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DOCUMENTS  
INDEX UNIT MASTER  
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CONTENTS

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 (A/AC.35/L.206)

PRESENT:

<u>Chairman:</u>	Mr. SCOTT	New Zealand
<u>Members:</u>	Mr. LOOMES	Australia
	Mr. FRAZAO	Brazil
	U HLA AUNG	Burma
	Mr. LIU YU-WAN	China
	Mr. BARGUES	France
	Mr. ARENALES	Guatemala
	Mr. JAIPAL )	India
	Mr. SHIVA RAO )	
	Mr. KHALIDY	Iraq
	Mr. SCHURMANN )	Netherlands
	Mr. POS )	
	Mr. GORSIRA )	
	Mr. CALLE y CALLE	Peru
	Mr. GIDDEN	United Kingdom of Great Britain and Northern Ireland
	Mr. SEARS	United States of America

Representatives of specialized agencies:

Mr. GAVIN	International Labour Organisation
Mr. ARNALDO	United Nations Educational, Scientific and Cultural Organization

<u>Secretariat:</u>	Mr. COHEN	Under-Secretary
	Mr. BENSON	Secretary of the Committee

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 (A/AC.35/L.206)

Mr. SCHURMANN (Netherlands) said that the Round Table Conference held at The Hague in 1954 had resulted in the establishment of a new legal order for the Kingdom of the Netherlands under which the three parts of the Kingdom, the Netherlands, Surinam and the Netherlands Antilles, were now three equal partners.

As the transmission of information under Article 73 e of the Charter was a matter which concerned not only the Netherlands, but the Kingdom as a whole, he introduced the delegates of the autonomous Governments of Surinam and the Netherlands Antilles: Mr. Pos, Minister Plenipotentiary for Surinam in the Government of the Kingdom at the Hague, and Mr. Gorsira, the Head of the local Government of the Island of Curacao; both delegates had participated in the work of the Round Table Conference.

Mr. POS (Netherlands), commenting on the new constitutional order in the Kingdom of the Netherlands, which was explained in detail in document A/AC.35/L.206 (Annexes I and II), said that under the Charter prepared by the Round Table Conference, the Kingdom of the Netherlands consisted of three parts, the Netherlands, Surinam and the Netherlands Antilles. The three countries conducted their internal affairs autonomously, while affairs of common interest were conducted jointly on a basis of equality. The three countries accorded each other aid and assistance. Under article 61, the new constitutional order had been accepted by the Netherlands Parliament by a majority of more than two-thirds, and by the Parliaments of Surinam and the Antilles unanimously.

Owing to the difficulty of drafting provisions relating to the co-operation of the three countries in the conduct of the affairs of the Kingdom, it had taken two years to reach agreement on the many articles relating to that question. Each country had complete autonomy, except in regard to certain questions such as defence, foreign affairs and nationality, which were affairs of the Kingdom. Each of the three countries could make and amend its own constitution. The Head of the Kingdom and the constitutional Head of the Governments of each of the

(Mr. Pos, Netherlands)

countries was the Queen. She was represented by Governors in Surinam and the Netherlands Antilles. The responsibility for administration rested with the Council of Ministers, who were responsible to Parliament. The Parliaments were elected by universal suffrage and each citizen who had reached a certain age, which could not exceed 25 years, had the right to vote.

With regard to the joint conduct of the affairs of the Kingdom, Surinam and the Antilles had populations which were too small to send many representatives to a Federal Government and Parliament. It had accordingly been decided to establish a Council of Ministers of the Kingdom, composed of the Netherlands Ministers and two ministers plenipotentiary, one appointed by the Government of Surinam and one by the Government of the Antilles. Article 12 contained a provision to prevent Ministers Plenipotentiary being overruled in the Council of Ministers and thus safeguarded the interests of Surinam and the Antilles.

In respect of international economic and financial agreements, Surinam and the Antilles enjoyed even greater liberty, as the Government of the Kingdom could not bind them to such agreements against their will.

Statutes of the Kingdom were enacted by the Netherlands Parliament (States General), acting as Parliament of the Kingdom, but when the drafts of such statutes were submitted to the Netherlands Parliament, the Government of the Kingdom had to send them also to the Representative Bodies of Surinam and the Netherlands Antilles, which could report on them in writing. The Ministers Plenipotentiary could attend the debates on the drafts, state their views and propose amendments. If the Second Chamber adopted a draft by a majority of less than three-fifths of the votes cast, the discussion had to be suspended. The Representative Bodies of Surinam and the Netherlands Antilles were also able to influence the decision of the States General, by designating one or more special delegates with the same powers as the Ministers Plenipotentiary.

Article 36 provided that the Netherlands, Surinam and the Netherlands Antilles should accord each other aid and assistance. The importance and meaning of that provision would be decided by the development of relations between the three countries, which could enter into mutual agreements on cultural, social and

(Mr. Pos, Netherlands)

economic matters. The constitutional order, defined by the Charter, could be adapted to changes, especially to the development of the countries, in accordance with the procedure laid down in article 55.

The status of the Netherlands in the Kingdom was the same as that of Surinam and of the Netherlands Antilles. Consequently, the Netherlands was no longer the Administering Authority and had no right to transmit information on the other two countries under Article 73 e of the United Nations Charter. The Government of Surinam had no objection to providing the Committee with data, but it did not understand how the Netherlands could be under any obligation to report. Stressing the fact that he was not acting under Article 73 e of the Charter, he presented to the Committee, on behalf of his Government, a general review of conditions in his country, and said that he would be glad to answer any questions on the subject which Committee members might like to ask.

Mr. GORSIRA (Netherlands) said that he would make a statement on the situation created by the Charter of the Kingdom. The Charter was the outcome of negotiations, which had taken place in an atmosphere of friendliness and mutual respect, and had been approved by the executive and legislative powers of the three countries composing the new Kingdom of the Netherlands. A reading of the Charter would show that the population of the Netherlands Antilles had, through its freely and democratically elected representatives, solemnly and unanimously expressed its desire to join with the other two parts of the Kingdom on an equal footing.

He pointed out that the Charter drew a distinction between the affairs of the Kingdom and the internal affairs of each of the three countries. In regard to the Kingdom's affairs, each country participated in the executive power of the Kingdom, in proportion to its importance, which meant its purely material power. Thus, Surinam and the Netherlands Antilles, each with about 200,000 inhabitants, were each represented in the Government of the Kingdom by a Minister Plenipotentiary, while the Netherlands proper had more than 10 million inhabitants. As far as its internal affairs were concerned, each country enjoyed complete autonomy, and had the right to make its own constitution, provided that it did not conflict with the Charter of the Kingdom.

(Mr. Gorsira, Netherlands)

He drew attention particularly to article 35, which guaranteed that the contributions of Surinam and the Netherlands Antilles to the expenses of the Kingdom should be decided unanimously by the three countries, and to article 25, which permitted the two countries not to become parties to international economic or financial agreements if they considered such agreements prejudicial to their interests. From the financial and economic points of view, Surinam and the Netherlands Antilles could accordingly be considered as sovereign States.

Although the bonds now linking the three countries bore a close resemblance to the federal system, they did not exactly fit any known system. There could be no doubt that the people of the Netherlands Antilles might in recent years have opted for other systems, such as assimilation or integration, but they had preferred self-government, which was more in line with their feelings and wishes. Although the Netherlands Antilles had fought for their political freedom, if not by force, at least by suasion, they were now satisfied with their position and no longer felt themselves a colony or dependent territory. The new Constitution was not perfect, of course, but democratic traditions were firmly embedded in it. As might have been anticipated, the general election of November 1954 had placed in power political parties which had previously been in opposition. Thus, the people's will, expressed through universal suffrage, had been respected.

It was therefore, a matter of course that the people's will should also be respected with regard to the new relations among the Netherlands Antilles, Surinam and the Netherlands. The Netherlands Antilles legislature had unanimously approved the new political system, which meant that there was no further justification for submitting information to the United Nations. The Netherlands Antilles were now supplying a review on conditions there, but were doing so spontaneously merely to show their goodwill. It should be observed that the information was not being supplied by the Government of the Kingdom, something which, under the Charter for the Kingdom, it was no longer entitled to do, but by the Government of the Netherlands Antilles itself. The Netherlands Antilles were very grateful to the United Nations for the interest it had shown in them; if, however, it continued to ask for information on them, it would be disregarding the situation freely created by peoples who had exercised the right of self-determination.

Mr. ARENALES (Guatemala) congratulated the Netherlands delegation on the quality of the information it had submitted to the Committee and the great progress made by its Governments. He had no instructions from his Government and would therefore put some questions to supplement the information in the explanatory memorandum and the Charter for the Kingdom of the Netherlands (A/AC.35/L.206).

His first question was whether it was correct that each of the three countries was entitled to set the age of voters in parliamentary elections as it deemed fit, but that the minimum age could not be more than twenty-five. He also asked whether there were any special provisions for illiterates in the electoral system, and whether the ballot was secret or public.

Mr. POS (Netherlands) said that it was correct that the age at which persons acquired the right to vote could not be over twenty-five. Illiterates, of whom there were very few, were no special problem; an act passed about 1870 made it mandatory for parents to send their children to school. Elections were held by secret ballot.

Mr. GORSIRA (Netherlands) explained that the proportion of illiterates in the Netherlands Antilles was less than 0.5 per cent. To help those few illiterates each list was printed in a different colour and a photograph of the candidate at its head was attached.

Mr. ARENALES (Guatemala), recalling that the Netherlands was a constitutional monarchy, asked how judges were appointed.

Mr. POS (Netherlands) replied that the Netherlands was indeed a constitutional monarchy. Judges were appointed by the Government of the Kingdom, i.e. the Government of the three countries, as distinct from the Netherlands Government.

Mr. BARGUES (France) thought that questions should be addressed either to the representative of the Netherlands or of Surinam or of the Netherlands Antilles, not to the Netherlands delegation, since the two territories were now self-governing under the Charter of the Kingdom. If the Netherlands delegation alone was concerned, all that would be required would be to take note of its statement that it no longer had to submit information.

Mr. ARENALES (Guatemala) observed that the only delegation accredited to the United Nations was the Netherlands delegation, of which Mr. Pos and Mr. Gorsira were members.

The CHAIRMAN, supported by Mr. BENSON (Secretary of the Committee), confirmed that Mr. Pos and Mr. Gorsira were members of the Netherlands delegation, as shown in document A/AC.35/INF.12/Rev.2.

Mr. FRAZAO (Brazil) thanked the Netherlands delegation for the information it had given the Committee. Lacking instructions from his Government, he could not yet take a stand on the substantive question. He would, however, appreciate a few explanations. He asked whether there was a statute or ordinance determining the powers of the Governor mentioned in article 2, paragraph 2 of the Charter for the Kingdom.

Mr. POS (Netherlands) replied that the Governor's powers were determined in the provisions in the constitution of the country concerned. Under article 59, paragraph 4 of the Charter, those provisions would acquire the status of Country Statute after they had been made consistent with the new constitutional order by Kingdom Ordinance.

Mr. FRAZAO (Brazil) asked who was empowered to decide whether a proposal for legislation was inconsistent with the partnership of the country in the Kingdom.



Mr. POS (Netherlands) replied that the Government of the Kingdom decided.

Mr. FRAZAO (Brazil) asked whether the Queen, as Head of the Kingdom, would be empowered to annul a legislative act of the Netherlands Parliament which might be a breach of the Charter.

Mr. POS (Netherlands) said that the question had not yet been settled in a fully satisfactory manner. The provisions dealing with that point were in article 50.

Mr. FRAZAO (Brazil) said that he would like to see the Country Statutes which had been made consistent with the new constitutional order of the Kingdom.

Mr. POS (Netherlands) said that there was no objection, but he had only a Dutch text.

Mr. SHIVA RAO (India) asked whether elections had been held in Surinam in November 1954 and whether the members of Parliament who had voted on the Charter had been elected before it had been drafted.

Mr. GORSIRA (Netherlands) said that it was for each country to decide the date for its elections. The 1954 elections had concerned the Antilles alone.

Mr. POS (Netherlands), replying to the Indian representative's second question, explained that the Charter had never been a subject of controversy among the parties or groups in his country. The recent election in Surinam had had no effect on the Charter's adoption, although the Government itself had changed.

Mr. LIU YU-WAN (China) asked whether the Antilles and Surinam could, if they so desired, adopt a new currency without the Netherlands' consent and whether the Netherlands could recruit soldiers in the two countries without obtaining their consent.

Mr. POS (Netherlands) replied that the answer to the second question was no. As to the first, the two countries' currencies were wholly independent of the Netherlands currency. The Netherlands guilder was worth only one half of the Antilles or Surinam guilder.

Mr. GORSIRA (Netherlands) explained that the Netherlands was in the sterling area, whereas the other two countries might be said to belong to the dollar area.

The meeting rose at 1 p.m.