained from voting on the draft resolution as amended in order to provide freedom of action for his delegation in the General Assembly. His abstention should not be interpreted as disputing the Committee's competence to decide on questions of this character or as affecting Guatemala's support of decisions taken on colonial questions by inter-American bodies.

27. The representative of the United Kingdom voted in favour of the draft resolution as amended despite certain reservations which his Government maintained. His vote should not be construed as implying that the United Kingdom Government recognized the competence of the United Nations to intervene in political matters affecting Non-Self-Governing Territories or to decide on the question of the cessation of the transmission of information on Surinam and

the Netherlands Antilles under Article 73 e of the Charter.

28. The representative of Iraq stated that he had voted against the resolution as amended for the reasons which he had previously given.

29. The representative of New Zealand stated that he had voted in favour of the draft resolution as amended despite certain reservations which his Government held.

30. The representative of Australia said that he had voted in favour of the draft resolution as amended without prejudice to the previously held position of his Government that the decision to cease the transmission of information on Surinam and the Netherlands Antilles under Article 73 e of the Charter was within the sole competence of the Netherlands Government. His Government adhered to the view that Surinam and the Netherlands Antilles were now equal partners in the Kingdom of the Netherlands and that the decision by the Netherlands to cease the transmission of information on these formerly dependent Territories was fully justified. The Australian Government could not accept the view that the General Assembly was competent to take decisions in this matter and it was opposed to the thesis that the Administering Member could be required to submit information to the General Assembly and to the Committee on Information on political developments, or that either organ was empowered to examine or pronounce upon such information. He reserved the position of his Government in respect of any future action to be taken in the General Assembly.

31. The representative of Burma said that he had abstained from voting on the draft resolution, as amended, and reserved the position of his Government in respect to any future action to be taken in the General Assembly. He did not consider that Surinam and the Netherlands Antilles were equal partners in the Kingdom of the Netherlands and that as a consequence the Netherlands Government should continue to transmit information on these Territories under Article 73 e of the Charter.

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