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Chairman: Mr. Santiago PEREZ PEREZ (Venezuela).

Requests for oral hearings (*continued*)

REQUESTS CONCERNING TRUST TERRITORIES (*continued*)

1. The CHAIRMAN announced that the Secretary-General had received a request for an oral hearing from Mr. Abessolo N'koudou, who described himself as the Secretary-General of the Union des populations du Cameroun, M'Balmayo, Cameroons under French administration. His reasons for requesting a hearing were set forth in detail in his communication. If there was no objection the request would be circulated to the members of the Committee.

*It was so decided.*¹

Cessation of the transmission of information under Article 73 e of the Charter on the Netherlands Antilles and Surinam: report of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) (A/2428, A/C.4/L.292, A/C.4/L.293, A/C.4/L.294, A/C.4/L.295) (*continued*)

[Item 34 (a)]*

2. Miss ROESAD (Indonesia) said that in dealing with the question before the Committee she would reiterate her delegation's opinion that information under Article 73 e of the Charter could not cease to be transmitted without the concurrence of the General Assembly. The cessation of the transmission of information entailed the suspension of a provision of the Charter which could not and should not be a matter to be decided upon by a Member alone.

3. With regard to the cessation of the transmission of information in respect of the Netherlands Antilles and Surinam, her delegation would be guided by resolution 648 (VII) and the resolution adopted by the Fourth Committee at its 330th meeting. Her delegation had carefully examined the Interim Orders of Government referred to by the Netherlands representative in his statement at the 343rd meeting. Those Interim Orders made it abundantly clear that the Netherlands

¹ Subsequently circulated as document A/C.4/243.

* Indicates the item number on the agenda of the General Assembly.

Antilles were still governed by the Netherlands Government and not by a central government chosen from the territory itself. Further evidence of that fact would be found in articles 28 and 68 of the Constitution of the Netherlands Antilles, which indicated how the government of the territory was set up. The Governor was the head of the central government, and the members of the Governing Council were appointed by him and must possess the status of Netherlanders. That meant that the indigenous population of the Netherlands Antilles and Surinam, who did not possess the status of Netherlanders, could never be appointed to the Governing Council or possess administrative power in their own country.

4. She reminded the Committee that General Assembly resolution 648 (VII) and the resolution adopted by the Fourth Committee at its 330th meeting explicitly laid down the principle that for a territory to be deemed self-governing in economic, social or educational affairs it was essential that its people should have attained a full measure of self-government as referred to in Chapter XI of the Charter. The Indonesian delegation was not convinced that that was so in the case of Surinam and the Netherlands Antilles.

5. With regard to the legislative body, the States, the same provision applied; only those who were Netherlanders were entitled to vote. Even in that legislative body the chairman and the deputy chairman were appointed by the Governor. Furthermore, the members of the Governing Council, who had to possess the status of Netherlanders and who were appointed by the Governor, had a seat in the States. Finally, article 97 of the Constitutions for the territories explicitly laid down that the legislative power in the Netherlands Antilles and Surinam would be exercised jointly by the Governor, the representative of the Netherlands Government, and the States.

6. Consequently the Indonesian delegation hesitated to endorse the contention of the Netherlands representative that, as a result of the Interim Orders, the two territories had attained autonomous powers. Rather it believed that through the Governor, the Governing Council and the States, the Netherlands Government played a very important role in the government of the two territories.

7. The Indonesian delegation wished to express its sincere appreciation of the Netherlands Government's intention to grant autonomy to the Netherlands Antilles and Surinam. It did not expect that the history of Indonesia's struggle for independence would be repeated in the Antilles and Surinam, since the Netherlands Government had learned by experience that it was dangerous to suppress the legitimate aspirations of a people for full self-government. For that reason her delegation wholeheartedly welcomed the Netherlands Government's promise that a new constitution would be drawn up for the territories and in that spirit it had

proposed the new paragraph 2 as set out in its amendment (A/C.4/L.293) to the Swedish draft resolution (A/C.4/L.292).

8. The new paragraph 3 proposed in its amendment was submitted because the Indonesian delegation was convinced that as long as the Netherlands Antilles and Surinam had not yet attained a full measure of self-government as envisaged in Chapter XI of the Charter it would be to their own advantage to continue to transmit information to the General Assembly. Furthermore it believed that the desirability of the continuation of the transmission of information could best be brought to the attention of the Antilles and Surinam by the Netherlands Government. That did not mean, however, that the Indonesian delegation did not support the principle contained in the USSR amendment (A/C.4/L.294) that the Netherlands Government should continue to transmit information until the General Assembly decided otherwise. It would therefore vote for the USSR amendment. It would also support any amendments submitted by other delegations designed to realize the same objectives as the Indonesian amendments.

9. Mr. BOZOVIC (Yugoslavia) said that his delegation believed that the advancement of the non-self-governing peoples should normally lead to independence and sovereignty. Integration with the metropolitan country was completely unacceptable and other broad forms of self-government, such as association with the metropolitan country, could be accepted only in certain clearly defined circumstances and then only as a stage on the road towards independence and not as a substitute for the full measure of self-government provided for in Chapter XI of the Charter, which should be attained under the control and with the active assistance of the United Nations. Only when a Non-Self-Governing Territory had become a new and independent member of the international community could all the provisions of Chapter XI be considered to have been fulfilled and no longer to apply to it.

10. In the specific case of Surinam and the Netherlands Antilles it was clear from the documents submitted and the statements of the Netherlands representative and the representatives of Surinam and the Antilles that the Netherlands Government did not claim that all the provisions of Chapter XI had been fulfilled. The Netherlands representative had limited his remarks at the 343rd meeting to Article 73 e of the Charter, contending that the Governments of Surinam and the Netherlands Antilles had achieved self-government in the matters referred to in that paragraph and that his Government had no further obligation to transmit information because it no longer controlled the economic, social and educational policy of the two territories and because constitutional considerations made it impossible for it to do so. His delegation could not accept that interpretation of the Charter, since, in its view, Chapter XI was an indivisible whole, all the provisions of which continued to be equally binding until the Non-Self-Governing Territory concerned had achieved complete independence in every aspect of its national and international life.

11. It was true that Chapter XI contained certain reservations based on security and constitutional considerations, but even the most rigid legal interpretation of those reservations—and he had doubts about the advisability of such an interpretation at that juncture—would permit the temporary omission of only some of the information required, and that only in certain exceptional circumstances. Once the situation had returned to normal, the administering Power must continue regularly to transmit the information called for in the Charter. The interpretation given to the phrase “constitutional considerations” by some delegations seemed to have no justification in constitutional and international law. An administering Power could not release itself by a unilateral action, albeit of a constitutional nature, from the obligations it had assumed under a multilateral international contract. Were the interpretation advanced by the administering Powers accepted, there would no longer be any sense of security in the guarantees presented by international agreements.

12. His delegation therefore regretted that, as matters stood, it could not agree with the position adopted by the Netherlands Government. It was highly desirable that that government should continue to transmit information under Article 73 e until Surinam and the Antilles had attained a full measure of self-government in all fields and, in any case, until the General Assembly could appraise the final status of the two territories in the light of the outcome of the negotiations between the three governments.

13. He wished to make it quite clear to the representatives of Surinam and the Antilles that his delegation's position implied no desire on its part to minimize the significance or scope of the self-government that their countries had already obtained. His delegation was convinced that the active assistance of the United Nations was one of the best means of solving all international problems, and it believed that the continued transmission of information would not impede the further advancement of the two territories towards independence.

14. The Netherlands Government was to be congratulated on its achievements so far, which were in conformity with the Charter and marked a further stage on the road to independence. It was to be hoped that the negotiations between the three governments would be crowned with success. The length of those negotiations was in itself an indication that the Netherlands Government had decided to settle its relationship with Surinam and the Antilles on the basis of agreement and mutual understanding. His delegation would therefore vote in favour of the Swedish draft resolution and any amendments that tallied with its point of view.

15. Mr. LYNKOV (Byelorussian Soviet Socialist Republic) would confine his remarks to the question whether the Netherlands Government had sufficient grounds for ceasing to transmit information on the Netherlands Antilles and Surinam.

16. According to the explanatory note by the Netherlands Government (A/C.4/200), those territories enjoyed full self-government as far as their internal affairs were concerned, and the Netherlands Government therefore claimed that it was released from the obligation to continue the transmission of the information as referred to in Article 73 e to the United Nations. The note further stated that owing to the constitutional changes that had taken place the responsibility for the domestic affairs of the territories was no longer in the hands of the Governor but in those of the central governments of the two territories, and that for the Netherlands Government to continue to transmit information concerning them would be a violation of their sovereign rights.

17. The Byelorussian delegation, however, felt some doubt as to whether the situation was really as described by the Netherlands Government. For example, title I, article II, of the Interim Order of Government, after laying down that the Netherlands Antilles should manage their domestic affairs with due observance of the provisions of the Act, proceeded to enumerate a long list of exceptions to that provision. According to article IV consultation should take place on all matters affecting the common interests of the Netherlands, Surinam and the Netherlands Antilles and regulations might be mutually made which required the assent of the King. Article VI laid down that the Netherlands Antilles should have a General Representative in the Netherlands, who must have the status of a Netherlander. According to article VIII, the General Representative would take part in ministerial consultations with an advisory voice in matters affecting the Netherlands Antilles. That was not representation within the meaning of the third part of the list of factors (A/C.4/L.279, annex). The functions and powers of the Governor as laid down in Chapter II of the Constitution of the Netherlands Antilles were also quite inconsistent with true self-government. The sessions of the States were opened by him or in his name; he appointed their chairman and deputy chairman; he had the right to summon and dissolve the States. The people of the territory had no part in the practical implementation of legislative and executive powers. Justice was administered in the name of the King; he appointed the President and members of the Court of Justice and their salaries were determined by the Governor, subject to the approval of the King. The Constitution was in fact merely a statement of the Governor's powers and functions and in no way guaranteed the rights of the indigenous population to self-government.

18. The facts he had cited led to the conclusion that the Netherlands Antilles and Surinam had not achieved full self-government. Despite the assurances of the Netherlands Government, the people of those territories did not exercise executive, legislative or judicial powers. There was therefore no justification for the cessation of the transmission of information by the Netherlands Government, which was a violation of Chapter XI of the Charter.

19. He would support paragraph 1 of the operative part of the Swedish draft resolution, but felt the resolution should take a more definite stand regarding the Netherlands Government's arbitrary decision to cease transmitting information with regard to the Netherlands Antilles and Surinam. He would also support the USSR amendment to the draft resolution. He reserved the right to express his views regarding the Indonesian amendments at a later meeting.

20. Mr. PACHACHI (Iraq) said that the attitude of his delegation towards the question of the cessation of the transmission of information regarding the two territories of Surinam and the Netherlands Antilles and any other instance of the cessation of the transmission of information would continue to be governed by the logical and correct interpretation of the Charter according to which Chapter XI was not a unilateral declaration but a multilateral contractual commitment voluntarily entered into by the Administering Members. He rejected the Netherlands contention that only the Administering Members were responsible for deciding on the cessation of the information. Carried to its

logical conclusion, such an argument would mean that the General Assembly was not competent even to discuss the actions of the Administering Members, while they would be free to limit or to extend the scope of Chapter XI of the Charter at their discretion. The Administering Members always emphasized the negative side of Chapter XI but said nothing of its positive aims and the reason why it had found a place in the Charter. The non-administering Members were quite clear that Chapter XI was not simply a declaration of general principles but also a set of provisions which entitled the General Assembly to review the policies and measures of the Administering Members in the Non-Self-Governing Territories, to decide whether they were fulfilling their obligations and to appraise the progress of such territories towards a full measure of self-government.

21. The Netherlands representative had also argued that the cessation of the transmission of information could be authorized before a territory became fully self-governing. That argument was a tacit admission that the territories in question were not yet fully self-governing, and the Iraqi delegation therefore maintained that they came within the purview of Chapter XI.

22. With regard to the third point made by the Netherlands representative, namely, the inability of the Netherlands to continue to transmit information in the present circumstances, he pointed out that other delegations had found a way to meet that difficulty. He suggested that representatives of Surinam and the Netherlands Antilles should be attached to the Netherlands delegation to the Committee on Information.

23. In conclusion, he said that his delegation would support all amendments to the Swedish draft resolution designed to secure the continued transmission of information on the two territories in question.

24. Mr. ABOU-AFIA (Egypt) said that his delegation was glad to congratulate the Netherlands Government on the progress realized by the granting to the Netherlands Antilles and Surinam of a wider measure of self-government. He also welcomed the statement that the negotiations which had been temporarily suspended would be resumed, and that the concessions already granted would be followed by more. However, since the relationship between the Netherlands and the territories of Surinam and the Netherlands Antilles had not yet taken final shape, it was premature to cease the transmission of information.

25. The Netherlands request to the General Assembly to note the cessation of the transmission of information on those two territories was based on two points, one of law and one of fact. The legal point was the administering Powers' conception of their obligations under Chapter XI of the Charter and the powers of General Assembly in that respect. Many delegations from among the non-administering Powers had already expressed their disagreement with that interpretation. The point of fact was that the Constitutions of Surinam and the Netherlands Antilles had been amended so that the local authorities had assumed responsibility for development in the economic, social and educational fields. The Netherlands Government felt therefore that it was released from its obligation to transmit information because the information required was limited to those fields. The Egyptian delegation however, was firmly convinced that the obligation to supply information on development in those three fields could be terminated

only by the achievement of a full measure of self-government on the part of the territory concerned.

26. The Egyptian delegation was in favour of the Swedish draft resolution as amended by the delegations of the USSR and Indonesia, but felt that the principles embodied in those amendments could be expressed better. It had therefore joined with several other delegations in submitting an amendment (A/C.4/L.295) to the Swedish draft resolution which was meant to replace the amendments submitted by the USSR and Indonesia.

27. Mr. DOMINGUEZ (Cuba) was glad to note the progress that had been achieved in the territories of the Netherlands Antilles and Surinam and the special effort made to develop self-government there as shown in the constitutional documents made available to the Committee. As the Netherlands delegation had itself admitted, however, the present situation, in those territories was one of transition, and the Cuban delegation very much doubted whether both territories enjoyed a full measure of self-government at the present juncture. It was hoped that the current negotiations would result in such a measure of self-government. When the agreements had taken final shape the General Assembly would be in a better position to decide whether the cessation of the transmission of information was justified.

28. The Cuban delegation therefore welcomed the Swedish draft resolution. Since a full measure of self-government had not yet been achieved, however, it hoped that, as the Mexican representative had suggested, the Netherlands Government would find a way of continuing to transmit information. The Cuban delegation would support the Swedish draft resolution, provided that it was amended on the lines proposed by Mexico, together with several other delegations (A/C.4/L.295). The Cuban delegation supported those amendments as being more correct and more appropriate for a friendly country like the Netherlands. He suggested that, in the interests of harmony, the sponsors of the other amendments should withdraw them.

29. Mr. DORSINVILLE (Haiti) regretted that the conversations begun in 1952 between the representatives of the Netherlands Antilles and Surinam and those of the Government of the Netherlands with a view to a final definition of their political relationships had been broken off, thus preventing the Fourth Committee from forming an accurate picture of the relationship between those authorities on the one hand and between the Netherlands and the United Nations on the other. Strong differences of opinion had arisen in the *Ad Hoc* Committee on Factors in that regard and it had therefore made no recommendation but had referred the question of the cessation of information in respect of those territories to the General Assembly. The Swedish draft resolution wisely refrained from attempting to settle the question, which would be premature, but pointed out that the new status of those territories could rightly be appraised only after the negotiations had been completed and their results embodied in constitutional provisions. He hoped that so moderate a proposal would be received favourably by the Netherlands Government and would encourage it to continue to supply information to the United Nations.

30. The suggestion had, however, met with opposition. The Netherlands representative had said that the trans-

mission of such information would conflict with constitutional considerations, and had added that even if the Netherlands Government wished to transmit information the authorities of the Netherlands Antilles and Surinam would oppose it on the grounds that it would impair their new status. The representatives of those territories had themselves objected, although they had admitted that their new privileges were governed only by interim arrangements.

31. The Haitian delegation considered that such grounds did not justify the Netherlands decision to cease to transmit information or the refusal of the authorities of the Netherlands Antilles and Surinam to supply the necessary information to the metropolitan government for transmission to the Secretary-General. Had that refusal been based on the fulfilment of the aims of Chapter XI of the Charter, the Haitian delegation would have welcomed it, but unfortunately that was not the case.

32. To require a government which was bound by an international treaty and which wished to renounce a solemn obligation under that treaty to do so in agreement with the other parties to it, by convincing them that the said obligation had in fact been fulfilled, did not in any way constitute intervention in the domestic affairs of that government. The Haitian delegation therefore had no hesitation in reaffirming its attachment to the principle of non-intervention in the domestic affairs of States and to that of the right of peoples to self-determination. Thus, although it was favourably disposed to the draft resolution submitted by the Swedish delegation, the Haitian delegation would reserve the right to support any amendments to that resolution designed to safeguard those principles.

33. Mr. RIFAI (Syria) congratulated the Netherlands representative on his helpful and statesmanlike approach to the problem, but could not agree with his interpretation of Chapter XI of the Charter, which completely distorted the essential relationship of the parts to the whole. The obligation to transmit information could not be separated from the other obligations; it persisted until such time as the territory concerned no longer came within the scope of Chapter XI.

34. He appealed to the representatives of Surinam and the Netherlands Antilles not to put difficulties in the way of the transmission of information, which should continue until the final constitutional arrangements came into effect and the General Assembly was in a better position to pronounce on the issue. He hoped that the representatives of the two territories concerned would not feel that the Committee was interfering in their domestic affairs. It was merely performing its duties under the Charter and safeguarding their true interests.

35. He would support the Swedish draft resolution, provided that it was amended to express the hope that information would continue to be transmitted until the General Assembly had decided on the basis of further information that the two territories had attained a full measure of self-government.

36. Mr. S. S. LIU (China) thanked the Netherlands delegation for submitting up-to-date information on the status of Surinam and the Netherlands Antilles and congratulated the Netherlands Government on the steps that it had already taken to promote the ultimate objective of a full measure of self-government. Although considerable progress had been made in that direction,

his delegation was unable as yet to regard Surinam and the Netherlands Antilles as fully self-governing within the meaning of Chapter XI.

37. It was not within the exclusive competence of the administering Power concerned to determine whether a territory had or had not attained a full measure of self-government. The General Assembly should have the final say. Furthermore, in line with General Assembly resolution 648 (VII), his delegation believed that a territory must attain political self-government before it could be considered fully self-governing in economic, social and educational matters. Consequently, Article 73 e could not be interpreted in isolation from the rest of Article 73 or the Charter as a whole.

38. Since negotiations were still being conducted between the Governments of the Netherlands, Surinam and the Netherlands Antilles on their respective constitutional relations, it was yet possible for the General Assembly to reach a definitive decision on whether

or not the two territories should be excluded from the application of Article 73 e.

39. He could not accept the Netherlands representative's argument that limitations of a constitutional nature were involved. By itself, the limitation provided for in Article 73 e could not entirely release the Administering Members from the obligation to transmit information. Moreover, certain provisions of the documents submitted by the Netherlands Government proved that the two territories were not yet fully self-governing, thus indicating that the constitutional relations between the Netherlands and the two territories concerned did not as yet justify the cessation of the transmission of information on those territories.

40. He would therefore support the Swedish draft resolution, provided that it was amended, as various delegations had suggested, to state that the Netherlands Government should continue to submit information to the General Assembly.

The meeting rose at 12.15 p.m.