United Nations
GENERAL ASSEMBLY
EIGHTH SESSION
Official Records

FOURTH COMMITTEE, 346th
MEETING
Thursday, 29 October 1953, at 10.50 a.m.
New York

CONTENTS

Chairman: **Mr. Santiago PEREZ PEREZ (Venezuela).**

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, A/C.4/L.296, A/C.4/L.297) (*continued*)

[Item 34 (*a*)]*

1. Miss ROESAD (Indonesia) announced that her delegation was withdrawing the proposed new paragraph 3 of its amendment (A/C.4/L.293) to the Swedish draft resolution (A/C.4/L.292), because it felt that the eight-Power amendments (A/C.4/L.295) expressed the same principle better.

2. Mr. FERNANDEZ (Uruguay) said that his delegation was in agreement with the procedure proposed in paragraph 1 of the operative part of the Swedish draft resolution, which took into account the fact that the round-table conference between the Governments of the Netherlands, Surinam and the Netherlands Antilles had not yet been held and that the final constitutional status of the two territories was still pending. However, the Swedish draft resolution did not recognize the progress made by Surinam and the Netherlands Antilles towards self-government, and did not refer to the fact that the Netherlands should do everything within its power to continue to transmit the information required under Article 73 e of the Charter. His delegation had consequently co-sponsored the amendments contained in document A/C.4/L.295.

3. It was the General Assembly's duty to consider and evaluate the constitutional criteria on which any Administering Member might base its decision to cease transmitting information on a given territory. The Netherlands Government should therefore try to find some way of continuing to fulfil its obligations under the Charter until the General Assembly had come to some conclusion. His delegation had consistently maintained that the General Assembly was fully competent to consider and decide all problems relating to the Non-Self-Governing Territories within the framework of Chapter XI. His Government held that view because it was guided, in its approach to the various problems before the Committee, by the belief that the United Nations must effectively supervise the free development of peoples in an atmosphere of peace and justice.

4. Mr. FERREIRA SOUZA (Brazil) said that he had been favourably impressed by the clear and dispassionate statements of the Netherlands, Surinam and Netherlands Antilles representatives on the constitutional status of the two territories (343rd meeting). However, despite their statements and his belief that the Netherlands Government wished to fulfil its obligations under Article 73 of the Charter in good faith, he could not agree with their conclusions. The Netherlands representative's legal interpretation ran counter to the provisions of Chapter XI. The latter had tried to prove that because of the legal and political changes that had taken place in 1950, the two territories in question were no longer Non-Self-Governing Territories and that his Government was legally unable to transmit information on them. In the Brazilian delegation's view the provisional constitutional legislation did not give the peoples of the Netherlands Antilles and Surinam the fundamental attributes of self-government. As long as the local political authority, namely the Governor, did not derive his powers, including the power to legislate on domestic matters, from the sovereign will of the people, there could be no question of self-government. Responsibility for the administration of educational, economic and social matters would remain a limited and circumscribed responsibility until the people concerned had a say in appointing the political power which exercised that responsibility. Chapter XI gave to the concept of self-government a political connotation which had always been ratified by authorities on political and constitutional law. A full measure of self-government was not incompatible with forms of association which maintained the internal political integrity of each member of the association, provided that the people concerned had opted for association by free and democratic processes.

5. The transmission of information was not an end in itself; the purpose of such information could be political only, namely to enable the United Nations to appraise the civilizing work of the Administering Members and to follow the dependent peoples' progressive development towards full self-government. The transfer of responsibility for economic, social and educational matters to the local authorities was only one stage in that development.

6. The constitutional arrangements in Surinam and the Netherlands Antilles did not indicate that the two territories had attained a status to which Article 73 was no longer applicable. Self-government there existed only in embryo. Although the constitutional legislation placed very important restrictions on that self-government, the interim nature of the legislation obliged his delegation to suspend its final judgment on the matter. The Committee was in fact no further advanced than it

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

had been at the sixth session of the General Assembly. No new legal or political events had occurred to alter the situation described to the Committee in 1952 and, until the results of the negotiations between the three Governments were known, the General Assembly could only wait and hope. Naturally his delegation hoped that the negotiations would eliminate all the difficulties which prevented him from accepting the arguments advanced by the Netherlands delegation.

7. There seemed little legal basis for the constitutional objections that had been raised to the continued transmission of information. Prior to the enactment of the interim legislation, the Netherlands had accepted a specific international obligation from which it could be released only if the purpose of that obligation had been achieved. The Netherlands representative had argued that the Governments of the Netherlands Antilles and Surinam were opposed to the transmission of information. That opposition was not in conformity with the obligations previously assumed and could not override it. He was sure that the Netherlands Government would not consider the transmission of information to the Secretary-General as implying a *capitis diminutio* for the peoples concerned. Such an interpretation would not be consistent with the objectives of Article 73 e or the ideal of assistance and co-operation for the dependent peoples and their collective protection expressed in Chapter XI. The cessation of information was the more inexplicable since the information was published by the local administrative authorities. The presence of qualified representatives of Surinam and the Netherlands Antilles in the Committee on Information would facilitate the solution of the problem and would be in complete harmony with the present status of the two territories.

8. The Swedish draft resolution, as amended by the eight Powers, exactly expressed his delegation's point of view. As one of the co-authors of the eight-Power amendments, his delegation would be unable to vote for the Indonesian and USSR amendments (A/C.4/L.293 and A/C.4/L.294).

9. U ON SEIN (Burma) welcomed the full documentation supplied by the Netherlands Government since 1951 and the care with which the Netherlands Government had endeavoured to answer all queries. He expressed his delegation's satisfaction at the constitutional advances in the two territories as indicated in the documents.

10. Nevertheless, his delegation did not consider that the reasons advanced by the Netherlands Government were sufficient to justify the cessation of the transmission of information. As his delegation had stated in the Ad Hoc Committee on Factors (Non-Self-Governing Territories), those reasons were not in conformity with the provisions of General Assembly resolution 648 (VII). The statements made to the Fourth Committee did not change the situation.

11. In resolution 648 (VII) the General Assembly had provisionally approved a list of factors to be used in determining whether a territory was or was not fully self-governing. The Fourth Committee had approved a further resolution on the same subject (A/C.4/L.279) at its 330th meeting. The Netherlands Government and its representative had indicated that the transmission of information on Surinam and the Netherlands Antilles had ceased, not because the peoples of those territories had obtained a full measure of self-government, but for other reasons. In fact, the Netherlands Government did not wish its case to be judged by the resolutions adopted by the Assembly and the Fourth Committee. That position was clearly stated in the Netherlands Government's communication of 23 July 1953 (A/AC.67/3), in which the Netherlands Government maintained that the Kingdom of the Netherlands no longer had any responsibility for economic, social and educational matters in the two territories. Nevertheless, resolution 648 (VII) and the resolution recently adopted by the Fourth Committee both maintained that, for a territory to be deemed self-governing in economic, social or educational matters, it was essential that its people should have obtained a full measure of self-government. The Committee must now apply that important principle in the first concrete case brought before it.

12. He referred, by way of illustration, to the situation in another part of the Guianas, where a constitution which had apparently provided for a considerable degree of autonomy in so-called internal affairs, but not for a full measure of self-government, had been suspended. He was not questioning that act of sovereignty but thought that it showed that in the case of Surinam only two possibilities existed: either Surinam was fully self-governing, or its degree of self-government in economic, social and educational matters could be affected by political decisions of the Netherlands community as a whole.

13. The Netherlands Government had further argued that it was impossible for it to submit information to the United Nations, since Surinam and the Netherlands Antilles were supposedly self-governing in the matters covered by Article 73 e. In that connexion, reference had been made in its communication of 23 July to the Constitution of the International Labour Organisation (ILO). His country had experienced difficulties similar to those which the Netherlands Government had raised. While Burma had been a part of India, certain international obligations had been entered into which applied to Burma as well as to India and, on the separation of the two countries, the question of the applicability of those obligations to Burma had arisen. Such questions must be solved in the light of certain constant principles. International obligations assumed to protect the peoples of a territory could not lightly be disavowed when constitutional changes such as those in Surinam and the Netherlands Antilles had taken place.

14. Under article 35, paragraph 1, of the Constitution of the International Labour Organisation, cited in the Netherlands Government's communication, the members of the ILO, namely the metropolitan countries, undertook to apply Conventions that they had ratified to their non-metropolitan territories, except where the subject matter of the Convention was within the self-governing powers of the territory. That provision related, however, to the acceptance of new obligations. His delegation understood that the International Labour Conference and its Committee of Experts included in its annual examination of reports on ratified international labour Conventions a careful consideration of information on labour conditions in non-metropolitan territories. If a reporting procedure applied to the ILO under the provisions of ratified Conventions, he wondered whether it must not also apply in the case of the information required under the Charter.

15. He asked the Netherlands representative about his Government's intentions and the wishes of the peoples

of Surinam and the Netherlands Antilles with regard to their relations to international organizations, in general, and to international commitments, in particular. The co-operative spirit in which the Netherlands Government had approached the question of the cessation of the transmission of information led him to believe that it did not wish Surinam and the Netherlands Antilles to remain apart from international collaboration or to stop them from contributing to the fulfilment of international obligations. It was clear, therefore, that until the two territories concerned had attained a full measure of self-government and were qualified to apply for membership in international organizations, the Netherlands Government was maintaining control over, and hence a measure of international responsibility for, those territories.

16. In principle, the question of the cessation of the transmission of information might affect all the territories covered by Chapter XI. It was to be hoped that the Administering Members would rapidly fulfil their commitments, vest growing responsibility in the inhabitants of the dependent territories and ultimately give them full self-government. Nevertheless, as the Swedish representative had pointed out, there might be many transitional phases and one of those phases apparently confronted the Committee in the two cases before it. If the Committee considered that Surinam and the Netherlands Antilles had attained a full measure of self-government, his delegation would be delighted to welcome the cessation of the transmission of information in respect of those territories. If, however, the information was no longer transmitted merely because the subjects covered by Article 73 e were in the hands of the local authorities, that argument might apply in whole or in part to many other territories where the metropolitan Government could intervene for political reasons at any time it deemed necessary to limit the degree of self-government already granted. His delegation therefore maintained that the Committee must abide by the principle it had approved in resolution 648 (VII).

17. The Swedish draft resolution was largely inspired by the recognition by the Netherlands Government that its relations with the Netherlands Antilles and Surinam were based on interim regulations, which would in due course be followed by a new constitution, the terms of which were under discussion, and that no useful purpose could be served by debating the merits of the new system until its final terms had been settled. Further postponement of the question might therefore be justified, but only if the principle were recognized that the cessation of the transmission of information was permissible only when a full degree of self-government had been attained.

18. The representatives of the Netherlands, Surinam and the Netherlands Antilles might note that any delay in settling the problem of the cessation of the transmission of information could be explained by the length of time it had taken to settle the relations between the Netherlands and the two territories concerned. He suggested that the local authorities in Surinam and the Netherlands Antilles would find their position strengthened by the transmission to the United Nations of the information which many Member States considered a continuing international obligation. Self-government in part was no substitute for full self-government, and it appeared from the statements of the representatives of Surinam and the Netherlands Antilles that those territories were seeking full self-government. Until that status was attained, the United Nations should continue to be interested in their advancement.

19. Generally speaking, the USSR amendment (A/C.4/L.294) and the Indonesian amendment (A/C.4/L.293) met the views of his delegation and he would vote in favour of them. His delegation would also support any further amendments which tallied with its views.

20. Mr. SCOTT (New Zealand), referring to the reasons given by the Netherlands Government for ceasing to transmit information on economic, social and educational conditions in the Netherlands Antilles and Surinam, said that one point emerged clearly from his explanation: the question whether or not the Netherlands Antilles and Surinam enjoyed a full measure of self-government was not an issue in the debate. The Netherlands Government had explicitly stated that the territories enjoyed a full measure of internal self-government only, and it was therefore a waste of words to argue that their political status was not equivalent to independence.

21. The only subject to be discussed was, therefore, what action the General Assembly should take. It had been argued, first, that only the General Assembly could decide when the obligation to transmit information was at an end; secondly, that the General Assembly should not make that decision until a full measure of self-government—equivalent in the minds of some to independence—had been reached; thirdly, that self-government or autonomy was indivisible; fourthly, that the decision to stop sending information under Article 73 e could not be taken unilaterally by the Administering Member concerned. Those arguments were dogmatically held and had been categorically asserted by many members of the Committee, but they were not universally accepted nor were they irrefutable.

22. The Charter, and particularly Chapter XI, gave no clear guidance on or support for those arguments. All commentators on the Charter were agreed on the vagueness of Chapter XI. Even Mr. Hans Kelsen, who had frequently been quoted in support of the arguments of the non-administering Powers, said that the obligations imposed on Members by Articles 73 and 74 were formulated in rather vague terms, and that in the absence of any provision to the contrary, it was the administering governments that were competent to decide what were the interests of the inhabitants of the territories. It was arguable that the only clear and precise obligation was that contained in Article 73 e. It had been argued that the other provisions of the Declaration regarding Non-Self-Governing Territories contained in Chapter XI were no more than objectives, aims and ideals towards which Member States, and particularly administering States, should direct their activities. Nowhere did the Charter provide that the General Assembly should take any action in relation to the matters covered by Chapter XI, name specifically the States which should transmit information, define what was meant by "a full measure of self-government", declare when the obligation to transmit information should cease, or envisage any machinery for the examination of the information transmitted under Article 73 e.

23. Chapter XI of the Charter was the result of compromise at San Francisco and it had all the defects

of a compromise. On the other hand, it had the advantage of flexibility and could not, therefore, be given a rigid interpretation such as some of the non-administering Members, or indeed the Administering Members, of the Committee wished to give it. Only by the willingness of each side to accommodate the views of the other could the Committee hope to progress in an orderly manner and in the best interests of the non-self-governing peoples. Members must, in the spirit of Chapter XI, be ready to compromise and to adapt their views to the realities of practical politics. The only interpretation of Chapter XI which could effectively uphold the prestige and authority of the United Nations was one which was acceptable both to the administering and the non-administering Powers, because the realities of the situation demanded co-operation of the Administering Members with the other Members of the United Nations. In the last analysis it was the Administering Members who bore the responsibility for and had control of the destinies of the non-self-governing peoples.

24. Any interpretation to be given to Chapter XI should first and foremost be workable. Although, for instance, nothing in the Charter provided for the use to be made of the data transmitted to the Secretary-General for information purposes, all Members would now agree that the Committee on Information, within certain limitations, performed a useful task. Furthermore, nothing in the Charter obliged an administering Power to submit the constitution of a Non-Self-Governing Territory to the General Assembly for perusal. Nevertheless, at a particular stage in the political development of a territory, the administering Powers had not failed to comply with that extension of the Charter.

25. New Zealand held that every Administering Member had had the opportunity and ability to decide whether the provisions of Chapter XI imposed upon it an obligation to transmit information on the Non-Self-Governing Territories under its jurisdiction. Every Member State was bound to examine the conditions of the people in Non-Self-Governing Territories within its sovereign jurisdiction and to determine whether the people of those territories had attained a full measure of self-government. If they had not, then obligations contained in Chapter XI ought to be assumed by that Member State. For States that admitted the existence of an obligation to send information to the Secretary-General, that provision of Chapter XI was in fact a voluntary limitation of sovereignty. It was therefore quite clear that before any State could decide to transmit information about a Non-Self-Governing Territory for the administration of which it was responsible, it must exercise full and effective sovereignty over that territory. It had been argued that the sovereignty of Non-Self-Governing Territories on which information was transmitted was in suspense or resided in the people of those territories. The New Zealand Government did not regard the transmission of information under Article 73 e as having the far-reaching effect suggested on its sovereignty over the islands on which it sent information.

26. It was therefore for the Member States themselves to decide whether and when to begin the transmission of information; that view was supported by Mr. Kelsen. That was what had happened in 1946; and it would constitute a useful precedent when the question arose who should decide when to cease transmitting information of a Non-Self-Governing Territory. The New Zealand Government's view was that such a decision rested with the same State that had taken the decision in the first place to send information. The administering Power concerned was legally the only authority competent to take the decision. Practically, too, the administering State, in collaboration with the dependent territory, was in the best position to judge the degree of autonomy enjoyed by the latter. Since the Administering Members were not required by the Charter to transmit political information to the Secretary-General, the Assembly could not be officially aware of the political or constitutional status of a Non-Self-Governing Territory at any particular time. Thus, it could not form a judgment on the degree of autonomy existing in a Non-Self-Governing Territory. Furthermore, if the General Assembly had at its disposal information not provided by the administering Power concerned, it could hardly presume to interpret the constitution of the Administering Member State in order to advise it to cease transmitting information on a territory within its sovereigny or jurisdiction. Moreover, if the General Assembly were to take that course and the dependent territory then elected to associate itself in some form of union with the erstwhile administering Power, or alternatively preferred to remain under the sovereignty and jurisdiction of that Power, he wondered whether that decision of the people of the territory would be respected by the Assembly. It might be argued that the General Assembly would never recommend to an Administering Member to cease to transmit information on a Non-Self-Governing Territory until that territory had achieved a full measure of self-government, which, according to some views, meant independence. In that case the Assembly would be positively retarding the political development of that territory.

27. The inevitable conclusion was that it was primarily for the Administering Member to take the decision to cease sending information. General Assembly resolution 222 (III) might be held to be a safeguard. It might be assumed that in the great majority of cases the General Assembly would merely take notice with satisfaction that another Non-Self-Governing Territory had reached the level of self-government. When there was either no protest from the territory concerned, or better still, clear evidence of the freely expressed will of the people of a territory in support of the administering Power's action, it could be assumed that the matter had reached a successful conclusion. The freely expressed will of the people of the territory in relation to their own well-being was surely a more reliable voice than the freely expressed will of the members of the Committee.

28. With regard to the concept of a full measure of self-government, he would begin by saying that his delegation did not agree that it was equivalent only to sovereign independence. The term had so far defied a clear definition. Being closely identified with the development of democracy, self-government was an evolutionary concept. It was a method of administration of the affairs of a community rather than a description of the community's status in international or national law. Self-government could clearly be exercised within a dependent as well as an independent State; conversely, an independent State was not necessarily self-governing. If "self-government" implied that the will of all the adult community was exercised through freely and secretly elected representatives, there were many

examples of independent States which did not enjoy anything approaching a full measure of self-government. It was almost impossible to say that at any particular point of their historical development the people of a country had attained a full measure of self-government.

29. The word "independence" was not mentioned in Chapter XI, and in the view of the New Zealand delegation it was impossible to equate independence with self-government. The Committee was concerned only with the development in the Non-Self-Governing Territories of self-government, the political aspirations of the peoples, and the progressive development of their free political institutions. At a time when the interdependence of nations had become an established fact, it appeared somewhat at variance with that historical trend for the United Nations to encourage independence as the desirable end for the Non-Self-Governing Territories.

30. It had been argued that autonomy was indivisible, but the history of New Zealand and of several other countries represented in the Committee disproved the truth of that theory. It was therefore not difficult for his delegation to accept the statements of the Netherlands Government and of the Governments of the Netherlands Antilles and Surinam that those territories enjoyed full internal autonomy. An understanding of that transitional stage required an appreciation that orderly constitutional development proceeded by statute and convention, that the formal description of authority being exercised by "the Crown" or "the King" in practice meant the exercise of authority by the responsible and elected Ministers of the executive governments. Those terms and concepts might be strange to those who had acquired their independence at a single revolutionary stroke; but the acquisition of self-government was no less substantial or real if it developed in an orderly evolutionary way.

31. If it was possible for a limited measure of autonomy to be attained by a dependent territory, certain consequences followed. The administering Power, having abdicated its powers of administration in certain fields, could not, for example, sign multilateral treaties or conventions on behalf of the territories without prior consultation with them, especially where the implementation of the treaty required the adoption of legislation in a domestic field in which the territorial government enjoyed full competence. Nor could it continue, without the consent of the territory, to transmit information to the Secretary-General on matters over which it no longer had the responsibility of administration. The administering Power was therefore entitled to rely on the Charter in deciding to cease transmitting information. The "constitutional considerations" referred to in Article 73 e could not mean security considerations, as some representatives had urged. Otherwise there would have been no necessity to include the word "constitutional". But constitutional considerations could amount exactly to the reasons he had given why an administering Power no longer found it possible to send information. It had been argued that that limitation could not be absolute; his delegation did not accept that view.

32. The New Zealand delegation believed that the amendment it had submitted (A/C.4/L.296) would improve the Swedish draft resolution. It would not have the effect of removing from the Assembly's purview notice of any further development in the Netherlands Antilles and Surinam, since the Netherlands Government was prepared to submit the constitutional changes which might be finally agreed upon by the three parts of the Realm. It would amount to a recognition by the Assembly of the advanced stage of political development reached by the Netherlands Antilles and Surinam.

33. In conclusion he expressed his thanks to the representatives of the Netherlands, the Netherlands Antilles and Surinam for the frank and full explanations they had given at the 343rd meeting.

34. Mrs. BOLTON (United States of America) thanked the New Zealand representative for injecting some degree of balance into the debate. Her delegation's position was well known; it was in general agreement with the views expressed by the New Zealand representative.

35. Sir Douglas COPLAND (Australia) congratulated the Netherlands representative on the efforts made by his Government in promoting the development of self-government in the Netherlands Antilles and Surinam, in conformity with Chapter XI of the Charter. The Netherlands Government had informed the United Nations openly and frankly of the more favourable position developed in the territories under discussion and, in the opinion of the Australian delegation, that should be an occasion for congratulation rather than recrimination. The Netherlands Government had complied fully with General Assembly resolution 222 (III) and had acted properly and within its competence in taking the decision it had.

36. The question before the Committee raised the fundamental issue of the competence of the General Assembly to determine the responsibilities of Administering Members. That had not been the chosen ground of the Administering Members; it was due entirely to representatives of other countries, who had repeatedly asserted that the General Assembly was entitled to challenge the sovereign rights of the Administering Members in matters on which they believed themselves to be the competent judges. Those Members were in a minority and they were well aware of their obligations and their responsibilities. They were also aware that they could not discharge those obligations if they were to be arraigned before a forum which showed some indications of acting irresponsibly. Nothing in Chapter XI of the Charter gave the General Assembly or the Fourth Committee any right to receive political information. The information that should be supplied was defined in Article 73 e, and it was being supplied where appropriate by the countries administering Non-Self-Governing Territories. When those territories acquired control over the matters relating to that information, it was no longer the responsibility of the administering Power to supply the information; indeed it would be quite improper for it to do so.

37. The proposition had now been advanced that a territory that had acquired a certain measure of self-government should itself supply the information. There was absolutely no justification in the Charter for such a suggestion. Certain members of the Committee claiming to be authorities on international law might consider whether the claims of sovereignty were not paramount over the assertions that had been made that the administering Powers should be arraigned before world opinion merely because they had accepted the responsibility of leading 200 million people to self-government.

38. Frequent references had been made during the debate to the concept of "a full measure of self-government". Referring to the position of Governor in the territories under discussion, he reminded the Committee that such an office existed in a number of States, including his own country and New Zealand, which could not be regarded as other than fully self-governing. The Australian delegation had always held that self-government was reached in stages and that a territory might achieve autonomy in ceratin fields of administration without having reached a full measure of self-government. Moreover, a full measure of self-government was not inconsistent with an association with one or more States that had themselves reached full self-government but were partners in a group. It might even happen that within one State, such as the Dominion of Canada or the Commonwealth of Australia, the constituent members, e.g., Quebec or New South Wales, exercised complete autonomy in certain matters while leaving to the federal authority the power to deal with defence or external affairs. When related to such facts, the debate had a certain air of unreality. But whatever resolutions might be adopted by the Fourth Committee and the Assembly itself, they would not be enshrined as a basic law regulating the relationship between Non-Self-Governing Territories and States Members of the United Nations.

39. Nothing that had been said in the Committee would alter the fact that the main responsibility for elevating the peoples of the Non-Self-Governing Territories rested with the administering Powers. The form in which those territories would gain self-government would differ according to circumstances. But when they had reached a stage at which they themselves believed that they had attained self-government, there would still be at least 200 million people in the world who would not have reached that status, with whom the United Nations should be just as much concerned. He suggested that those who had shown such concern about the willingness or the capacity of the administering Powers to fulfil their obligations to the letter should be no less concerned about the former, for whom they might well be regarded as responsible.

40. The Australian delegation would be unable to support the amendments proposed by the USSR and Indonesian delegations, since both amendments assumed that the Fourth Committee and the General Assembly were the judges of sovereign rights. It would also be unable to vote for the Swedish draft resolution because it assumed that the General Assembly, the Fourth Committee and the Committee on Information from Non-Self-Governing Territories all had the right to question the prerogative of any administering Power to cease supplying information to the United Nations because the territory in question had attained a degree of control over its own affairs which entitled it to determine policy on the matters on which information should be supplied from Non-Self-Governing Territories. He would vote in favour of the amendments proposed by New Zealand.

41. Mr. WINIEWICZ (Poland) said that the fundamental position of his delegation on the character of the obligations binding Members of the United Nations in respect of the Non-Self-Governing Territories did not tally with the conclusions put forward by the representative of New Zealand and endorsed by the representatives of the United States and Australia. Chapter XI and other basic Articles of the Charter bound all Members of the United Nations, and the Administering Members in particular, to safeguard the well-being of the inhabitants of the Non-Self-Governing Territories and promote to the utmost their development towards independence. The Charter should always be regarded as a whole, and conclusions should not be drawn from isolated phrases. In the case in point, it was not only paragraph e of Article 73 which was concerned, but the whole of Article 73, the whole of Chapter XI and the entire content of the Charter, including the right of peoples to self-determination, which must not be denied in the Non-Self-Governing Territories. The provisions of Chapter XI were not a unilateral declaration of intent on the part of the administering Powers from which they could be released by their own decision, as had often been contended by representatives of those Powers. They constituted a binding international agreement, which would remain in force until the aims of the Charter in respect of the dependent territories had been fully achieved. During the period of development of those territories towards full independence, the obligation to transmit information should remain in force. The representative of New Zealand had quoted an opinion of the well-known commentator on the Charter, Mr. Hans Kelsen. However, in order to stress the binding import of the provisions of Chapter XI, Mr. Kelsen had even gone so far as to state that a persistent violation of the obligations contained in that Chapter might lead to the sanction provided for in Article 6 of the Charter.

42. The main tenet of the Polish delegation was that an administering Power could be released from the obligation to transmit information only by a decision of the General Assembly, and then only when the dependent territory concerned had become an independent subject of international law. It was therefore of paramount importance to decide whether the territories of the Netherlands Antilles and Surinam could be considered to have the power of determining their own fate.

43. The Netherlands Government had transmitted its latest information on those territories in 1950 (A/1273). The Polish delegation had carefully re-read that material in order to form a clear picture of the economic, social and cultural situation of the inhabitants. All the information of 1950 and of previous years indicated that Surinam and the Netherlands Antilles were at that time typical colonies, controlled and exploited by foreign capital, where the standard of living of the indigenous population was very low. The United Nations publication containing information transmitted to the Secretary-General in 1950 (ST/TRI/SER.A/5/Add.1) showed that economic, social and cultural conditions in Surinam and the Netherlands Antilles were at that time most unsatisfactory, and there was nothing to indicate now that the situation in those territories had changed to any considerable extent. It was, therefore, the considered opinion of the Polish delegation that the indigenous population of Surinam and the Netherlands Antilles did not enjoy the basic conditions for self-government in economic, social or cultural matters. The colonial policy prevented the realization of that goal.

44. In the light of that conviction, the Polish delegation had made a careful analysis of the Interim Order of Government, reproduced in document A/C.4/200, which the Netherlands representative had invoked as proof of the full measure of self-government allegedly

achieved by Surinam and the Netherlands Antilles in domestic affairs. However, in article II of its General Provisions, there was an enumeration of matters which were not considered to be domestic affairs and did not, therefore, fall under the jurisdiction of the local administration but were fully reserved for the decision of the metropolitan Government. Section 2 (*a*) of that article excluded from any direct influence of the local population all problems relating to defence. It was appropriate at that point to compare the situation prevailing in the neighbouring colony of British Guiana, where events of recent weeks had shown what methods were being used by the colonial Powers under the guise of "defence" and "security", and where those methods had led to the suspension of the Constitution, the removal of elected representatives of the people and the detention of leaders enjoying the support of the population. Another section of article II of the Interim Order reserved to the metropolitan Government sole authority in all questions relating to industrial property. That in itself was sufficient to cast doubt upon the Netherlands representative's statement that the population of the Netherlands Antilles and Surinam enjoyed self-government in economic matters. Article II also deprived the local population of any decisive influence on problems connected with the advancement of cultural and social relations with the Netherlands and thus enabled the colonial Administration to impose its wishes in that domain as well. Another clause of that article made it impossible for the indigenous population to exert any influence on "the admittance, residence, and expulsion of Netherlanders" thus making possible the large-scale installation of settlers, to the detriment of the indigenous population. Examples of the deleterious effect of such settlement in other Non-Self-Governing Territories were well known to the Committee.

45. Many representatives had drawn attention to the unlimited power of the Governors nominated by the metropolitan Government to suspend and void legislation adopted by local administrative bodies. It was quite incorrect to compare the position of such colonial governors with that of governors of States represented in the United Nations, as the Australian representative had sought to do. When Surinam and the Netherlands Antilles were represented in the Organization, there would be no need for concern over the powers of their Governors.

46. It was clear from the foregoing that neither Surinam nor the Netherlands Antilles could be considered to have achieved self-government in the economic, social and cultural fields and that any claim of political independence had even less foundation. The conclusion was that the cessation of the transmission of information on those territories by the Netherlands Government was inconsistent with its contractual commitment in Article 73 e. Only the General Assembly could have released the Netherlands Government from that obligation. Moreover, there were no valid reasons to support the contention by the Netherlands representative that the population of Surinam and the Netherlands Antilles had achieved a full measure of self-government within the meaning of the first sentence of Article 73.

47. In the various discussions by the United Nations of the problems of the Non-Self-Governing Territories, there had been many attempts by the administering Powers to interpret the obligations of Chapter XI of the Charter in their own way. At the time when Indonesia was already achieving independence, the Netherlands Government had insisted on transmitting information under Article 73 e from the territories which now formed Indonesia, in order to justify the sovereign claims of the Netherlands. In respect of Surinam and the Netherlands Antilles, however, the Netherlands Government was claiming that there was no need to submit information from territories which it still claimed were under its sovereignty and where the indigenous inhabitants had no decisive influence on the conduct of their affairs. In the case of the association of representatives from the Non-Self-Governing Territories with the work of the Committee on Information, the administering Powers had opposed the direct representation of the indigenous population. Thus, in attempting to deny their obligations towards the dependent peoples, the administering Powers on one occasion used the argument that the Non-Self-Governing Territories ought to be removed from the scope of Chapter XI of the Charter because they had achieved such a large measure of self-government, while on another they contended that they should be refused access to the United Nations because they were not self-governing. The obligations and responsibility of the United Nations towards the dependent peoples were too serious to permit the administering Powers to interpret Chapter XI unilaterally and arbitrarily, depending on the circumstances. The question of Surinam and the Netherlands Antilles must therefore be considered and decided upon with the concern it deserved, in a completely objective manner.

48. For those reasons, the Polish delegation would support the Soviet amendment (A/C.4/L.294) to the draft resolution submitted by the Swedish delegation (A/C.4/L.292), which correctly stressed the need for continued information from the two territories. The Polish delegation could not, however, agree to the insertion proposed as paragraph 1 of the operative part in the eight-Power amendments (A/C.4/L.295), which noted with satisfaction the progress made by Surinam and the Netherlands Antilles towards self-government, since conditions there did not permit such an optimistic conclusion. It also objected to the New Zealand amendment (A/C.4/L.296), which did not correspond to the true situation in Surinam and the Netherlands Antilles or to the provisions of the Charter. If the Swedish draft resolution was carried further by provisions indicating the need for continued information in accordance with Article 73 e because Surinam and the Netherlands Antilles had not yet attained a full measure of self-government, as proposed in the USSR amendment, it would be an acceptable measure which would, at a later stage, enable the General Assembly to consider the situation in those territories once again.

49. The Polish delegation wished to propose further amendments (A/C.4/L.297) to the Swedish draft resolution in accordance with the views it had just expressed. It proposed that the words "in due course" should be deleted from paragraph 2 of the operative part and the words "not later than the ninth session of the General Assembly" inserted in their place. In paragraph 3 of the operative part the words "ninth session of the" should be inserted before the words "General Assembly". The proposed Polish amendment should be voted upon before the eight-Power amendment regarding the words "in due course" in paragraph 2 of the operative part.

50. Mr. ITANI (Lebanon) restated his delegation's conviction that only the United Nations was competent to decide whether a Non-Self-Governing Territory had reached a stage of self-government at which the administering Power might be released from its obligation to transmit information under Article 73 e of the Charter. The difference on that point between the administering and the non-administering Powers seemed almost irreconcilable. It might therefore be appropriate at some stage to ask a competent international body to settle that thorny problem. Until such a body had agreed upon an interpretation, argument would continue indefinitely. It would of course rest with all Members to take any steps they thought necessary in the light of such an interpretation.

51. The Lebanese delegation welcomed the steps taken by the Government of the Netherlands in order to promote self-government in Surinam and the Netherlands Antilles, but it did not consider that the arguments put forward to justify the decision of the Netherlands Government to cease to transmit information on those territories were sufficient or satisfactory. It rested solely with the United Nations to approve or to legalize such decisions. The Administering Members had given certain undertakings in that respect and they were merely being asked to comply with their obligations under Article 73. However, in view of the desire of the Lebanese Government to participate in all constructive attempts at conciliation and in order to promote international co-operation, the Lebanese delegation was ready to support the Swedish draft resolution as amended by Indonesia and the USSR. It would, in principle, vote in favour of any amendment which reaffirmed the need to continue the transmission of information on Surinam and the Netherlands Antilles until the United Nations decided to the contrary and would oppose any amendment not conceived on those lines.

52. The Lebanese delegation felt that it must draw the attention of all delegations to the need for the United Nations to act effectively and in a way which would safeguard its reputation and strengthen its prestige in the eyes of international public opinion. An appeal should be made to the Administering Members to act in a way which would redound in favour of the United Nations as a whole. It was for them to take the first step towards a general understanding on the point at issue, but any such action should be welcomed by the non-administering Powers.

53. He reserved the position of the Lebanese delegation with regard to any amendment which might be proposed, the approval or rejection of which would involve the sacred principle of the right of peoples to self-determination.

54. Mr. LAWRENCE (Liberia) said that he had read the documents relating to the cessation of the transmission of information on the Netherlands Antilles and Surinam with interest and listened with care to the statements made before the Fourth Committee by the representatives of the Netherlands and the territories concerned. He congratulated the Netherlands delegation on its statesmanlike approach to the problem, although he could not agree with its conclusions.

55. The question at issue involved, among other things, the interpretation of "a full measure of self-government". The Liberian delegation's views on that point were well known to the Committee, as was its conviction that the Administering Members were not competent to abrogate unilaterally the contracts they had entered into under Chapter XI of the Charter. It wished to dwell instead on certain points raised in the Netherlands representative's statement to the effect that it was not necessary for a territory to have attained a full measure of self-government, provided that it had full autonomy in regard to the three subjects mentioned in Article 73 e, and that the decision to cease transmitting information was not arbitrary since it was based on the agreement into which the administering Power had entered with the governments of the territories that had previously been non-self-governing; the cessation of the transmission of information should have the full consent of those in whose interest the original obligation was undertaken.

56. The Liberian delegation considered that if the administering Power felt that it must have the consent of the government of the Non-Self-Governing Territory, it should also feel that it must have the approval of the United Nations, to which it had contractual obligations to submit information. Further, the government of a Non-Self-Governing Territory was virtually a government set up by the administering Power and there could be no true negotiation between the two as equals because only one of the two was independent. The Liberian delegation could not understand how a territory which was not responsible for the conduct of its own affairs could enter into a valid agreement to limit its political future. Although in the case in point it appreciated the good intentions of the administering Power, it was convinced that before a territory could decide to change its political status, it must be competent to do so, i.e., it must be independent; any action taken in that respect while it was still non-self-governing could not be regarded as an act of self-determination.

57. Negotiations to replace the existing Interim Order of Government had unfortunately been broken off. The Liberian delegation wondered whether the people of the two territories were willing to proceed further with the negotiations or whether in fact the latter had been abandoned in the hope that the United Nations would surrender its jurisdiction and accept what appeared to be a *fait accompli*. It hoped that the Fourth Committee would not abdicate its jurisdiction over the welfare of the inhabitants of any Non-Self-Governing Territory until it was satisfied that its people had truly achieved a full measure of self-government. The Netherlands representative had said that no useful purpose could be served by debating the merits of the new system in the Fourth Committee as long as its final terms had not been settled. The Liberian delegation hoped, therefore, that the Netherlands Government would continue to transmit the information required under Article 73 e in respect of Surinam and the Netherlands Antilles until a decision had been taken by the General Assembly to the effect that the inhabitants of those territories had attained a full measure of self-government.

58. Article 75 of the Interim Order of Government for the Netherlands Antilles, in document A/C.4/200, provided that the residents of the Netherlands Antilles who were Netherlanders and who had reached the age of twenty-three were entitled to vote. The Liberian delegation had not been clear what the term "Netherlanders" used in the Interim Order covered. It had since learned that the term applied to all inhabitants of the

Netherlands Antilles without regard to race, colour or creed. It congratulated the Netherlands on its enlightened approach in that respect; but, in that connexion, the Liberian representative related the story of Momo, the African missionary's cook, who insisted that the meat he served was fish because he had sprinkled it with water and named it fish, just as his name had been changed to John when he was converted and baptized.

59. The Liberian delegation felt strongly that despite the Interim Order of Government, the projected constitution and their alleged internal autonomy in social, economic and educational matters, the inhabitants of Surinam and the Netherlands Antilles had not yet attained a full measure of self-government. It would, therefore, support the draft resolution proposed by Sweden and any amendments to that resolution not in conflict with the views it had expressed.

The meeting rose at 1 p.m.

Printed in U.S.A. S—43109—November 1953—2,400