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CONTENTS

Chairman: **Mr. Luciano JOUBLANC RIVAS (Mexico).**

AGENDA ITEM 32

Consideration of communications relating to the cessation of the transmission of information under Article 73 e of the Charter: reports of the Secretary-General and of the Committee on Information from Non-Self-Governing Territories (*continued*):

(*a*) Communication from the Government of the Netherlands concerning the Netherlands Antilles and Surinam (A/2908/Add.1, A/AC.35/L.206, A/C.4/L.421, A/C.4/L.422, A/C.4/L.423) (*continued*)

1. Mr. FERRIER (Netherlands) said he realized that the Charter for the Kingdom created a new and unique partnership. But for that fact, he would have been at a loss to understand how doubts could still persist, after all the explanations given to the Committee, about the internal autonomy enjoyed by Surinam, his own country, and by the Netherlands Antilles and about their status as equal partners in Kingdom affairs.

2. Some members of the Committee had argued that Surinam and the Netherlands Antilles had not achieved complete independence. That fact had been admitted by the Presidents of the Parliaments of the two countries in their statements at the 520th meeting. In the view of the peoples of the Territories, however, the stage they had reached on the road to independence was the most important one and they were quite satisfied with their present status. He was sure everyone would agree that it was the peoples' right to determine what they wanted and in what manner they wished to achieve self-government.

3. It had also been argued that the small number of articles on internal affairs in the Kingdom Charter might limit the countries' autonomy in that respect. On the contrary, the very paucity of such articles was in itself proof of the countries' internal autonomy. Some representatives had tried to interpret the articles on Kingdom affairs to prove that the countries' internal autonomy was limited. The countries themselves did not subscribe to that interpretation, which left out of account important elements in the articles concerned. Kingdom affairs were in effect limited to foreign affairs, defence and questions of nationality. As stated in article 6, they were conducted in co-operation by the three countries, in accordance with the provisions set out in later articles.

4. The Netherlands Antilles and Surinam were represented in the Kingdom Council of Ministers, with the right to vote. Hence, they participated from the outset in the discussion of all matters concerning the Kingdom legislation. The Governments of the two Territories were also empowered to appoint other representatives, in addition to the Ministers Plenipotentiary, to the Council of Ministers and the permanent boards and special committees of the Council if, in their opinion, any particular matter so required. The Ministers Plenipotentiary were the representatives of and appointed by the country Governments and their position was such that they could block any proposed legislation of a general and binding nature if they considered it detrimental to the country. In such cases, the country Government could initiate the procedure for internal appeal described at earlier meetings. If the Ministers Plenipotentiary agreed to the proposed legislation, that meant that the country Governments agreed; the draft proposals were then submitted simultaneously to all three country Parliaments, which were empowered to examine them and, if necessary, submit a report in writing prior to their public discussion in the Second Chamber of the States-General. The Ministers Plenipotentiary could participate in the debates and give any information that they considered necessary. The representative bodies of the countries could, in addition, appoint delegates to attend debates in the Kingdom Parliament, give information, and propose amendments in the Second Chamber. In that connexion it should be noted that the First Chamber had no power to propose amendments. Before the final vote, the Ministers Plenipotentiary, and any special representatives who might have been appointed, had the opportunity to express their opinions. If they were opposed to the legislation in question, a three-fifths majority was necessary for its adoption.

5. The people of Surinam and the Netherlands Antilles were convinced that the procedure he had outlined was the best, since it gave them an opportunity to express their opinions from the very beginning. Their conviction was based on their feeling of mutual trust and on the belief that no partner in the association would impose on another partner legislation to which that other had expressed opposition. If Surinam and the Netherlands Antilles had been granted proportional representation in the Netherlands States-General they would have enjoyed a far less influential position. As matters stood, legislation could be enacted over their opposition only by a three-fifths majority. With

proportional representation, the countries would have been deprived of that safeguard and would have had only two or three representatives in the States-General.

6. In speaking of Kingdom affairs, representatives had referred only to their effect on Surinam and the Netherlands Antilles. It should be borne in mind that they also affected the third partner in the association, namely the Netherlands. To the extent, therefore, that Kingdom affairs implied any restriction on internal autonomy it could equally well be argued that Surinam and the Netherlands Antilles restricted the internal autonomy of the Netherlands.

7. With regard to the status and function of the Crown in Kingdom affairs, one of the main reasons why Surinam and the Netherlands Antilles had wished to remain in the Kingdom was their regard for the Queen of the Netherlands and her House and their confidence that she would protect their constitutional status. In accordance with article 1 of the Kingdom Charter the Queen was Queen of the Kingdom as a whole. It was quite wrong to conclude that she was Queen of the Netherlands only and acted as Queen of the Netherlands vis-à-vis Surinam and the Netherlands Antilles. Even if her status as Queen of the entire Kingdom was not explicitly stated in the Charter, her recent visit to Surinam and the Netherlands Antilles had shown that it was her position in the hearts of the people.

8. In conclusion, he hoped that he had removed any doubts that representatives might still have had. The people of Surinam and the Netherlands Antilles wholeheartedly agreed with the Indian representative in wishing an end to tutelage. That had been their aim in working for the Kingdom Charter, and he was sure that it expressed the end of any tutelage on the part of the Netherlands. His people were neither ready nor willing to accept tutelage from any one else, even from the United Nations itself.

9. Mr. JONCKHEER (Netherlands) said that a number of representatives had commented on the position of the Governor in the Netherlands Antilles and Surinam. Under article 2 of the Kingdom Charter, the King reigned over the Kingdom and over each of the countries. Constitutionally, therefore, the King had two functions: first as head of the Government of the Kingdom, subject to the overriding responsibility of the Kingdom Ministers, and secondly, as head of the Governments of the three countries, subject to the overriding responsibility of the Ministers of the three countries. The King was inviolable and consequently full responsibility rested with the Ministers of the Kingdom and the countries. The Governor in the Netherlands Antilles and Surinam was the representative of the King, and was inviolable just as the King was inviolable. Hence, in exercising his powers in Kingdom affairs, the Governor did so subject to the responsibility of the Kingdom Government, in which the Territories participated through their Ministers Plenipotentiary; in domestic affairs he acted subject to the political responsibility of the country Government, to wit the country Ministers. The Governor was not appointed by the Netherlands Government but by the King acting subject to the overriding political responsibility of the Kingdom Government.

10. It should be emphasized that the Governor had no personal power; any reference to him in the country Constitutions was equivalent to a reference to the King in the Constitution of the Netherlands. His position, indeed, was comparable to that of the Governor-General in the former dominions. In appointing officials and in other similar activities the Governor was acting solely in his capacity as representative of the King and subject to the overriding responsibility of the Minister concerned. Hence, his status in no way affected the countries' independence in internal affairs or the extent of their participation in Kingdom affairs.

11. Mr. Jonckheer hoped that he had made it clear that the Netherlands Antilles and Surinam were not under Netherlands jurisdiction: the three countries together formed the Kingdom of the Netherlands; they had equal rights in Kingdom affairs.

12. In connexion with judicial power in the countries, the statute referred to in article 23 of the Charter to regulate the jurisdiction of the Supreme Court of the Kingdom, in which the Netherlands Antilles and Surinam would participate, had not yet been submitted to Parliament, as it was still the subject of intense consultations in the Kingdom Council of Ministers and the country Councils of Ministers. The Netherlands Antilles and Surinam regulated independently all matters related to the administration of justice in both criminal and civil cases and were responsible for organizing their own courts of justice. In the negotiations on the Charter the representatives of both Territories had stipulated that judges should be appointed by the Government of the Kingdom in order to prevent the possible interplay of local interests in such small communities and thus to guarantee the free exercise of human rights and fundamental freedoms. They had felt that that provision would stimulate the healthy growth of their newly acquired independence.

13. The Netherlands Antilles and Surinam had not wished to become independent States, for they believed that in the modern world that would not be in their interests. Consequently, the right of secession had never been a point of primary importance in the negotiations, which had been concerned with establishing an association of the three countries and not with providing for complete independence.

14. Article 3, paragraph 1 (*f*), made the general provisions governing the admission and expulsion of Netherlands nationals a Kingdom affair. The right of the Netherlands Antilles and Surinam to control the admission and order the expulsion of Netherlands nationals was therefore recognized. Legislation requiring Netherlands nationals to obtain entry permits and providing for their expulsion existed only in the Antilles and Surinam and not in the Netherlands. It was designed to protect the indigenous population; the two countries were small and had to limit immigration. In the Antilles Netherlands nationals, not born in the country, were subject to the same restrictions as foreigners. The situation was the same in Surinam. The same consideration did not apply to the Netherlands and there was no Netherlands legislation restricting the admission of persons born in the Antilles and Surinam. It should be emphasized that the Charter covered only the general provisions on the matter; which had important international aspects; the actual admission and expulsion of foreigners was a country matter.

15. Many representatives had spoken of colonialism in connexion with the Netherlands Antilles and Surinam. The essence of colonialism was economic exploita-

tion, and that was completely non-existent in the two countries. Taxes could be imposed only by country legislation, and tax revenue accrued in full to the country. There were no preferential tariffs between the various parts of the Kingdom, which were treated, in tariff matters, on the same footing as any other foreign country. All the oil companies and other industries in the Antilles paid equal taxes. Under article 35 of the Charter contributions to Kingdom expenses were subject to the unanimous decision of all the component parts, in other words the Antilles could not be forced to contribute against its will.

16. He had been greatly moved by the sympathy expressed towards the Latin American parts of the Kingdom by other Latin American countries. The Netherlands Antilles extended its good wishes to the Latin American countries. It was regrettable, however, that not all the opinions expressed in the Committee would ultimately serve the best interests of the two countries, although they had doubtless been inspired by the best intentions. Some representatives felt that if they varied their traditional stand, that might set a precedent for future cases. They need have no fear; the case of the Netherlands Antilles and Surinam was unique. The new arrangements had been in effect for one year and they had clearly shown that the countries enjoyed a full measure of autonomy and that the Kingdom Charter was an effective instrument. The peoples of the Netherlands Antilles and Surinam clung to their ideals and believed that they deserved encouragement after their long struggle. In view of that the hesitation of certain Latin American representatives was rather discouraging.

17. The Uruguayan representative had asked to hear the opinion of the representatives from the Netherlands Antilles and Surinam on his amendment (A/C.4/L.422). That amendment was doubtless inspired by a sincere desire to promote the countries' security and prosperity but it was inopportune. It introduced an extraneous and highly controversial element which would prevent some representatives from deciding the case on its merits. The joint draft resolution (A/C.4/L.421) as it stood, or as modified by the Indian amendments (A/C.4/L.423) would leave the door open for an academic debate on the applicability of Chapter XI of the United Nations Charter to the case of the Netherlands Antilles and Surinam. Such a debate would be out of place in the context of the present discussion.

18. He hoped that those representatives who had announced their intention of abstaining would find some way of voting in favour of the draft resolution and thus demonstrating that the seven-year struggle of the two Territories, which had been based on the principles of the United Nations Charter, was not in vain.

19. Mr. SCHURMANN (Netherlands) said that it was perhaps not surprising that some delegations unfamiliar with Dutch thought and law should have found difficulty in fully understanding the Charter for the Kingdom of the Netherlands which he and his colleagues from Surinam and the Netherlands Antilles had had the task of explaining to the Committee. That Charter was a document which regulated the position not of one but of three countries; it was written in Dutch and constructed out of long-established terms and concepts that had special connotations in the Dutch legal system, which for centuries had also been the legal system of Surinam and the Netherlands Antilles. Each article had been discussed and debated over a period of seven years and had, in that process, acquired a significance that reached far beyond its actual wording. He would mention just a few examples of the semantic confusions which had arisen.

20. The Kingdom of the Netherlands, as at present constituted, was a unit composed of three equal partners. In Dutch, the word "Netherlands" in that title was in the plural form (*Nederlanden*). One of those three partners was what was called in other languages "The Netherlands", in the plural, although in Dutch the word was singular (*Nederland*). Therefore, when he spoke of the Kingdom of the Netherlands, he did not refer to the Kingdom of one country which, as one representative had put it, exercised jurisdiction over two other countries, but of a kingdom which was the symbol and expression of a common allegiance of three equal partners to one crown. The Queen of that Kingdom was not Queen only of the Netherlands in the singular, but Queen of the two parts of the realm situated in the American hemisphere as well as of the part situated in Europe.

21. The Netherlands delegation had been asked why the expression "Countries" was used in the Charter instead of "States". The reason for the use of that term, which applied not only to Surinam and the Netherlands Antilles but equally to the Netherlands, lay in the European conception of international law. In Europe, the word "State" was used to denominate what was called a "legal person" within the meaning of international law. To use the word "State" for the autonomous parts which jointly formed one "legal person" would, in the European view, be misleading. The term used in the Kingdom Charter was therefore "Countries" and thus there was one State consisting of three countries.

22. Another question that had been brought up several times was why there had been no plebiscite. Those who had asked the question seemed to take it for granted that a plebiscite was always the best way to find out a people's opinion on any question. However, many sociologists and constitutional lawyers had come to the conclusion that a plebiscite was not only an inaccurate but also a restrictive method of testing public opinion. In giving the people no more choice than to answer "yes" or "no" to one or more questions, it necessarily limited and oversimplified the issues. They were convinced, therefore, that a vote taken in an assembly of freely elected representatives of the people, who could express every shade of opinion and could give their reasons for doing so, was a much surer way of ascertaining the will of the people. It was for that reason that in the Netherlands, as in many other European countries, plebiscites were never used.

23. The Netherlands delegation had apparently failed to clear up for some delegations the confusion between self-government and independence. It had been stated more than once in the debate that the aim of the Charter of the United Nations was independence, and even that the true test by which to judge whether Surinam and the Netherlands Antilles had achieved self-government was whether they would qualify for membership in the United Nations. He noted that the aim referred to in Article 73 of the Charter was not independence but self-government. Whatever the exact meaning of self-government might be — and the Fourth Committee

had never been able to agree on any definition of that concept — it was not the same thing as independence, and the General Assembly resolution on factors (742 (VIII)) had explicitly recognized that self-government could be achieved in forms other than independence, such as integration or free association. If qualification for membership in the United Nations were the test of self-government, none of the forty-eight States of the United States of America, for example, possessed self-government. Some delegations had further been worried by the fact that in a State composed of three autonomous parts, there were certain decisions which concerned the vital interests of the whole and could not, for that reason, be left to the sole discretion of each of the parts, but must be made jointly. That necessity did not, of course, arise in a unitary State, and might therefore not appear so obvious to the representatives of such States as it did to those who lived under a federal system. It was perhaps significant that the two sponsors of the joint draft resolution, Brazil and the United States of America, were themselves federal States.

24. The draft resolution had been drafted very carefully, with considerable sagacity and moderation, and he congratulated the delegations of Brazil and the United States on their statesmanship and the generous understanding which they had displayed towards the Kingdom of the Netherlands and the case which its delegation had put before the Committee. The draft resolution kept strictly to the case under discussion and avoided all controversial subjects not necessarily pertinent to the conclusion which it embodied. That conclusion was that the cessation of the transmission of information under Article 73 e of the Charter in respect of Surinam and the Netherlands Antilles was appropriate. Since that was, according to the agenda, the only point to be decided, it was right that the resolution should be thus simple and clear-cut. The Netherlands delegation would, accordingly, vote in favour of it.

25. It could not, however, agree with the contention advanced in the Uruguayan amendment that the General Assembly was competent to decide whether or not a Non-Self-Governing Territory had attained the full measure of self-government referred to in Chapter XI of the Charter, and it would therefore be obliged to vote against it. He regretted that that controversial statement had been proposed for inclusion in the draft resolution. It had no logical place there and if it were left out, the resolution would not suffer the loss in consistency which its inclusion would cause. However, if the amendment was put to the vote and if it was adopted, the Netherlands delegation would still vote for the whole draft resolution, for the sole reason that it might be misunderstood by the Governments and peoples of the three countries of the Kingdom of the Netherlands if it did otherwise. That vote in favour of the draft resolution would not imply agreement with the Uruguayan amendment if it was incorporated.

26. The Netherlands delegation had decided to base its decision on the Indian amendments exclusively on the wording of the amendments themselves. It did not agree with the considerations which the Indian representative had advanced at the 524th meeting in introducing them. However, the amendments themselves were so drafted that they contained nothing to which the Netherlands delegation would have to raise serious objections, and it would therefore abstain on them.

27. In conclusion, he reminded the Committee, that despite its views on the competence of the General Assembly, the Netherlands Government had undertaken voluntarily, and without any obligation to do so, to give the Assembly the most frank and complete information on the new legal order in the Kingdom of the Netherlands of which it was capable. It had done so in good faith and in a spirit of co-operation and respect for the Committee. Whatever the Committee might decide would not alter the facts. The Charter for the Kingdom would stand with or without its approval. Nevertheless, the votes which would be cast were not without importance, for they would be a clear indication to the peoples of Surinam and the Netherlands Antilles of the measure of respect shown for their judgement. Chapter XI of the Charter of the United Nations stated that the interests of the inhabitants of the Non-Self-Governing Territories were paramount and that due account should be taken of their political aspirations. Within the Kingdom of the Netherlands that had been done, and the peoples of Surinam and the Netherlands Antilles had told the members of the Committee, through their freely elected representatives, that their choice had been made and their aspirations fulfilled. Any denial of their right so to choose and so to act, and to have their chosen status recognized, was a denial of their dignity as free and equal members of the community of nations. He trusted that all delegations would bear that in mind when the vote was taken.

28. Mr. THORP (New Zealand) said that the survey of events given by the Netherlands representative had made clear the important role which the Netherlands Antilles and Surinam had played in the evolution of the partnership. Congratulations were therefore due to the Governments and peoples of Surinam and the Antilles as well as to those of the Netherlands.

29. The New Zealand delegation had welcomed the announcement by the Netherlands Government in 1951 (A/AC.35/L.55 and Corr.1) that Surinam and the Netherlands Antilles had become self-governing as far as their internal affairs were concerned. It had seen no reason why the General Assembly should not acknowledge that it was no longer appropriate for information on economic, social and educational conditions in those Territories to be transmitted to the United Nations. During the intervening period, the spirit of an enduring association between the three members of the Kingdom had been crystallized in a constitutional instrument with all the care and precision which so solemn an act deserved.

30. It now seemed to the New Zealand delegation that the General Assembly need only note formally that in the new relationship the Netherlands Antilles and Surinam would, in the words of the Preamble to the Charter for the Kingdom, "conduct their internal interests autonomously". The New Zealand delegation had supported the resolution adopted by the Committee on Information from Non-Self-Governing Territories (A/2908/Add.1, para. 21), since it had appeared to take the basic facts of the situation sufficiently into account. The draft resolution submitted by the delegations of Brazil and the United States was also acceptable to his delegation.

31. Despite the eloquent defence of the amendment in document A/C.4/L.422 made by the representative of Uruguay at the previous meeting, the New Zealand delegation remained unconvinced. If that amendment

were adopted, the New Zealand delegation would be unable to vote for the draft resolution as a whole. It had always maintained that a decision to cease transmitting information could be taken only by the administering Power concerned and that the Assembly's role thereafter should be simply to take note of that decision.

32. In his delegation's opinion the explanations given by the Indian representative did not provide sufficient justification for the adoption of his proposal, the effect of which would be to turn a clear and straightforward opinion of the General Assembly into a qualified and grudging one which would be incomprehensible to the inhabitants of Surinam and the Netherlands Antilles. Furthermore, the Indian proposal reaffirmed General Assembly resolution 742 (VIII), against which the New Zealand delegation had voted.

33. The New Zealand delegation much regretted that the proposed amendments would stand in the way of its formal endorsement of the original draft resolution. He would assure the representatives of Surinam and the Netherlands Antilles that should his delegation be obliged, by the adoption of the amendments, to abstain on the draft resolution as a whole, its vote would have no reference to the substantive question of the status of their countries.

34. Mr. BARGUES (France) said that the position of his delegation on the communication from the Netherlands on the cessation of the transmission of information from Surinam and the Netherlands Antilles (A/AC.35/L.206) had been made clear in the Committee on Information. The Netherlands Government had declared itself to be relieved of its responsibilities in respect of Surinam and the Netherlands Antilles in accordance with Chapter XI of the Charter of the United Nations. It rested with the General Assembly, therefore, merely to acknowledge that fact and to congratulate the Netherlands Government on its enlightened policy, and the peoples of Surinam and the Netherlands Antilles on their proved capacity to govern themselves. Under Article 73 of the Charter the Administering Members of the United Nations accepted the obligation to communicate information on economic, social and educational conditions in the Territories for which they were responsible. There was nothing in that Article to give the United Nations any competence to determine whether a Territory fulfilled the conditions which would require information to be supplied, or to judge the nature of the political system obtaining in such a Territory. To recognize that the General Assembly possessed such power would impair the sovereignty of some Members of the United Nations and would be a violation of the Charter.

35. The French delegation would accordingly vote in favour of the draft resolution before the Committee, subject to a separate vote on the first paragraph of the preamble. It would vote in favour of the second, but against the first, Indian amendment. It would also vote against the Uruguayan amendment.

36. Miss ROESAD (Indonesia) said that her delegation would abstain on the draft resolution as a whole because it hesitated to accept the contention that the cessation of the transmission of information in regard to Surinam and the Netherlands Antilles was appropriate. The Indonesian delegation had always taken the view that the cessation of the transmission of information in respect of Non-Self-Governing Territories was appropriate only when those Territories had achieved a full measure of self-government. Resolution 747 (VIII), which had been referred to by the representatives of the Kingdom of the Netherlands in their initial statements (520th meeting) and used as a basis for the Netherlands communication to the Secretary-General, specifically expressed, in paragraph 3, its confidence that, as a result of the negotiations then about to take place, a new status would be attained by the Netherlands Antilles and Surinam representing a full measure of self-government in fulfilment of the objectives set forth in Chapter XI of the Charter. It was the Indonesian delegation which had proposed the introduction of that paragraph[1] into the draft resolution subsequently adopted by the Fourth Committee and the General Assembly.

37. After examining the Charter for the Kingdom of the Netherlands she was not convinced that the Self-Governing Territories of Surinam and the Netherlands Antilles had reached the status of fully autonomous and equal partners with the Netherlands. The doubts felt by the Indonesian delegation were occasioned by the articles of the Charter relating to the functions assigned to the organs of those Territories. She referred in particular to article 44 which stated that any country statute for the amendment of a country Constitution with regard to the powers of the representative bodies of the country concerned and the administration of justice must be submitted to the Government of the Kingdom. The representative of Egypt had said that his delegation felt that article 44 gave the impression that there was no equal partnership in the new relation and the Indonesian delegation agreed.

38. However, the representative from Surinam had assured the Committee at the 522nd meeting, in answer to a question from Indonesia, that the peoples of Surinam and the Netherlands Antilles did not want independence. That surprising statement was something which the delegation and people of Indonesia could not understand. Nevertheless, she would accept it as expressing the true wish of the people of those Territories, and would abstain from voting on the draft resolution.

39. Mr. BOZOVIC (Yugoslavia) regretted, from the point of view of procedure, that in the case of Surinam and the Netherlands Antilles the General Assembly had again been presented with a *fait accompli*. The transmission of information on conditions in the Non-Self-Governing Territories was a strict multilateral legal obligation and its cessation could not take effect without the prior agreement of the other contracting parties. The action of the administering Power in ceasing to transmit information on Surinam and the Netherlands Antilles without consulting the General Assembly was not in accordance with its obligations under the Charter.

40. Moreover, at the eighth session the General Assembly had expressed the view that the transmission of information would be necessary until domestic self-government had been fully secured. The representative of the Netherlands and the representatives from Surinam and the Netherlands Antilles had argued at the time[2] that the transmission of information was not in

[1] See A/C.4/L.293.

[2] See *Official Records of the General Assembly, Eighth Session, Plenary Meetings*, 459th meeting; and *Fourth Committee*, 343rd and 347th meetings.

accordance with the degree of autonomy which had been achieved under the Interim Orders, despite the fact that the people of the Territories had not accepted the status accorded them by those Orders. In the opinion of the Yugoslav delegation, the least that the administering Power could have done would have been to transmit to the General Assembly, in agreement with the territorial Governments, a full report on the situation as it then was. Such a report would have been an excellent basis for a study of the present situation and would have helped to eliminate the doubts and objections that had arisen regarding the real degree of self-government attained.

41. The Yugoslav delegation had studied the substance of the Netherlands request in the light of the Charter of the United Nations and of the resolutions of the General Assembly, in particular resolution 742 (VIII), and also in the light of the special circumstances which obtained and the possibilities open to the Territories. Its study of the Charter for the Kingdom of the Netherlands had been facilitated by the fact that the draft resolution proposed did not say that Surinam and the Netherlands Antilles had attained a full measure of self-government, thus freeing his delegation from the necessity of proving that the aims of the Charter had not been completed and that Surinam and the Netherlands Antilles had not acquired a full measure of self-government in all fields.

42. The situation now obtaining in Surinam and the Netherlands Antilles represented a considerable advance over that existing when the General Assembly had last considered the question. The fact was encouraging, and the peoples and Governments of Surinam and the Netherlands Antilles, as well as of the Netherlands itself, were to be congratulated. The new status was the result of long negotiations and the fruit of compromise.

43. It was clear from the statements of the Prime Ministers of Surinam and the Netherlands Antilles that the peoples of those Territories considered their present status as a satisfactory stage, the best which could be achieved for the time being, and therefore acceptable to them. The Prime Minister of the Netherlands Antilles had implied that the new status was to be regarded as a step along the road to full independence when he had said (520th meeting) that if the need arose, his people would return to ask the help of the United Nations. It was to be hoped that the people and Government of the Netherlands would always find it possible to satisfy the aspirations of the peoples of Surinam and the Netherlands Antilles and that the need would not arise. However, if it did, he hoped that the peoples of the Netherlands Antilles would not find that the provisions of Article 2, paragraph 7, of the Charter stood in their way. The sponsors of the joint draft resolution had agreed that the draft resolution did not imply that with the cessation of information, paragraphs a, b, c and d of Article 73 would cease to apply also. The Yugoslav delegation considered that the adoption of the draft resolution would not mean that the relationship between the United Nations and Surinam and the Netherlands Antilles would cease. If necessary, therefore, the obligations of the Administering Member could be the object of discussion under Article 10 and Article 73 of the Charter.

44. On that basis, the Yugoslav delegation had decided, despite its doubts, not to oppose action by the General Assembly to end the question of the cessation of the transmission of information on Surinam and the Netherlands Antilles. The fact that it would abstain on the draft resolution did not mean that it did not appreciate the gains made by the peoples of Surinam and the Netherlands Antilles and the efforts of the administering Power that had made it possible to realize the present aspirations of the peoples of those Territories and to replace complete dependency by mutual collaboration. Accordingly, the Yugoslav abstention should be regarded as an expression of the confidence of Yugoslavia in the people of Surinam and the Netherlands Antilles and of the Netherlands.

45. In their desire to eliminate all controversial points from their draft resolution, the sponsors had unfortunately omitted one significant fact. All the members of the Committee had benefited greatly from the presence of the Prime Ministers and Presidents of the representative bodies of Surinam and the Netherlands Antilles. He felt that the sponsors of the draft resolution should have included some reference to that fact and have congratulated the Netherlands on their presence. He also felt that the sponsors might well have found some clause to convey the spirit of the statement made by the Queen of the Netherlands, which would redound to the advantage of Surinam and the Netherlands Antilles and of the Netherlands also.

46. He would vote in favour of the Uruguayan amendment if it was put to the vote and for the Indian amendment. The fact that the General Assembly was competent to decide in questions concerning the transmission of information did not mean that the views of the peoples involved were being disregarded.

47. Mr. JAHANBANI (Iran) said that since, if the Kingdom Charter were approved, the United Nations would no longer be able to receive information concerning Surinam and the Netherlands Antilles, his delegation would be unable to support the joint draft resolution. He would vote in favour of the amendments proposed by the delegations of India and Uruguay.

48. Mr. CALLE Y CALLE (Peru) said that his delegation had voted against General Assembly resolution 742 (VIII), containing the list of factors, and he could not now support the proposition that it was an absolute criterion. He would therefore be obliged to abstain on the Indian amendments.

49. He wondered whether the sponsors of the joint draft resolution would be willing to insert a paragraph similar to paragraph 9 of General Assembly resolution 748 (VIII), which safeguarded the rights of the people of Puerto Rico in the eventuality that either of the parties to the mutually agreed association might desire any change in the terms of their association. In the present case some mention might be made of the traditions of the people of the Netherlands. He was making a mere suggestion and not a formal proposal.

50. Mr. KHAN (Pakistan), while not introducing a formal amendment, hoped that the sponsors of the joint draft resolution would agree to amend paragraph 1 of the operative part so that it would read: *"Takes note* of the documentation submitted and of the explanations provided to the effect that the peoples of Surinam and the Netherlands Antilles have expressed, through their freely elected representative bodies, their approval of the new constitutional order, and takes note also of the opinion of the Government of the Kingdom of the Netherlands."

51. He would also like the following words to be added to paragraph 2 of the operative part, after "on the basis of the information before it": "as presented by the Government of the Netherlands".

52. U ON SEIN (Burma) said that in his delegation's view the association of the Netherlands with Surinam and the Netherlands Antilles was on a basis of inequality. Moreover the constitutional changes had been introduced without any prior reference to the peoples of the two Territories. He appreciated that substantial progress had been made in the Territories towards the realization of a full measure of self-government, but he considered that it would be premature to cease the transmission of information regarding them. For those reasons he would be obliged to vote against the joint draft resolution.

53. Although he agreed with the principles embodied in the amendments introduced by the delegations of India and Uruguay, he would have to abstain in the vote since he was opposing the main draft resolution.

54. Mr. PYMAN (Australia) said that his delegation was opposed to the Indian amendments. The first part of the first amendment reaffirmed the United Nations position as expressed in General Assembly resolution 742 (VIII); the Australian delegation had voted against that resolution and would therefore have to vote against that part of the Indian amendment.

55. With reference to the second part of the first amendment, he could see no reason for the inclusion of the phrase "and such provisions of the Charter of the United Nations as may be relevant". No General Assembly resolution could prejudice the application of the provisions of the Charter. Furthermore, according to the explanation given by the Indian representative, that phrase was intended to imply that sub-paragraphs a, b, c and d of Article 73 were still applicable to Surinam and the Netherlands Antilles. He could not accept that view; he believed that the two Territories had freely determined their present international status and that Chapter XI in its entirety was therefore no longer applicable. He would accordingly oppose that section of the amendment.

56. The second amendment spoke of the desire of the Government of the Netherlands as opposed to its decision and was therefore unacceptable to his delegation.

57. His delegation certainly did not, however, wish to oppose the paragraph of the draft resolution which referred to the appropriateness of ceasing to transmit information; it would therefore abstain on that paragraph and on the draft resolution as a whole.

58. Mr. BELL (United States of America) agreed to the new wording for paragraph 1 of the draft resolution proposed by the representative of Pakistan.

59. With reference to the amendment to paragraph 2 suggested by the representative of Pakistan, he would agree to it with one slight modification so that it would read: *"Expresses the opinion* that on the basis of the information before it as presented by the Government of the Kingdom of the Netherlands, cessation of the transmission of information...".

60. Mr. KHAN (Pakistan) was under the impression that information in respect of the two Territories had been submitted by the Netherlands Government rather than by the Government of the Kingdom of the Netherlands. He would like to have the comments of the Netherlands representative on that point.

61. Mr. SCHURMANN (Netherlands) explained that as long as Surinam and the Netherlands Antilles had been Non-Self-Governing Territories, the information submitted to the United Nations had been submitted by the Netherlands as administering Power. Since the Kingdom Charter had entered into force the information submitted, which concerned the status of the Kingdom and had been transmitted on a voluntary basis and not under Article 73 e of the United Nations Charter, had been submitted not by the Netherlands in the sense of the Netherlands in Europe but by the Kingdom as a whole. The information referred to in paragraph 2 of the draft resolution had therefore been submitted by the Kingdom of the Netherlands.

62. Miss ROESAD (Indonesia) pointed out that the communication transmitting the Charter of the Kingdom of the Netherlands to the United Nations (A/AC.35/L.206) had come from the Netherlands Government by way of the Permanent Representative of the Netherlands to the United Nations.

63. Mr. SCHURMANN (Netherlands) observed that the cessation of the transmission of information was obviously a matter connected with Article 73 e of the Charter. However, the information mentioned in that Article concerned the economic, social and educational situation in Non-Self-Governing Territories. That was not the information with which the Committee was now dealing and to which the draft resolution referred. The information alluded to in the draft resolution concerned the constitution of the new Kingdom, which had no relation with Article 73 e and had been submitted by the Kingdom as a whole, since the Netherlands as such had no longer the power or authority to supply such information.

64. Miss ROESAD (Indonesia) maintained that the cessation of the transmission of information under Article 73 e related to the Netherlands Government's obligation under the Charter.

65. Mr. PIMENTEL BRANDAO (Brazil) could not agree that it would be appropriate to incorporate the declaration of the Queen of the Netherlands in the draft resolution, since that declaration should not be subjected to the possibility of being rejected by the Committee.

66. Mr. CALLE Y CALLE (Peru), explained that he had had no intention of exposing to a vote the pronouncement made by the Queen of the Netherlands. All that he had wished to do was to safeguard the rights of the people of Surinam, the Netherlands Antilles and the Netherlands to modify the terms of the association to which they had consented.

67. Mr. GARCIA (Philippines) said that he would support the draft resolution for two principal reasons.

68. In the light of the statements made by the representatives of the Kingdom of the Netherlands, he realized that if and when Surinam and the Netherlands Antilles desired independence, the Netherlands Kingdom would not oppose it.

69. That impression had been confirmed by the statement made earlier in the meeting by one of the representatives of the Kingdom of the Netherlands that there was no legislation or taxation in the Territories which discriminated against any nation or which was designed to favour the Netherlands alone.

The meeting rose at 1 p.m.

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