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UNDER ARTICLE 73 e OF THE CHARTER (1950-52)

• Second session (1951)

Item 12 (a) of the Provisional Agenda

NON-SELF-GOVERNING TERRITORIES

Cessation of the transmission of Information under Article
73 e of the Charter: communication from the Netherlands Govern-
ment in respect of Surinam and the Netherlands Antilles

The Secretary-General has received the following letter dated 31 August 1951 from the Netherlands Delegation to the United Nations:

"I have the honour to refer to my letter of 29 June 1950 No.1517, where in the fourth paragraph it is stated inter alia that in all probability no further reports under Article 73 (e) of the Charter on the Netherlands Antilles and Surinam would be submitted after 1950.

"I now have been instructed to inform you as follows:

"In view of the fact that in the opinion of the Netherlands Government the above territories are no longer to be considered Non-Self-Governing Territories as referred to by Article 73 (e) of the Charter, the Netherlands Government has decided no longer to submit an annual report on Surinam and the Netherlands Antilles.

"In conformity with the provisions of General Assembly resolution 222 (III) I enclose herewith two copies of an 'Explanatory Note of the Netherlands Government on the termination of the transmission of information under Article 73 (e) of the Charter of the United Nations as regards Surinam and the Netherlands Antilles'.

"I also enclose two copies in Dutch of the Interim Order and Constitution of the Netherlands Antilles and of Surinam, as well as two copies of an English translation of the principal relevant articles of the Netherlands Constitution and two copies of an English translation of the principal relevant articles of the aforementioned Interim Order and Constitution of the Netherlands Antilles.

"As set forth in paragraph IX of the Explanatory Note 'an English translation of the Interim Order and Constitution of the Netherlands Antilles should suffice as the text of the Interim Order and Constitution of Surinam - as far as important for the present purpose - is similar to the Interim Order and Constitution of the Netherlands Antilles'."

Below are given the text of the explanatory note of the Netherlands Government on the termination of the transmission of information under Article 73 e of the Charter of the United Nations as regards Surinam and the Netherlands Antilles; the English translation, as communicated, of the principal relevant articles of the Netherlands Constitution; and the English translation, as communicated, of the principal relevant articles of the Interim Order and Constitution of the Netherlands Antilles.

I

EXPLANATORY NOTE OF THE NETHERLANDS GOVERNMENT ON THE TERMINATION OF THE TRANSMISSION OF INFORMATION UNDER ARTICLE 73 (e) OF THE CHARTER OF THE UNITED NATIONS AS REGARDS SURINAM AND THE NETHERLANDS ANTILLES.

I. In pursuance of Article 73 (e) of the Charter the Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government undertake to submit statistical and other information of a technical nature relating to economic, social, and educational conditions in such territories, subject to such limitation as security and constitutional considerations may require.

However, as soon as the responsibility for these economic, social, and educational interests in such a territory has been completely transferred to the national government of that territory and if that government as regards the fulfilment of its duties of administration is responsible to the parliament of the territory in question - a parliament elected on the basis of general franchise - the Member who up to that moment had been responsible for the promotion of these interests, cannot bear this responsibility any longer so that this Member must be considered released from the obligation to continue the transmission of the information as referred to in article 73 (e) to the United Nations.

II. The situation as described in the previous section has arisen as regards Surinam and the Netherlands Antilles - territories concerning which the Netherlands Government have so far supplied the information as referred to in article 73 (e) of the Charter - since the latest constitutional reform in these territories, the so-called Interim-Orders of Government which came into effect for Surinam on 20th January, 1950, and for the Netherlands Antilles on 7th February, 1951. (Statute Book J 575, K 1, K 419, K 489).

In view of resolution No. 222 (III) adopted by the General Assembly of the United Nations on 3rd November, 1948, in which it was laid down that it is essential that the United Nations be informed of any change in the constitutional position and status of any 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, the Netherlands Government would like to make the following observations.

III. On 7th December, 1942, H.M. Queen Wilhelmina promised a constitutional relationship in which the Netherlands, Surinam and the Netherlands Antilles were to take part and in which each of them was to manage its domestic affairs independently and relying on its own power, but animated by the will to assist each other. Soon after the was consultation took place with Surinam and the Netherlands Antilles as to question in what way the promise given could be fulfilled.

I
To begin with, the national organs of these territories would at once attain such powers as were compatible with the existing provisions of the Netherlands Constitution in order to give the population a greater independence and a greater share in the administration of the territories concerned. In May, 1948, a revision of the two national constitutions came into effect; the most drastic alterations comprised:

- a. establishment of a provisional central governing council (foreshadowing a cabinet of ministers);
- b. complete abolishment of the system of appointing Members of the States by the Netherlands (in the past a number of the Members of the States of the Netherlands Antilles were appointed);
- c. extension of the suffrage to general franchise for men and women;
- d. extension of the number of seats of the States;
- e. transfer of the legislation as regards domestic affairs to the national organs of the territories concerned without any interference on the part of the Netherlands;
- f. power to pass the Budget, even if it should be unbalanced, without intervention on the part of the Netherlands;
- g. power to create compulsory military service by ordinance;
- h. appointment by the Central Governments of Surinam and of the Netherlands Antilles of a General Representative in the Netherlands, one for each of the territories concerned, in order to maintain contact with the Netherlands organs.

As in the same year, 1948, a reform of the Netherlands Constitution was brought about permitting a deviation from the provisions of that Constitution to such an extent as the change-over to the new constitutional order might require, a new arrangement could be prepared by joint agreement fully enabling the territories to manage their domestic affairs by means of their national organs.

It was intended to give the term "domestic affairs" as wide a meaning as possible and to guarantee that in practice there would be no uncertainty in this respect. This guarantee has been found by an exhaustive enumeration in article II of the Interim Orders of Government of the affairs that are not to be considered domestic affairs. They are notably international questions relating to the Kingdom as a whole, and the mutual relations of the parts of the Kingdom.

As to the regulation of non-domestic affairs the Central Governments of Surinam and the Netherlands Antilles shall report to the Netherlands Government on such affairs, if necessary after consultation with the States of both territories.

The territories shall not be bound by economic and financial treaties and agreements concluded by the Netherlands Government with foreign powers if their Central Governments have declared that they do not want to be bound by such treaties and agreements.

The General Representatives of Surinam and the Netherlands Antilles in the Netherlands are entitled to take part in the Netherlands cabinet council when it deals with questions relating to their respective territories. They participate with an advisory voice.

IV. It should be stated that long before the latest constitutional reform the maintenance of economic, social, and educational affairs were already in the hands of the governments of Surinam and the Netherlands Antilles. This power, however, was subject to the intervention of the Netherlands legislator.

It is of paramount importance that in the latest constitutional reform the Netherlands legislator has renounced this right. The autonomous power has been clearly defined. It has been laid down that all domestic affairs - including the economic, social, and educational interests of the territories in question - shall be regulated by ordinances emanating from the territory in question itself.

The expenditure necessary for the managing of these domestic affairs and the means to meet these expenses shall figure on the Estimates of Surinam and the Netherlands Antilles which Estimates are drawn up by ordinances emanating from each of the territories concerned and do not need the approval of the Netherlands legislator. It may now be said that Surinam and the Netherlands Antilles have complete autonomous powers as regards the managing of their domestic affairs which comprise (as was stated above) the promoting of their economic, social, and educational interests.

V. The latest constitutional changes have established fundamental changes in the status of Surinam and the Netherlands Antilles. The responsibility for the domestic affairs of these two territories is no longer in the hands of a Governor appointed by the King of the Netherlands but in those of the Central Governments of the two territories.

These Central Governments consist of a Governing Council and the Governor. The Governing Council is responsible to the States which are elected on the basis of general franchise for men and women. The Governor, head of the Central Government, is an organ of the autonomous territory.

The underlying idea of the latest reforms is to establish a relationship between the Governor and the members of the Governing Council (called ministers) similar to that existing in the Netherlands between the King and His Ministers which is a cabinet-government.

VI. The transmitting by the Netherlands Government of information concerning economic, social, and educational conditions can no longer be justified because Surinam and the Netherlands Antilles have become quite autonomous as regards domestic affairs. Neither do the constitutional provisions regulating the relationship between the Netherlands and these territories allow the Netherlands to continue transmitting the information referred to in article

73 (e) of the Charter, Article 73 (e) reckons with such a case as according to this article the obligation to transmit information is subject to such limitations as security and constitutional considerations may require.

VII. Before taking the decision to discontinue transmitting to the United Nations the information under Article 73 (e) of the Charter, the Netherlands Government thought it desirable to enable the representative bodies of the territories concerned to express their opinion as regards this matter. As was stated above these representative bodies are elected on the basis of general franchise for men and women.

Both representative bodies expressed the opinion that the transmission of information under Article 73 (e) of the Charter could no longer be regarded compatible with the status of the territories they represent. The two Central Governments of Surinam and the Netherlands Antilles, too, made similar statements.

At an earlier date, in reply to a request from the UNESCO to transmit information concerning the work of the UNESCO in non-self-governing territories, the Central Government of Surinam had expressed the opinion that they could not consider the territory they represented as a non-self-governing territory any longer.

VIII. Though the constitutional reform of Surinam came already into effect as early as January, 1950, the Netherlands Government decided to continue the transmission of information regarding that territory in that year because it was thought desirable that no difference should be made between the two territories passing through a similar development. As mentioned above the Interim Order for the Netherlands Antilles came into effect on February 7, 1951. Therefore, the Netherlands Government decided to cease this year the transmission for both territories.

IX. An English translation of the text of the legal provisions of the Interim Order and the Constitution of the Netherlands Antilles, effecting the above mentioned constitutional reform as regards the Netherlands Antilles is herewith submitted. An English translation of the Interim Order and the Constitution of the Netherlands Antilles should suffice as the text of the Interim Order and Constitution of Surinam - as far as important for the present purpose - is similar to the Interim Order and Constitution of the Netherlands Antilles. For the sake of completeness the Dutch texts of the legal regulations of both territories are also annexed.

The name "Interim Order" has been chosen for these legal provisions because a further legal regulation of the relationship between the Netherlands and Surinam and the Netherlands Antilles is envisaged. The regulation of the questions of common interest - of which the enumeration of subjects in Article II of the Interim Orders form a part - shall be reviewed. The autonomy and independence obtained by means of the Interim Orders shall, however, not be infringed.

The new constitutional order shall be established in conformity with Article 211 of the Netherlands Constitution 1/ by joint agreement and shall come into effect by its voluntary acceptance through democratic procedure by each of the territories concerned.

The solution which is envisaged is aiming at giving full participation with the right to vote - to Surinam and the Netherlands Antilles in the legislative organs and organs of Government of the Kingdom in case these are dealing with questions concerning these territories.

In accordance with the Interim Orders the General Representatives of the two territories in the Netherlands are already now in a position to participate in these organs with an advisory voice. They are also consulted on the preparation and implementation of treaties and agreements concluded with foreign powers and international organisations, which are legally binding on these territories.

August, 1951.

1/ See II, below.

II

CONSTITUTION OF THE NETHERLANDS
as amended in 1948

FIRST CHAPTER
Of the Realm and its Inhabitants

Article 1

The Kingdom of the Netherlands comprises the territory of the Netherlands, Indonesia, Surinam and the Netherlands Antilles.

Article 2

The Constitution shall be binding only for the Realm in Europe, in so far as the contrary does not appear therefrom.

Wherever the Realm is mentioned in the following articles, only the Realm in Europe shall be understood.

FOURTEENTH CHAPTER
Special Provisions concerning the Transition to
a New Constitutional Order of the Territories
named in Article 1

Article 208

A new constitutional order based upon the results of the consultations held and to be held with and between the representatives of the peoples shall be established in respect of the territories named in article 1, in pursuance whereof these territories will, in independence, have charge of their own affairs and will, as united, equal partners, foster their common interest and assist each other, all of these conditions to be fulfilled under guaranty of the rule of law, fundamental human rights and freedoms and sound government.

Article 209

In preparing and bringing into being a new constitutional order, consideration will be given to the results of the consultations that have already been held, which results are set forth in the following paragraphs of this article.

The Netherlands, Surinam and the Netherlands Antilles constitute a Kingdom, the Crown of which shall be worn by Her Majesty Queen Wilhelmina, Princess of Orange-Nassau, and subsequently in the line of succession by Her legitimate

heirs to the Crown of the Netherlands. The Netherlands is entitled to maintain direct relations within the Union with the United States of Indonesia.

Article 210

In the event that the new constitutional order should call for provisions in divergence from those laid down in the foregoing Chapters, they shall be embodied in a law; the bill of such law cannot be passed by either of the Chambers of the States General except with the concurrent votes of at least two thirds of the members voting. This law shall not be at variance with the provisions of Sections I to V, inclusive, of the Second Chapter, nor with those of the Thirteenth Chapter.

Article 211

Without prejudice to the provision laid down in the second paragraph, the new constitutional order shall be established by its voluntary acceptance through democratic procedure by each of the territories named in article 1; as for the Netherlands, the provisions of article 210 shall be applied accordingly.

It will require the assent of Her Majesty Queen Wilhelmina, Princess Orange-Nassau, or Her legitimate heir to the Crown of the Netherlands, and will be solemnly promulgated.

III
INTERIM ORDER OF GOVERNMENT

FOR THE NETHERLANDS ANTILLES ^{1/}

(Statute Book 1950, No. K.419)

TITLE I
GENERAL PROVISIONS

Article I

Pending the establishment of a new system of law for the Kingdom, consisting of The Netherlands, Surinam and the Netherlands Antilles, based on the result of the joint consultation referred to in the Fourteenth Chapter of the (Netherlands) Constitution, already held and to be held, the administration of the Netherlands Antilles shall be conducted and the relations between The Netherlands and the Netherlands Antilles shall be regulated in accordance with the provisions of this act.

Article II

1. The Netherlands Antilles shall manage their domestic affairs with due observance of the provisions of this act.
2. Without prejudice to what is provided elsewhere in this act none of the following are domestic affairs:
 - (a) anything concerning the maintenance of the independence and the defence of the Kingdom and the securing of the guarantees referred to in Article 208 of the (Netherlands) Constitution;
 - (b) anything concerning the treaties and other agreements concluded with foreign powers and international organisations and the rights and obligations arising from the law of nations in general;
 - (c) regulations concerning copyright and industrial property;
 - (d) regulations concerning weights and measures;
 - (e) the laying down of general conditions for the issue of certificates of registry of ships;
 - (f) anything concerning air navigation, with the exception of the granting of licences for the operation of inland air lines;
 - (g) the advancement of cultural and social relations between The Netherlands, Surinam and the Netherlands Antilles;
 - (h) the supervision of the general conditions concerning the admittance,

^{1/} Not by the Netherlands Government: No translation has been made of unimportant articles, but a brief summary of these is given. The Interim Order of government for Surinam is almost identical with that for the Netherlands Antilles.

residence and expulsion of Netherlanders.

This supervision shall be exercised with due observance of the competency of the Netherlands Antilles to make such regulations as may be required for the protection of the public interest of that country;

(i) the promotion of effective economic and financial relations between The Netherlands and the Netherlands Antilles;

(j) consultation regarding questions of an international character in the matter of currency and finance, banking and foreign exchange policy;

(k) supervision of international and interregional intercourse;

(l) the promotion of the economic feasibility by mutual aid and support of The Netherlands and the Netherlands Antilles - including the enactments of legal regulations in respect of the prosecution of professions and trade which shall equally apply to Netherlanders - with due observance of the competency of the Netherlands Antilles to make such regulations as may be required for the protection of the public interest of that country.

3. By or in virtue of the law regulations may be laid down concerning the subjects referred to in the preceding paragraph.

4. Expenditure in respect of the subjects mentioned in paragraph 2 - in case the central government (of the Netherlands Antilles) has declared it has no objections thereto - may not be charged to the Netherlands Antilles otherwise than by law, after consultation held and insofar as they tend to be of benefit to the Netherlands Antilles, and are in accordance with their financial capacity.

5. The regulation or further regulation of non-domestic affairs may be entrusted or left to public organs of the Netherlands Antilles by or in virtue of the law.

TITLE II

CONSTITUTION OF THE NETHERLANDS ANTILLES

Article III

(This article contains a number of amendments to the former Curacao Constitution. The amended text of this Constitution, now called the Constitution of the Netherlands Antilles, is submitted separately.)

TITLE III

CO-OPERATION

Article IV

1. Consultation shall take place on all matters affecting the common or mutual interests of The Netherlands, Surinam and Netherlands Antilles. To this end special representatives may be appointed or joint bodies set up, whilst regulations may be mutually made which require the assent of the King.

2. The Netherlands, Surinam and the Netherlands Antilles shall afford each other aid and support.

Article V

Costs incidental to co-operation shall be divided in mutual consultation between The Netherlands, Surinam and the Netherlands Antilles.

Article VI

1. The Netherlands Antilles shall have a General Representative in The Netherlands.
2. The General Representative must have the status of a Netherlander.
3. The appointment to and release from office of the General Representative shall be effected by the central government of the Netherlands Antilles.
4. The General Representative may not at the same time be:
 - (a) a member or associate member of the Advisory Council;
 - (b) a member of the States (Legislative Body);
 - (c) a member of the representative body of any island territory.
5. The salary and compensation for travelling expenses and subsistence allowances as well as the pension will be determined by the central government (of the Netherlands Antilles).

Article VII

(Article VII contains the form of oath for the General Representative).

Article VIII

The General Representative shall be enabled to take part in ministerial consultations with an advisory voice in matters affecting the Netherlands Antilles. Further rules may be laid down on this subject by Order in Council.

Article IX

1. The King shall appoint a Councillor of State in extraordinary service for the Netherlands Antilles. The appointment to and release from office shall only take place after consultation with the central government (of the Netherlands Antilles).
2. The said Councillor of State in extraordinary service shall be enabled to participate in the proceedings in all cases where the (Netherlands) Council of State is heard on Bills, Orders in Council or on treaties or other agreements concluded with foreign powers and international organisations or on other matters affecting the Netherlands Antilles.
3. Regulations in respect of the aforesaid Councillor of State in extraordinary service which depart from the provisions of the Act of 21st December 1861 (Statute Book no. 129) may be inserted in the Order in Council referred to in Article 46 of the said Act.

Article X

1. The King shall enable the central government of the Netherlands Antilles, if necessary within a term to be determined by Him, to tender advice on any Bill which is binding upon the Netherlands Antilles before such Bill is brought before the (Netherlands) States General. The central government shall consult the States insofar as the ordinances (of the Netherlands Antilles) provide for this to be done.
2. The advice tendered pursuant to the preceding paragraph shall be communicated as soon as possible to the Second Chamber of the (Netherlands) States General when the Bill is submitted or if it concerns a Bill introduced in pursuance of article 119 of the (Netherlands) Constitution.
3. If the advice is not tendered within the stipulated time, notice hereof will be given to the Second Chamber of the (Netherlands) States General, when the Bill is brought forward, or if a Bill pursuant to Article 119 of the (Netherlands) Constitution is concerned, as soon as possible.

Article XI

The King shall enable the central government of the Netherlands Antilles, if necessary within a term to be determined by Him, to tender advice concerning any draft of an Order in Council which is binding upon the Netherlands Antilles before the Order is laid down. The central government shall consult the States on the subject insofar as the ordinances (of the Netherlands Antilles) provide that this be done.

Article XII

1. Before concluding a treaty, acceding to a treaty, denouncing a treaty or other agreement with a foreign power or an international organisation, if such treaty or such agreement is binding upon the Netherlands Antilles, / if necessary within a term to be determined by Him, to tender its advice thereupon.
2. The King shall not bind the Netherlands Antilles to economic and financial treaties and agreements in case the central government in the course of consultation, stating the grounds on which it anticipates injury to its country, has declared its unwillingness to be so bound. This provision shall equally apply to accession to and denunciation of economic and financial treaties and agreements.
3. The Netherlands Antilles may join international organisations on the footing of the treaties and agreements concluded with regard thereto.
4. As far as possible the Netherlands Antilles shall be a party to the preparation and implementation of treaties and agreements with foreign powers which are binding upon the Netherlands Antilles.

Article XIII

If in the judgment of the King in case of war or in other cases where action must be taken without delay, it is impossible to receive in good time the advice referred to in Articles X, XI and XII (1), those provisions

/ the King shall enable the central government of the Netherlands Antilles,

may be departed from. In such case the advice referred to will nevertheless at once be asked for, in order that as far as possible account may still be taken thereof.

Article XIV

1. Not more than three delegates of the Netherlands Antilles shall be enabled to attend the public discussions in the Chambers of the (Netherlands) States General on any Bill binding upon the Netherlands Antilles or on any other matters affecting the Netherlands Antilles, and to furnish orally to the Chambers such information as they shall deem desirable. Without prejudice to the provisions of the following paragraph the delegates shall be elected for four years. They retire together and are at once eligible for re-election.
2. The States may resolve with respect to the discussions of any particular matter in either Chamber or in both Chambers to supersede one or more delegates by one or more special delegates. The delegate who is replaced by a special delegate shall not act as such in respect of the subject mentioned in the resolution.
3. The State shall appoint the delegates from among their number or otherwise. Should it be decided to appoint more than one delegate the election shall take place on the basis of proportional representation.
4. Further rules may be made by Order in Council in respect of the provisions of the preceding paragraphs.
5. A delegate must satisfy the same requirements as are prescribed for membership of the States, on the understanding that the provisions of the Constitution (of the Netherlands Antilles) concerning incompatibility shall not be applicable and the requirement of citizenship shall not apply thereto.
6. The Netherlands Antilles may make a grant-in-aid to the delegates. A regulation may also be made for refund of travelling expenses and subsistence allowances.

FINAL PROVISIONS

Article XV

(Title of the Act)

Article XVI

(Provision concerning the coming into effect of the Act)

TRANSITIONAL PROVISIONS

I

II Wherever in this Act Netherlands are spoken of, Netherlands subjects are included.

III

IV

IV

CONSTITUTION OF THE NETHERLANDS ANTILLES ^{1/}
(Statute Book 1950, No. K 489)

CHAPTER I

THE NETHERLANDS ANTILLES AND THEIR INHABITANTS

Article 1.

The territory of the Netherlands Antilles is formed by the following island territories, to wit:

- (a) the island territory of Aruba, comprising the island of Aruba;
- (b) the island territory of Bonaire, comprising the islands of Bonaire and Klein Bonaire;
- (c) the island territory of the Windward Islands, comprising the islands of Saba, Saint Eustatius and Saint Maarten, insofar as the Netherlands part is concerned;
- (d) the island territory of Curaçao, comprising the islands of Curaçao and Klein Curaçao.

Article 2.

The legal regulations in force in the Netherlands Antilles are:

- (1) the treaties and other agreements with foreign powers and international organisations, insofar as they are applicable to the Netherlands Antilles;
- (2) the general regulations by which are to be understood:
 - (a) the laws which on the footing of the (Netherlands) Constitution are binding on the Netherlands Antilles;
 - (b) the Orders in Council being decrees of the King made in the form prescribed by the (Netherlands) Constitution for Orders in Council, insofar as they are binding on the Netherlands Antilles;
 - (c) the ordinances, being ordinances laid down by the Governor in consultation with the States (Legislative body);
 - (d) the decrees containing general measures laid down by the Governor enacted within the limits of his competency after having heard the Advisory Council;
- (3) the island ordinances and the island decrees containing general measures referred to in the sixth paragraph of Article 121;
- (4) the bye-laws and regulations enacted by the corporations mentioned in Article 125 within the limits of their competency.

^{1/} Note by the Netherlands Government: No translation of the non-important articles has been made but only a brief summary has been compiled. The constitution of Surinam is almost identical with that of the Netherlands Antilles.

Article 3.

All persons in the territory of the Netherlands Antilles shall have equal right to protection of their persons and property.

Article 4.

The extradition of aliens shall only take place in virtue of treaties by which the rules are observed which, as far as possible in line with the legal provisions relating thereto in The Netherlands are laid down by Order in Council.

Article 5.

The rules in respect of admittance and residence in the Netherlands Antilles, as well as those regarding expulsion shall be laid down by ordinance, subject to the control referred to in the second paragraph of Article II under (h) of the Interim Order of Government of the Netherlands Antilles. Conditions for the admittance, residence and expulsion of aliens may be laid down by Order in Council without prejudice to the possibility of laying down further conditions by ordinance.

Article 6.

Nationality shall be regulated by law.

Article 7.

1. Every Netherlander shall be eligible and qualified for appointment to any public office without discrimination of citizenship and is entitled to vote in accordance with the provisions of the ordinance.
2. No alien is eligible or qualified for appointment or entitled to vote. This provision may be varied by ordinance in respect of the right to vote for the communities referred to in Chapter VI and for appointment to certain offices.

Article 8.

1. No person shall require previous permission to publish thought or feelings by means of the press.
2. The responsibility of writers, publishers, printers and distributors and the safeguard to be taken in the interest of public order and morality against the abuse of the freedom of the press, shall be regulated by ordinance.

Article 9.

1. Every person shall have the right to present petitions to the competent authority both in The Netherlands and in the Netherlands Antilles.
2. Petitions must be signed by the petitioner and may not be signed in the name of another person, unless this is done by or for incorporated bodies, but only on matters pertaining to their particular sphere of activity.

3. However, persons unable to write may present petitions through the intermediary of such officials as have been declared competent for the purpose by ordinance.

Article 10.

The exercise of the right of association and assembly may in the interest of public order, morality or health be subjected to regulation and restriction by ordinance.

CHAPTER II

THE GOVERNOR

PART ONE

HIS APPOINTMENT TO AND RELEASE FROM OFFICE

Article 11.

1. The Governor is the representative of the King.
2. He shall be appointed to and released from office by the King.
3. All expenditures incidental to the exercise of the office of Governor, are chargeable to the Netherlands Treasury, subject to the adjustment referred to in Article V of the Interim Order of Government of the Netherlands Antilles.

Article 12.

The Governor must have attained the age of thirty years.

Article 13.

(Form of oath for the Governor)

Articles 14, 15, 16 and 17.

(Provisions concerning the acceptance and handing over of his office by the Governor).

Article 18.

1. The Governor may neither directly nor indirectly be a partner in, nor guarantor for, any enterprise having as its basis an agreement made with the Netherlands Antilles or any part thereof for profit or benefit.
2. With the exception of public bonds he may not possess any claims chargeable to the Netherlands Antilles.
3. He may neither directly nor indirectly have any share in any concession or enterprise of any nature whatever established in the Netherlands Antilles or carrying on its business there.
4. The provisions of the first and third paragraph continue to be applicable to him during a period of five years after his retirement.

Article 19.

1. Relationship by blood or marriage up to and including the third degree may not subsist between the Governor on the one hand and the deputy chairman or the members and associate members of the Advisory Council, the members of the Governing Council or the General Representative in The Netherlands on the other.
2. Any person who after his appointment acquires the prohibited degree of relationship shall not retain his office otherwise than with the assent of the King.
3. The relationship by marriage shall cease by dissolution of the marriage by which it has come about.

Article 20.

1. Should there exist any suspicion that the Governor is insane, the deputy chairman of the Advisory Council shall of his own volition or at the request of two members call a meeting of the Council in order that the justness of the suspicion may be investigated.
2. The Advisory Council, considering that grounds exist therefore, shall order the institution of a medical examination by a committee consisting of three physicians.
3. This committee shall be entitled to call the Governor's ordinary physician to consult with them and shall report to the Advisory Council.
4. An accurate report of the proceedings of the Advisory Council shall be drawn up in duplicate and signed by the deputy chairman, the members and the secretary.
5. If the Council considers that the report of the committee confirms the suspicion, one of the duplicate copies of the report shall be forwarded to the King and the deputy chairman of the Advisory Council shall convene a meeting of the States.
6. The meeting shall be held in camera. After having heard the persons who can give information under oath, the meeting shall declare with an absolute majority of the votes of the members present whether there exist grounds to consider that the Governor is not in a position to perform the dignities of his office.
7. The declaration that such grounds do exist releases the Governor from the performance of the dignities of his office so long as, following a similar investigation, it is not withdrawn in the same manner and pending the decision of the King.
8. An accurate report of the proceedings of the States shall be drawn up in duplicate and signed by all the members and the clerk.
9. One of the duplicate copies shall be sent to the King without delay.
10. If owing to a sudden state of illness the Governor has become unable to perform his dignities of office and in conformity with Article 27 to hand over his task to another person, the provisions of this article shall likewise be applied on the understanding, however, that the Governor after having sufficiently recovered shall again assume his office and give notice thereof to the residents.

Articles 21, 22 and 23.

(Provisions regarding the penal responsibility of the Governor, except on account of misfeasance).

Articles 24, 25, 26 and 27.

(Provisions regarding temporary fulfilment of the function of the Governor, whenever he is temporarily relieved of his office).

PART TWO
THE COMPETENCY OF THE GOVERNOR AS HEAD OF
THE CENTRAL GOVERNMENT

Article 28.

The Governor is the head of the central government: the members of the Governing Council are responsible to the States.

Article 29.

The Governor shall have executive powers.

Article 30.

1. Without prejudice to the provision of Article 87, the Governor shall appoint, suspend and discharge public servants unless their appointment, suspension and discharge is reserved by law to the King.
2. If the interests of the service require him to do so he shall make provision for the temporary exercise of appointments in the gift of the King.
3. Regulations concerning the legal position of the public servants shall be laid down by ordinance.

Article 31.

The Governor shall administer the national finances and domains.

Article 32.

1. The Governor shall fix the salaries of the public servants unless otherwise provided in this Act.
2. Claims to leave and payment whilst on leave, half pay and pensions shall be regulated by ordinance.

Article 33.

1. After having obtained a report from the judge by whom the sentence was awarded, the Governor may grant all convicted persons pardon or punishment imposed by the civil courts.

2. He may not, except in virtue of express authority previously granted by the King, grant any amnesty, abolition or general pardon except in very urgent cases and subject to confirmation by the King.

Article 34.

No dispensation may be granted by the Governor except in the cases and in the manner set forth in the general regulations under which dispensation is granted.

Article 35.

1. With due observance of the provisions of the second and third paragraphs of Article 97, and after obtaining the sanction of the States, the Governor may lay down ordinances for the regulation of:

- (a) matters concerning the domestic affairs of the Netherlands Antilles;
- (b) other matters, regulations for which pursuant to a law or Order in Council have to be made by ordinance.

2. He shall ensure that they are promulgated immediately.

Article 36.

The ordinances may not contain any provisions concerning subjects provided for by legal regulations such as those referred to in Article 2 (1) and (2), (a) and (b), unless freedom has been given to include them.

Article 37.

The provisions of any ordinance the subject of which is provided for by a legal regulation such as is referred to in Article 2 (1) and (2), (a) and (b) shall become null and void at the moment when such regulation becomes operative in the Netherlands Antilles.

Article 38.

1. The Governor shall without delay transmit to the King every ordinance promulgated.

2. The ordinance may, on the ground of being in conflict with a law or an Order in Council, with treaties or other agreements concluded with foreign powers and international organisations or with the public interest of the Kingdom, be suspended in whole or in part by the King after hearing the (Netherlands) Council of State, and nullified by law.

3. The suspension shall be ordered by the King by a reasoned decree to be published in the Publicatieblad.

4. The suspension immediately stops the operation of the suspended provision.

5. If within one year after the date of the decision to suspend the ordinance no law has been enacted to nullify it, the suspension shall lapse. Notice hereof shall be published in the Publicatieblad.

6. Should the Bill for the annulment be rejected, the suspension will be deemed to have been nullified. Notice hereof shall likewise be published in the Publicatieblad.

7. Provisions which have been suspended may not be suspended again.
8. The law regulates the consequences of the annulment.
9. In case of annulment the Governor shall if necessary ensure that the subject of the annulled provisions is provided for anew.

Article 39.

Without prejudice to the stay in case of suspension, the provisions of an ordinance shall be binding until in consequence of a subsequent ordinance or pursuant to Article 37 they have become null and void, or until the law providing for its annulment has become operative in the Netherlands Antilles.

Article 40.

1. The promulgation of the ordinance shall take place by its publication in the Publicatieblad, stating the date of issue.
2. (Form of promulgation of the ordinances).

Article 41.

(Provision regarding the date of coming into effect of the ordinances).

Article 42.

1. The Governor has power to enact decrees containing general measures. Articles 36 and 37 shall be of corresponding application to these decrees.
2. Provisions to be enforced by punishments shall not be made in such decrees otherwise than in virtue of a general regulation.
3. The general regulation shall prescribe the punishments to be inflicted.

Article 43.

1. Such decrees shall be promulgated by publication in the Publicatieblad stating the date of issue.
2. (Form of promulgation of the decrees).

Article 44.

(Provision regarding the date of coming into effect of a decree).

Article 45.

1. The Governor shall at once notify the King of the decree.
2. The King, after hearing the (Netherlands) Council of State, may on the ground of conflict with a law or an Order in Council, with treaties or other agreements concluded with foreign powers and international organisations or with the public interest of the Kingdom annul the decree in whole or in part by a reasoned decree to be published in the Publicatieblad.
3. The King's decree regulates the consequences of the annulment.

Article 46.

All ordinances and decrees shall be signed by the Governor and one or more members of the Governing Council.

PART THREE

THE COMPETENCIES OF THE GOVERNOR AS
AN ORGAN OF THE KINGDOM.

Article 47.

The Governor shall watch over the public interest of the Kingdom in conformity with the provisions of this part and with due observance of the King's instructions. He is consequently responsible to the King therefor.

Article 48.

The Governor shall ensure the promulgation and implementation of the laws and Orders in Council sent to him on behalf of the King for that purpose.

Article 49.

1. Except as regards laws for the approval of treaties and other agreements concluded with foreign powers or international organisations, the Governor may for important reasons suspend the promulgation or implementation of laws he has been commanded to promulgate or implement, and shall at once give notice thereof to the King.

2. Whenever the promulgation or implementation of a law has been suspended by the Governor, the King shall as soon as possible notify the (Netherlands) States General thereof.

3. Should the King not agree with the action of the Governor, the latter shall be notified thereof. The Governor shall then at once proceed to promulgation or implementation of the law.

Article 50.

1. The laws and Orders in Council shall be promulgated by publication in the Publicatieblad.

2. (Form of promulgation of laws and Orders in Council)

Article 51.

(Provision concerning the date of coming into effect of a law or Order in Council).

Article 52.

The Governor shall supervise the observance of the laws and Orders in Council and of the treaties and other agreements concluded with foreign powers and international organisations. He shall propose to the King the necessary measures required therefor.

Article 53.

The Governor shall not enact any ordinance or any decree submitted to him if he considers that such ordinance or such decree is in conflict with any law or any Order in Council, with treaties or other agreements concluded with foreign powers and international organisations or with the public interest of the Kingdom. He shall at once give notice thereof to the King. Should the King after hearing the (Netherlands) Council of State decide that there is no such conflict the Governor shall then enact the ordinance or the decree. The King's decision that such conflict does exist, shall be published in the Publicatieblad, setting forth the reasons therefor.

Article 54.

With the assent of the King the ordinance may confer upon the Governor competencies with regard to matters of the Netherlands Antilles which he does not exercise as head of the central government.

Article 55.

The central organs and public servants as well as the organs and public servants of the island territories shall assist the Governor in the exercise of the competencies assigned to him in this part.

Article 56.

1. The Governor shall have the supreme authority over the armed forces made available to him.
2. He shall exercise the supreme authority save as regards the administrative relations of the armed forces with the ministerial departments (of the Netherlands), and in conformity with the King's instructions.
3. He shall dispose of the armed forces in such a manner as in the interest of the Kingdom in its entirety and of the Netherlands Antilles in particular he may think fit.
4. He shall have the right to suspend their commanders and officers and shall at once notify the King thereof. As long as the suspension has not been confirmed by the King, it shall only be provisional.

Article 57.

The Governor may place the armed forces at the disposal of the central government for the preservation of internal security and public order.

Article 58.

1. The Governor is liable to be prosecuted under the provisions contained in the Act of 22 April 1855 (Statute Book No. 33) containing regulations for the responsibility of the heads of the ministerial departments (of the Netherlands):

(a)...

(b)...

(c)...

(d) should he neglect to execute or cause the non-execution of the prescripts

of the present Act or other legal regulations in force in the Netherlands Antilles, or Royal Decrees and orders not being legal regulations, but which he has been instructed to execute by the (Netherlands) Minister of Union Affairs and Overseas Territories. The acts referred to at (a), (b) and (c) and the negligence referred to at (d) are only punishable if they have been done intentionally.

(e) if unintentionally he grossly neglects the execution referred to at (d).
2. and 3. (Terms of imprisonment).

CHAPTER THREE

THE ADVISORY COUNCIL AND THE GOVERNING COUNCIL

PART ONE

THE COMPOSITION OF THE ADVISORY COUNCIL

Article 59.

1. There shall be an Advisory Council consisting of at least five members, one of whom shall be the deputy chairman.
2. The deputy chairman and the members shall be appointed, suspended and relieved of office by the Governor. They shall occupy their office for not longer than five years, but are at once eligible for re-appointment.
3. The seniority of the members shall be regulated according to the date of appointment.
4. The Governor may occupy the chair of the Council as often as he considers this to be necessary. He shall then have an advisory voice.
5. A member of the Advisory Council may not at the same time be a member of the States.

Article 60.

The Governor may appoint extraordinary members, suspend them and relieve them of office. They occupy their office for not longer than five years, but are at once eligible for re-appointment. The rules of procedure shall regulate their proceedings.

Article 61.

(Form of oath for the members of the Advisory Council).

Article 62.

(Provisions concerning the establishment of the rules of procedure of the Advisory Council)

PART TWO

THE COMPETENCIES OF THE ADVISORY COUNCIL

Article 63.

1. The Advisory Council shall be heard by the Governor on
 - (1) all drafts of ordinances, which the Governor desires to submit for the approval of the States, or which the States have tendered to the Governor for enactment;
 - (2) all Bills, drafts of Orders in Council and of treaties or other agreements concluded with foreign powers and international organisations with regard to which the central government is to be heard;
 - (3) all drafts of decrees containing general measures which the Governor desires to enact;
 - (4) all matters with regard to which this is prescribed by the present Act or other general regulation;
 - (5) all extraordinary cases of an important nature;
 - (6) all other matters with regard to which the Governor desires to know the opinion of the Council.
2. The Council is competent of its own volition to tender advice to the Governor in such cases where it considers this advisable in the interest of the Kingdom or of the Netherlands Antilles.

Article 64.

The Council may not refuse, if so requested, to communicate its opinion to the Governor in writing.

Article 65.

Officers of the armed forces and officials, not being members of the Council, shall at the request of the Governor attend the meetings of the Council in order to furnish information.

Article 66.

The Advisory Council may, in accordance with rules to be laid down by ordinance, obtain judicial powers in administrative disputes.

Article 67.

It shall also carry out any activities entrusted to it by the present Act or other general regulations.

PART THREE

THE COMPOSITION OF THE GOVERNING COUNCIL

Article 68.

1. The central government of the Netherlands Antilles is composed of the Governor and the Governing Council. The Governing Council shall consist of not more than seven persons, unless otherwise provided by ordinance.
 2. The Governing Council shall elect its chairman from amongst its number.
 3. The members of the Governing Council shall be appointed by the Governor after consultation with the States and hearing the Advisory Council. The responsibilities of the members of the Governing Council shall be regulated by ordinance.
 4. The members of the Governing Council must have attained the age of 30 years, possess the status of Netherlands and not be excluded from eligibility as members of the States.
 5. They may not simultaneously be:
 - (a) deputy of the Governor;
 - (b) members or extraordinary members of the Advisory Council;
 - (c) General Representative of the Netherlands Antilles in The Netherlands;
 - (d) members of the States;
- Nevertheless a member of the Governing Council elected member of the States may at most three months after his admittance as a member of the States combine the office of a member of the Governing Council and that of membership of the States.
- (e) actively serving official.
 6. If the Governor attends a meeting of the Governing Council he shall act as chairman. In such case he has an advisory voice.
 7. The General Representative shall, if present in the Netherlands Antilles, be enabled to attend the deliberations of the Governing Council with regard to the subjects coming within his office. In such case he shall have an advisory voice.

Article 69.

(Forms of oath for members of the Governing Council).

Article 70.

1. The members of the Governing Council shall be appointed on each occasion for the same period as the members of the States have their seats, on the understanding that at the end of any session they shall continue to work with the Governor as long as their successors have not been appointed and sworn in.
2. If it appears to the Governor that a member of the Governing Council no longer has the confidence of the States, he may by a reasoned decision, after hearing the Advisory Council, proceed to relieve such member of his office between times. The latter shall be replaced as soon as possible.
3. Without prejudice to the provision of the second paragraph a member of the Governing Council shall be relieved from office between times after hearing

the Advisory Council;

(a) in the event of loss of the full enjoyment of civil rights;

(b) in the event of the occurrence of situations which pursuant to the fourth and fifth paragraphs of Article 68 exclude eligibility for appointment as a member of the Governing Council.

Such relief may, after hearing the Advisory Council, further be granted:

(a) at the member's own request;

(b) in case of absence from the Netherlands Antilles for more than four months.

4. A member of the Governing Council may at once be re-appointed. In filling a vacancy arising between times the appointment shall be made for the further duration of the period of office referred to in paragraph one.

Article 71.

The salary, refund of travelling expenses and subsistence allowances as well as the pension of the members of the Governing Council shall be regulated by ordinance.

Article 72.

(Obligation of secrecy for the members of the Governing Council).

Article 73.

1. The rules of procedure of the Governing Council shall be enacted by decree.
2. They must be approved by ordinance.

CHAPTER FOUR

THE STATES

PART ONE

THEIR COMPOSITION

Article 74.

1. The States shall consist of 22 members.
2. They shall be directly elected by the electors. Each elector shall cast one vote. The elections are free and secret.
3. Each island territory forms an electoral district. The island territory of Aruba shall elect eight members, the island territory of Bonaire one member, the Windward Islands one member, and the island territory of Curaçao twelve members. In the island territories which elect more than one member the election shall take place on the basis of proportional representation.
4. A member elected in a given electoral district need not be resident of that district.

Article 75.

1. The residents of the Netherlands Antilles who are Netherlanders and have attained the age of twenty-three years are entitled to vote.
2. When effect is given to the provision of the preceding paragraph and it should prove necessary to do so, the voting regulations may contain restrictions and further shall regulate everything concerning the right to vote and the manner of election.

Article 76.

The following persons are excluded from the right to vote:

- (a) those who have been disqualified from voting by an irrevocable judicial sentence;
- (b) those who have been lawfully deprived of their freedom;
- (c) those who in virtue of an irrevocable judicial sentence have lost the right of disposal over or the management of their property on account of insanity or weakness of their faculties, or have been deprived of parental authority or guardianship over any of their children;
- (d) those who by an irrevocable judicial sentence have been condemned to a term of imprisonment exceeding one year, for three months after completing their sentence; and for life if for the second time such a penalty has been inflicted;
- (e) those who have been convicted by an irrevocable judicial sentence on account of begging or vagrancy, for three years after completion of their sentence; for six years if the penalty has been inflicted for the second time; and for life if the penalty has been inflicted for the third time;
- (f) those who by an irrevocable judicial sentence have been convicted more than twice in the course of three years on account of a punishable fact, including drunkenness in public, for three years after the last sentence has become irrevocable.

Article 77.

Subject to the provisions of Article 78 Netherlanders satisfying the conditions mentioned in Article 75 are eligible.

Article 78.

1. Military persons doing colour service and the commanders, as well as diplomatic representatives of foreign powers or consuls de carrière cannot be members of the States.
2. The following persons are excluded from eligibility:
 - (a) the Governor;
 - (b) those who by judicial sentence have been deprived of eligibility or in accordance with Article 76 have been excluded from the right to vote, with the exception of those who have been denied that right on the grounds of having been deprived of their freedom by judicial sentence or of condemnation to deprivation of liberty otherwise than on account of begging or vagrancy, or on account of a fact proving drunkenness in public.
3. The ordinance regulates as far as possible the consequences of the combination of membership of the States with other offices paid out of public funds.

Article 79.

1. Blood relationship up to and including the third degree may not exist between the members of the States. Married couples may not be members of the States at the same time.
2. If persons falling under any of the cases referred to in the preceding paragraph are elected simultaneously, only that one of them shall be admitted who polled the most votes, and, in case of equality of votes, the older. If in the latter case the ages are the same, the matter shall be decided by lot.
3. A person who after his election should come to be in the situation referred to in the second sentence of paragraph one, may not be compelled to retire on that account before the end of the period for which he has been elected.

Article 80.

1. The members shall hold their seats for four years.
2. The person who is elected to fill a vacancy between times shall retire at the same time as the other members.

Article 81.

The electoral regulations shall be laid down by ordinance.

Article 82.

(Form of oath for members of the States).

Article 83.

The emoluments of the members as well as compensation for travelling expenses and subsistence allowances shall be regulated by ordinance.

Article 84.

1. The members are entitled to resign at any time.
2. They shall send in their resignation to the Governor in writing.
3. Membership lapses:
 - (i) by giving up permanent residence in the Netherlands Antilles or by absence from the Netherlands Antilles for longer than eight months unless any other term has been laid down by ordinance;
 - (ii) through the loss of the full enjoyment of civil rights;
 - (iii) through the occurrence of circumstances which pursuant to Article 78 exclude eligibility.

PART TWO

THEIR SESSION AND MEETINGS

Article 85.

The session of the States shall be opened by or in the name of the Governor. The ordinary session shall commence annually on the second Tuesday in May. The States shall meet at the place where the seat of the central government is established.

Article 86.

1. The chairman and the deputy chairman of the States shall be appointed by the Governor for the duration of a session from a recommendation of two persons submitted by the States for each function separately.
2. As long as such appointment has not been made the chairman or deputy chairman appointed for the previous period shall act as chairman in case he is a member of the new States, or, failing such a person, that member of the new States who is oldest in years of those who have sat longest in that body. Should such a person also be wanting, the oldest in years of the members shall act as chairman.

Article 87.

1. The States shall appoint, suspend and discharge their clerk. He may not be a member of the States.
2. His position and salary shall be laid down by ordinance as shall his claims to leave, salary whilst on leave, half pay and pension.

Article 88.

The States shall examine the credentials of the newly arrived members and shall settle the disputes which may arise in respect of those credentials or of the election itself.

Article 89.

The States shall lay down the rules of procedure for their meetings. These will be published by insertion in the Publicatieblad.

Article 90.

1. They shall meet in public.
2. The meeting shall be held in camera if the chairman considers it necessary or if four members demand it.
3. The meeting may only decide by a majority of two-thirds of the votes cast that deliberations shall be held in camera.
4. A decision on the items discussed in camera can also be taken at that meeting.

Article 91.

The members of the States shall vote in accordance with the oath taken as members of the States and with their conscience without orders from or consultation with those who have elected them.

Article 92.

1. The States may neither deliberate nor take decisions unless more than one half of the number of members are present.
2. All decisions shall be taken by an absolute majority of the members voting.
3. In case of equality of votes at a meeting in which all who are at that moment members of the States have taken part in the voting, the proposal shall be deemed not to have been accepted.
4. In case of equality of votes at a meeting in which not all who at that moment are members of the States have taken part in the voting, the taking of a decision shall be deferred to a following meeting. In the event of equality of votes in this meeting the proposal shall be deemed to have not been accepted.

Article 93.

Voting shall take place orally and by roll-call, both for the selection or recommendation of persons by ballot with closed unsigned ballot papers.

Article 94.

The members of the States, the members of the Governing Council and the persons referred to in Article 95 are not liable to be legally prosecuted on account of what they have said or produced in writing in the meeting, unless by doing so they disclose what has been said at a session in camera or produced as secret.

Article 95.

1. The members of the Governing Council shall have a seat in the States. As such they have only an advisory voice. They may be assisted in the meeting by the persons appointed for the purpose.
2. They shall give the States orally or in writing the information demanded, the giving of which may not be contrary to the interest of the Kingdom or of the Netherlands Antilles.
3. They may be invited by the States to attend the meeting for that purpose.

Article 96.

1. The Governor has the right to summon the States in extraordinary meeting.
2. He has the right to dissolve the States and thereby at the same time shall close the session of the States.

3. The decree of dissolution shall contain the order for the election of the new States within two months and the summoning of the newly elected States within three months.

4. By ordinance the duration of a session of the States elected after a dissolution may be fixed for a shorter period than is provided in Article 80.

PART THREE

THE COMPETENCIES OF THE STATES

Article 97.

1. The States shall represent the whole of the population of the Netherlands Antilles.

2. They shall exercise jointly with the Governor the legislative power in respect of the subjects referred to in Article 35.

3. The joint consultation between the Governor and the States as mentioned in the preceding paragraph shall take place as provided for in the following articles.

Article 98.

1. The draft ordinances shall be presented by the Governor to the States for approval.

2 and 3. (Form of presentation.)

4. Previous to the public deliberation of a draft ordinance an examination thereof shall be held. In their rules of procedure the States shall determine the manner in which this examination shall be held.

Article 99.

1. Should the States approve the draft ordinance, they shall give notice thereof to the Governor.

2 and 3. (Form of notification.)

Article 100.

(Provisions concerning the application of ordinances in the island territories.)

Article 101.

1. Should the Governor have promulgated the ordinance approved by the States, he shall give them notice thereof.

2 and 3. (Form of giving notice.)

Article 102.

1. Should the Governor have any objection to promulgating the ordinance approved by the States, he shall give them notice thereof.

2 and 3. (Form of notice.)

Article 103.

1. Should the States not approve of the draft ordinance, they shall give notice thereof to the Governor.
2. and 3. (Form of notice.)

Article 104.

1. The States shall have the right to introduce amendments.
2. and 3. (Form of notice.)

Article 105.

1. Should the Governor concur with the amended draft ordinance, he shall give notice thereof to the States.
2. and 3. (Form of notice.)

Article 106.

1. Should the Governor not concur with the amended draft ordinance he shall give notice thereof to the States.
2. and 3. (Form of notice.)

Article 107.

1. The States shall have the right to submit ordinances to the Governor.
2. They shall forward to the Governor the draft in the form in which it has been approved by them.
3. and 4. (Form of forwarding.)

Article 108.

1. The Governor shall notify his decision to the States.
2. and 3. (Form of notice.)

Article 109.

(Provision concerning the amendment of the forms in the event of acting governorship.)

Article 110.

The States are entitled to advocate the interests of the Netherlands Antilles with the King, with the (Netherlands) States General and with the Governor.

Article 111.

They shall examine the petitions which with due observance of the regulations of Article 9 are addressed to them.

Article 112.

The States shall have the right of inquiry to be regulated by ordinance.

PART FOUR

THE BUDGET

Article 113.

Subject to the provisions of the Fifth Chapter and the Sixth Chapter, all expenditures and the resources to cover these shall be mentioned in the budget.

Article 114.

The budget shall be drafted annually in one or more drafts and presented to the States at latest on the first of August.

Article 115.

The budget shall be enacted by ordinance.

Article 116.

1. The budget shall be operative as from the 1st January of the financial year to which it relates.
2. In case it is inserted at a later date in the Publicatieblad it shall also be regarded as having become operative as from the date mentioned in the preceding paragraph. As long as this has not taken place, the budget of the preceding financial year shall serve as a basis for the administration.

Article 117.

The balance of the accounts shall be determined separately for each financial year by ordinance.

CHAPTER FIVE

THE ISLAND TERRITORIES

Articles 118, 119, 120, 121, 122, 123

(A number of provisions have been inserted in this Chapter concerning the autonomy of the island territories in respect of the management of their own affairs and the mutual relations of the island territories and their relations to the central government.)

CHAPTER SIX

THE LOCAL COMMUNITIES

Articles 124, 125, 126

(Provisions concerning local government of the communities
in the island territories.)

CHAPTER SEVEN

THE JUDICIAL POWER

PART ONE

GENERAL PROVISIONS

Article 127

Justice shall be administered in the Netherlands Antilles in the name
of the King.

Article 128.

1. Civil and commercial law, civil procedure, the penal law, criminal procedure and the notarial office shall be regulated by ordinance as far as possible in conformity with the laws in force in the Netherlands.
2. No proposal for drastic amendment of the legislation in this regard shall be submitted to the States, or brought up for discussion by the States in case it concerns a proposal submitted pursuant to Article 107 of the present Act, before in regard thereto the advice of the committee or committees of the (Netherlands) Council of State concerned has been obtained by or through the intermediary of the Governor.

Article 129.

1. No person may be dispossessed of his property save in the case that by ordinance it has been declared that the public weal requires the expropriation and this against compensation enjoyed or assured in advance.
2. No exceptions shall be permitted to this principle save in virtue of general rules laid down by ordinance and without the dispossessed person ever being deprived of the right to full compensation.

Article 130.

All law suits arising from civil rights shall fall exclusively within the
cognizance of the judicial power.

Article 131.

No criminal proceedings can be instituted against a person but before the court designated by ordinance, and in a way provided by ordinance.

Article 132.

Civil death and general forfeiture of the property belonging to an offender may not be inflicted as a penalty for any crime.

Article 133.

Disputes arising from franchise and other civil rights shall fall within the cognizance of the judicial power if no other judge has been designated by ordinance.

Article 134.

1. All judgments shall state the grounds upon which they are based and in penal cases they shall indicate the legal provisions upon which the condemnation is based.
2. All judgments are pronounced with open doors.
3. The hearings shall be public save for the exceptions in the interests of public order and morality to be provided by ordinance.

Article 135.

1. No person may against his will be denied the judge whom the law assigns to him.
2. The manner in which disputes about jurisdiction between the judicial and other powers shall be settled, shall be regulated by ordinance.

Article 136.

1. Except in the cases determined by ordinance, no person may be arrested otherwise than on an order of the judge stating the reasons for the arrest.
2. This order must be served on the person against whom it is directed, either at the moment of arrest or as soon as possible afterwards.
3. The form of this order and the time within which all arrested persons must be heard, shall be fixed by ordinance.

Article 137.

To enter a dwelling against the occupant's will shall only be permitted, by virtue of an order given by an authority empowered to give such an order by ordinance, and with due observance of the forms laid down by ordinance.

Article 138.

The secrecy of letters entrusted to the postal service or to other public institutions of conveyance shall be inviolable, except by order of a judge in the cases defined by ordinance.

PART TWO

THE COMPOSITION OF THE JUDICIAL POWER

Article 139.

The administration of justice by the High Court of the Netherlands as regards cases relating to the Netherlands Antilles, shall be regulated by Order in Council.

Article 140.

1. There shall be a supreme court of justice called the Court of Justice for the whole territory of the Netherlands Antilles.
2. The Court of Justice shall supervise the regular course and practice of lawsuits and the due prosecution of crimes.
3. The President and the members of the Court of Justice shall be appointed for life by the King after consultation with the Governor, except as provided in the first paragraph of Article 145.
4. Their salaries shall be determined by the Governor subject to the approval of the King.

Article 141.

1. The public prosecution at the Court of Justice shall be conducted by or on behalf of the Attorney General.
2. The Attorney General shall be appointed and dismissed by the Governing Council after consultation with the Governor as an organ of the Kingdom.
3. His salary shall be determined by the Governor subject to the approval of the King.
4. In case of the Attorney General being otherwise engaged and in the case of his absence for an appreciable period, the Governing Council, after consultation with the Governor as an organ of the Kingdom, shall see to his replacement.

Article 142.

1. The Attorney General is the head of the Public Prosecution and of the judicial and administrative police in the whole of the Netherlands Antilles.
2. He shall represent the Netherlands Antilles, and, if required, the Netherlands, Surinam and New Guinea judicially.

Article 143.

(The judicial power of the Attorney General regarding the execution of death sentences).

Articles 144, 145, 146, 147, 148

(Regulations concerning the appointment, release of office, suspension and prosecution of the members of the judicial power).

Article 149.

Further provisions concerning the internal organization and composition of the judicial power shall be laid down by ordinance.

Article 150.

1. Justice shall be administered only by judges designated by ordinance.
2. Any interference in legal cases is forbidden.

Article 151.

(Rules for the execution in the Netherlands Antilles of sentences of the judicial powers in the other parts of the Kingdom).

CHAPTER VIII

THE RELIGION

Article 152.

1. Everyone's right to freedom of religion is recognized, without prejudice to the protection of society and its members against the violation of the penal laws. Every person shall be safeguarded from legal provisions and administrative regulations which might impose constitutional, economic or social restraints on the right to freedom of manifesting his religion.
2. Freedom of religion shall be taken to comprise
 - (a) the freedom of every person to worship according to his conscience and the freedom to nurture his children in the religion he may choose;
 - (b) the freedom of every person to change his religion;
 - (c) the freedom to preach, to instruct, to publish, to teach, and to perform social and charitable work, and the freedom to establish organizations, and to acquire and to hold property for these purposes.

Article 153.

1. To all religious associations and communities equal protection shall be afforded.
2. Money grants from any public fund to religious associations and communities including their ministers and religious teachers shall be contributed on a basis of equality and in accordance with regulations to be laid down by ordinance.

Article 154.

The Governor shall see to it that all religious associations and communities keep within the bounds of obedience to the legal regulations and to the legally instituted authorities.

Article 155.

The professors of the various religions shall enjoy the same civil and civic rights and shall have equal claim to the holding of dignities, offices and functions.

Article 156.

No restrictions shall be imposed on public divine services other than such as are prescribed by ordinance in the interest of public order, peace, and morals.

CHAPTER IX
FINANCE

Article 157.

The monetary system shall be regulated by ordinance.

Article 158.

Taxes shall be levied in virtue of and in accordance with the provisions of an ordinance, an island ordinance, or of a by-law or regulation as referred to in Article 2, sub. 4.

Article 159.

No privileges may be granted in the matter of taxes.

Article 160.

1. Taxes may not be used to hamper free trade with the Netherlands, Surinam or New Guinea, or to favour the trade, industry or agriculture of the Netherlands Antilles above the trade, industry or agriculture of the Netherlands, Surinam or New Guinea.
2. The beacon-dues, pilotage charges, harbour-dues, and similar incidental charges, relating to shipping, and the provisions concerning oversea trade shall equally apply to ships of all nations.

Article 161.

1. Money loans in the name and to the debit of the Netherlands Antilles cannot be contracted but by virtue of ordinances.
2. Ordinances by virtue of which money loans are contracted outside the Netherlands Antilles shall be subject to the approval by law.

Article 162.

1. The regulation of the granting of public lands in freehold or on lease and of the administration of such lands, as well as of the exercise of other domanial rights, shall be provided by ordinance.

2. The Regulations concerning the Island Territories shall lay down provisions for the transfer of public lands to those territories.

Article 163.

1. Both for the Netherlands Antilles and for the island territories an independent organ shall be charged by ordinance to see that the funds be applied in accordance with the Budget, and to approve the account of receipts and expenditures. This supervision shall be exercised in accordance with regulations to be laid down by ordinance.

2. The organ referred to in the previous paragraph shall submit an annual report on the supervision exercised by it - in the case of the Netherlands Antilles to the Central Government and to the States, and in the case of an island territory to the districts officer and to the representative body.

CHAPTER X

THE DEFENCE

Article 164.

1. All Netherlanders residing in the Netherlands Antilles as well as all non-Netherlanders residing there may be compelled by ordinance to serve in the armed forces. This ordinance shall observe the regulations to be laid down by or in virtue of the law.

2. The conditions upon which exemption from military service may be granted on account of serious conscientious objections shall be stated by ordinance in accordance with the regulations to be laid down by law.

3. Conscripts serving in the land forces may not be sent without their consent elsewhere otherwise than by virtue of an ordinance.

Article 165.

The obligations which may be imposed on those who are not compelled to serve in the armed forces as regards the protection of the interests of the Kingdom, shall be regulated by ordinance. This ordinance shall observe the regulations to be laid down by or in virtue of the law.

Article 166.

In the case of war or danger of war, or in the case of the internal order and peace being threatened or disturbed which might result in the interests of the Kingdom being really impaired, the King may direct that conscripts be kept in or called up for active service "extraordinarily". In that case a bill shall be submitted without delay for the purpose of providing that the conscripts shall remain in active service for such a period as shall prove to be necessary.

Article 167.

1. All persons serving in the armed forces shall be in the service of the Kingdom.
2. All officers shall be appointed by the King. They shall be promoted, dismissed and pensioned off by the King according to regulations to be laid down by law. The pensions shall be regulated by law.

Article 168.

1. The Netherlands Antilles shall render to the armed forces that are staying in its territory the assistance and support which these forces require in the execution of their task.
2. Regulations shall be laid down by ordinance to ensure that the armed forces of the Kingdom shall be able to perform their task in the Netherlands Antilles.

Article 169.

The military penal and disciplinary law and the judicial procedure of military cases are regulated by law.

Article 170.

1. In the case of war, danger of war or other exceptional circumstances the Governor may direct that the conscripts residing in the Netherlands Antilles be kept in or called up for active service "extraordinarily" without prejudice to the power of the King under Article 166. In that case a draft ordinance shall be submitted without delay to the States for the purpose of providing that the conscripts shall remain in active service for such a period as shall prove to be necessary.
2. The King shall decide whether danger of war exists in the sense in which that term occurs in the ordinances and in other legal regulations.

Article 171.

1. In the case of war or danger of war or in the case of the internal order and peace being threatened or disturbed which might result in the interests of the Kingdom being really impaired, the King may, for the purpose of maintaining the external or internal security, declare any part of the Netherlands Antilles to be in a state of war or of siege.
2. The manner in which such a declaration must be made shall be determined by law which shall regulate as well the consequences.
3. Such regulation may provide that the power of the civil authority in respect of the maintenance of law and order shall pass wholly or in part to the military authority, and that the civil authorities shall become subordinate to the military. Moreover, the provisions of Articles 8, 10, 137 and 138 may in that case be disregarded. In the event of war the provisions of Articles 131 and 135 may also be disregarded.
4. In territories which have been declared to be in a state of siege the military penal law and the military judicial procedure may be wholly or partially declared applicable to non-military persons in the event of war.

Article 172.

1. Without prejudice to the provisions of Article 171, the Governor may, for the purpose of maintaining the internal security and public order, declare any part of the Netherlands Antilles to be in a state of war or of siege. The manner in which such a declaration must be made shall be determined by ordinance which shall regulate as well the consequences in accordance with general provisions to be laid down by law.
2. Such ordinance may provide that the power of the civil authority in respect of the maintenance of law and order shall pass wholly or in part to the military authority, and that the civil authorities shall become subordinate to the military. Moreover, the provisions of Articles 8, 10, 137 and 138 of the present Act may be disregarded. In the event of war the provisions of the first paragraph of Article 135 may also be disregarded.

CHAPTER XI

EDUCATION, PUBLIC HEALTH AND POOR-LAW ADMINISTRATION

Article 173.

The dissemination of enlightenment and culture, and the stimulation of the arts and sciences shall be constantly promoted by the central government.

Article 174.

1. Education shall be an object of constant care on the part of the central government.
2. The imparting of education shall be free save for superintendence by the government in accordance with the ordinances concerned, and moreover, in so far as general education, elementary as well as secondary, is concerned subject to the examination into the ability and morality of the teacher, in accordance with rules to be given by ordinance.
3. Public education shall be regulated by ordinance, every person's religious views being duly respected.
4. The government shall impart sufficient public general elementary education in an adequate number of schools. Divergence from this provision in connection with the state of the national finances may be permitted by ordinance.
5. The standards of efficiency to be prescribed for education which is provided wholly or in part from public funds shall be regulated by ordinance, with due observance, in the case of private education, of the freedom of religious opinion.
6. These standards shall be regulated for general elementary education in such a manner as to guarantee equally well the efficiency of public education and of private education defrayed entirely from public funds. In these regulations the freedom of private education with regard to the choice of means of instruction and the appointment of teachers shall particularly be respected.

7. Public and private education, the latter as far as it fulfils conditions to be imposed by ordinance, shall be defrayed from public funds on a basis of equality.
8. The Governor shall report annually on the condition of education to the States.

Article 175.

The supervision by the government to be exercised over the conditions of public health and all that concerns the practising of medicine, surgery, obstetrics, and pharmaceuticals shall be regulated by ordinance.

Article 176.

1. The supervision over the poor-law administration and the necessary provisions in that respect shall be regulated by ordinance.
2. In this connection the principle that private and church charity shall be left free and be promoted as much as possible shall be observed.

CHAPTER XII

TRADE AND INDUSTRY

Article 177.

1. The central government shall promote all branches of industry.
2. Chambers of commerce and agricultural committees may be established and their fields of activity determined by ordinance.

Article 178.

1. No institution may act as a bank of issue and no bank-notes may be issued or put into circulation other than in virtue of an ordinance and in accordance with the regulations to be laid down by that ordinance.
2. A bank of issue is understood to be an institution which either exclusively or as part of its activities issues banknotes or puts them into circulation.

Article 179.

The foundation of credit associations and insurance companies may be allowed by ordinance.

Article 180.

1. The central government shall aim at the improvement of the means of conveyance with all means at their command.
2. The supervision by the government to be exercised over the means of conveyance by land and sea shall be regulated by ordinance.

Article 181.

In accordance with regulations to be laid down by ordinance the Governor may grant concessions to mining-undertakings and for the construction of public works and the foundation of public utility services.

FINAL PROVISIONS

Article 182.

1. On the ground that they are in contravention of the law or of an Order in Council, of treaties and other agreements concluded with foreign powers and international organizations or of the public interest of the Kingdom, the King, after hearing the Council of State, may wholly or partly suspend or declare null and void resolutions providing general regulations emanating from public bodies other than ordinances or decrees by means of a decision stating the grounds and to be published in the Publicatieblad.
2. The decision of the King shall regulate the consequences of this nullification.

Article 183.

If an organ does not or not wholly meet the demands imposed on it in virtue of a law or an Order in Council, or treaties or other agreements concluded with foreign powers and international organizations, a law may determine which authority is to replace that organ.

Article 184.

With the consent of the King certain powers as regards the national affairs may be conferred upon the King by ordinance. The King shall exercise these powers, after hearing the Council of State.

Article 185.

1. The provisions of the Third Chapter, paragraph 3 of Article 74, Article 82 as well as the provisions of the Regulations Concerning the Island Territories may be amended by ordinance.
2. The States cannot adopt such an ordinance other than with a majority of two thirds of the statutory number of members.
3. This ordinance shall not come into effect before it has been approved by the King.

Article 186.

This Act may be referred to as "The Constitution of the Netherlands Antilles".

TRANSITORY PROVISIONS

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2.

3. All legal regulations in force at the moment of the coming into effect of the Interim Order of Government for the Netherlands Antilles shall continue to apply until they have been replaced by other regulations in accordance with the provisions laid down in the present Act,

4. All provisions concerning subjects relative to the domestic affairs of the Netherlands Antilles, as well as subjects occurring in laws and Orders in Council, may be amended, repealed or replaced by others by ordinance, with the exception of those occurring in this Constitution and not mentioned in Article 185.

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8. Wherever in this Act Netherlands are spoken of, Netherlands subjects are included.

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