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CONTENTS

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

Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter (*continued*)

[Item 32]*

PROCEDURAL MOTION BY THE DELEGATION OF INDIA (*concluded*)

1. The CHAIRMAN reminded the Committee that, at its 342nd meeting, it had decided to defer until the meeting in progress its decision on the Indian proposal that the Committee should keep, item 32, which was item 2 of the Committee's agenda, open for debate. He requested the Committee to examine that proposal.

2. Lord HUDSON (United Kingdom) stressed the fact that the matter raised by the Indian delegation directly, and in its substance exclusively, affected the Government of the United Kingdom. In the view of that Government, the proposal that the item be kept open for the sole purpose of discussing certain aspects of the political situation in Central Africa was neither timely nor proper. The Committee was an assembly of representatives of States: in connexion with item 2 of its agenda, it had been discussing information transmitted by the governments of those States; it had no authority to start a discussion on an item which might be entitled "Information provided by private individuals or culled from the world Press on the political situation in Central Africa".

3. The Indian proposal would result in an examination by the Committee of complaints addressed to the United Nations by individuals regarding the affairs of certain Non-Self-Governing Territories. In the matter of petitions, the Charter had established a clear distinction between the Trust Territories and the Non-Self-Governing Territories. With regard to the Trust Territories, Article 87 provided that the General Assembly and the Trusteeship Council might accept petitions and examine them in consultation with the Administering Authority. In the case of the Non-Self-Governing Territories, on the other hand, the only documentation referred to in the Charter was the information transmitted by governments to the Secretary-General under the conditions and with the reservations set forth in Article 73 e. That Article contained no mention of petitions or communications. The framers of the Charter had thus drawn a clear distinction between the Trust Territories and the Non-Self-Governing Territories; it had been on that understanding that the Government of the United Kingdom had signed and ratified the Charter.

4. The Government of the United Kingdom had always attempted to co-operate to the best of its ability in the discussions on matters which properly fell within the Committee's competence. Furthermore, in order to achieve co-operation between the administering and non-administering Powers, it had given evidence that it was prepared to go a considerable way towards meeting the views of those delegations which differed sharply from it on questions of principle. It could not, however, go beyond the point at which it felt that its advances had been rejected and that consequently no good could come to continued attempts on its part to co-operate in the work of the Committee.

5. The representative of India had alleged that the Committee would have no further opportunity of examining the economic, social and educational conditions in Northern Rhodesia and Nyasaland, because the United Kingdom Government had decided to transmit no further information on those territories. He protested against those allegations, for which there was no justification in any statement made by his Government. It was to be presumed that the purpose of the Indian delegation was to compel the United Kingdom Government to modify the existing political status of the Non-Self-Governing Territories of Central Africa. The method adopted by that delegation could not possibly achieve that result. It was always very foolish to ignore facts or statements of facts merely because they happened to run counter to, or destroy, one's own cherished illusions. He recalled the comments made by the United States representative at the 330th meeting concerning the sovereign and exclusive power of Congress to decide upon changes in the constitutional status of United States territories; what was true of the United States was also true of the United Kingdom. Parliament had enacted legislation establishing a federation in Central Africa. The federation was in being, and nothing said or done in the United Nations could alter that fact. The manoeuvre which the representative of India was inviting the Committee to undertake was futile: it would merely have the effect of delaying still further the time when the Committee could proceed to discuss many other important issues still before it. He hoped, therefore, that the representative of India would not persist with her proposal.

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

6. The United Kingdom delegation had no intention of alluding to the substance of the matter raised by the representative of India. The views and actions of the United Kingdom Government were on public record. That Government would always be ready to provide any interested government, through normal diplomatic channels, with information on its policies. It could not, however, concede to the Committee the right to examine its record in the light of communications received from individuals with no competence to enter into the question which he considered to be outside the scope of legitimate debate in the Committee itself. It would be a source of profound regret to the United Kingdom delegation if it were unable to continue to co-operate in the work of the Committee. Nevertheless, if the matter raised by the representative of India were made the subject of debate, it would raise in an acute form the question of the extent to which his delegation could still usefully co-operate in that work.

7. Under rule 116 of the rules of procedure, he formally moved the closure of the debate on the item under discussion.

8. The CHAIRMAN explained that under rule 116 he could call upon only two speakers who were opposed to the closure of the debate.

9. Mrs. MENON (India) said she would like to emphasize in the first place that the Indian delegation had merely asked that the Committee should not close the debate on item 2 of its agenda. It had never asked for the opening of a discussion either on the competence of the Committee or, at that stage, on the substance of the matter.

10. Furthermore, she had never alleged that the Government of the United Kingdom had decided to cease transmitting information on the territories concerned; she had merely pointed out that a possible result of the constitutional changes under consideration might be to deprive the Committee of the information it was at present receiving. That had already happened on several occasions.

11. Lastly, the Indian delegation was perfectly aware of the limits to which the Committee's work should be subject and it was concerned with the political development at present taking place in Central Africa only to the extent to which that development affected the matters referred to in Article 73 e of the Charter. The communications which the Secretary-General had received and the information published in the Press on changes in the constitutional status of certain Central African territories deserved attention. Their importance was the more undeniable since the laws enacted by the British Parliament concerned precisely the matters to which the communications and information related.

12. The Indian delegation would be quite prepared to withdraw its proposal, however, if the United Kingdom delegation stated that the Federation of Rhodesia and Nyasaland did not exist, or that the constitutional changes under consideration had received the support of the African population, or that the Act creating the Federation did not infringe the treaties under which the Government of the United Kingdom had given its protection to the indigenous chiefs, or that that Act had not already aroused much keen opposition.

13. The administering Powers often had the feeling that the other States only wanted to criticize them. That was certainly not the purpose of the Indian delegation, which would be very sorry if the United Kingdom abandoned its liberal and democratic traditions. It was convinced that the Government of the United Kingdom would not and could not be responsible for the events which were taking place in Africa. It wished to avoid the emergence of a conflict, and was sure that a way could be found to restore confidence to the peoples of the territories concerned and respect the rights which the treaty conferred upon them, rights which protected them against the policy applied in other parts of Africa. The Indian delegation would like to know why, after assuring those peoples of its protection and of its constant concern for their welfare, the United Kingdom was abandoning them against their will, why the number of men killed and executed in Kenya and East Africa was so high and why there was so many Natives prepared so often to risk the most precious thing they possessed—their lives. The Committee could not remain indifferent to those serious questions or take refuge in legal formulae. It could not, on the agenda of Article 2, paragraph 7, of the Charter, ignore Article 10, and least of all the very spirit of the Charter, which took precedence over all Articles and imposed upon all Member States the duty to apply the principles of the Charter, without fear or selfishness.

14. The summaries and analyses of the information communicated in 1952 by the United Kingdom (A/2413 and Add. 1 to 7) referred to the programmes put into effect in those territories for ensuring racial equality and extending the public health and education services by methods which would permit of the development of a civic conscience and sense of responsibility among the indigenous inhabitants. The Committee was therefore perfectly justified in asking for information as to what would happen to those programmes when the new constitutional status came into force. It could not ignore the legitimate fears of Africans that the federation plan would impede the political development of Nyasaland, where there were only 5,000 white settlers and more than 2 million indigenous inhabitants. While at the present time the Government of the territories concerned had to render account to the Government of the United Kingdom, under the federation plan the settlers would no longer have to render account to any authority outside Central Africa. The safeguards which the federation plan provided were illusory. When the plan came into force, the British Colonial Office would no longer have any say in the matter; segregation between Europeans and Africans might be introduced, European immigration would increase and Asian immigration could come to an end. Moreover, the indigenous population was known to be keenly opposed to federation. For all those reasons, the Indian delegation had thought it proper to bring the matter before the Committee, and it hoped the members of the Committee would be unanimous in supporting the proposal it had presented.

15. The CHAIRMAN put to the vote the motion for the closure of the debate introduced by the United Kingdom.

The motion was rejected by 25 votes to 17, with 11 abstentions.

16. Mr. MENDOZA (Guatemala) said he had voted against the motion for closure of the debate because

no debate on the question raised by the representative of India had actually been opened.

17. Mr. L. S. BOKHARI (Pakistan) said he had voted against the motion for two reasons: first, because the representative of the United Kingdom had seemed to make his first co-operation in the Committee's work subject to a number of conditions; and secondly, because of the unduly strong terms he had used in referring to the representative in India.

18. The CHAIRMAN invited the Comittee to proceed to item 3 of its agenda, on the understanding that delegations would be able, should they so wish, to revert to the discussion of item 2.

19. Mr. DE MARCHENA (Dominican Republic) said it would be more logical to complete consideration of item 2 of the agenda first, for that would avoid loss of time and a certain amount of confusion in discussion.

20. Mr. RYCKMANS (Belgium) supported that view. No one had proposed postponement of the discussion to a subsequent date. Discussion of item 2 of the agenda was therefore still proceeding.

21. Mrs. MENON (India) proposed that the debate should be adjourned, on the understanding that delegations would be able to revert to item 2 of the agenda later.

22. The CHAIRMAN put the Indian proposal to the vote.

The proposal was adopted by 25 votes to 4, with 22 abstentions.

23. Mr. DE MARCHENA (Dominican Republic) said he had voted against the Indian proposal. He would like to reserve the attitude of his Government on a question which the General Assembly had never yet considered.

Requests for oral hearings (*continued*)

REQUESTS CONCERNING TRUST TERRITORIES (*continued*)

24. The CHAIRMAN read a telegram dated 22 October 1953 in which Mr. Frédéric Brenner, representative of the Parti Togolais du Progrès, asked to be heard by the Committee on the questions which concerned Togoland.[1]

25. Mr. RYCKMANS (Belgium) opposed the granting of that request by the Committee on the grounds that petitioners should be heard by the Trusteeship Council and not the Committee. He would not insist, however, that the Committee should vote on the matter.

It was decided to grant the hearing.

REQUEST FROM THE NATIONALIST PARTY OF PUERTO RICO (A/4/239) (*continued*)

26. Mr. LANNUNG (Denmark) recalled that the Committee had decided at its 321st meeting, after a full discussion, to reject a similar request from the Puerto Rican Independence Party (A/C.4/236). Nothing had happened to change the Committee's views, and, to avoid a repetition of the arguments that had been previously advanced, he thought the Committee might merely decide not to comply with the request.

27. Mr. WINIEWICZ (Poland) did not share that opinion. The Committee should consider and decide on each request for a hearing on its merits.

28. Mr. MENDOZA (Guatemala) was afraid the method proposed by the reperesentative of Denmark would complicate rather than simplify the Committee's work.

29. Mrs. BOLTON (United States of America) said the Government of the United States and the Government of Puerto Rico formally protested against the granting of the hearing requested by the organization called the Nationalist Party of Puerto Rico. Far from being an officially recognized political party—as it wrongly claimed to be in document A/C.4/239, distributed at the request made by the Polish delegation at the 334th meeting—that party was really only a terrorist organization with about 500 members which did not hesitate to resort to violence and murder to achieve its purposes. It was the party that had instigated the attempt to assassinate President Truman; in addition, it had provoked the bloody riots of 1950 and organized the attempted assassination of the Governor of Puerto Rico. It was responsible for many other criminal acts, including the murder of the Chief of Police of Puerto Rico in 1936.

30. After rejecting the request of the Puerto Rican Independence Party, the Committee could hardly maintain that its desire to establish the principle as to whether a minority party should be heard as a sufficient justification for granting the request of the Nationalist Party. A decision to grant the request could only be regarded as an effort to undermine the legitimate popular government of Puerto Rico.

31. If the Committee nevertheless put the request of that terrorist group to the vote, the United States delegation would ask for a vote by roll-call.

32. Mr. MORALES (Panama) said that in the case under consideration there were political and moral reasons as well as the general legal reasons for not agreeing to hear persons or groups belonging to Non-Self-Governing Territories. In the first place, the party in question had refused since 1932 to take part in elections and had deliberately chosen the methods of agitation and violence. It was not for the United Nations to give a group of terrorists and assassins the opportunity to engage in propaganda which would be quite out of place. Furthermore, the Resident Commissioner of the Commonwealth of Puerto Rico, who was the alternate representative of the United States in the Committee on Information from Non-Self-Governing Territories, had explained that the Commonwealth of Puerto Rico was completely free to change its present status and accede to full independence if a majority of the people expressed the wish to do so. That right was in fact guaranteed in the compact approved by the Congress of the United States, and the example of the Philippines provided sufficient assurance that the exercise of that right would, should the occasion arise, be respected to the full.

A vote was taken by roll-call on the request for a hearing from the Nationalist Party of Puerto Rico (A/C.4/239).

China, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Czechoslovakia, Egypt, Guatemala, India, Indonesia, Iraq, Lebanon, Mexico, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Bolivia, Burma, Byelorussian Soviet Socialist Republic.

Against: China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, France, Greece, Haiti, Ice-

[1] This telegram was subsequently circulated as document A/C.4/242.

land, Israel, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Brazil, Canada, Chile.

Abstaining: El Salvador, Ethiopia, Iran, Liberia, Uruguay, Venezuela, Afghanistan, Argentina.

The request was rejected by 29 votes to 17, with 8 abstentions.

33. Mr. MENDOZA (Guatemala) said that he had voted in favour of granting a hearing to the Nationalist Party of Puerto Rico because his delegation had wished to defend the solemn right of petition and hearing which the Committee should respect without having regard to considerations concerning the domestic policy of a country or a territory.

34. Mr. ARAOZ (Bolivia) supported the statement of the representative of Guatemala.

35. Mr. ESPINOSA Y PRIETO (Mexico) said that he also had voted in favour for reasons of principle; he regretted, however, that the Committee had not been informed earlier of the real nature of the Nationalist Party of Puerto Rico.

36. Mr. KAISR (Czechoslovakia), and Mr. BOZOVIC (Yugoslavia) thought that apart from any question of principle, the hearing of the Nationalist Party of Puerto Rico would have enabled the Committee usefully to supplement the information supplied to it concerning that territory, more especially as the Government of the United States of America had declared its intention of ceasing to transmit information on Puerto Rico under Article 73 e of the Charter.

37. Mr. WINIEWICZ (Poland) wished to make it clear that his favourable vote for reasons of principle did not reflect the views of the Polish delegation on the political activities of the Nationalist Party.

38. Mr. CAMPOS CATELIN (Argentina) said he had abstained; the Committee could hardly grant the request of the Nationalist Party of Puerto Rico after rejecting that of the Puerto Rican Independence Party.

39. Mr. RIVAS (Venezuela) said that he too abstained, since he was not certain whether the Committee was competent to grant a hearing to the representatives of political parties in the Non-Self-Governing Territories.

40. Mr. L. S. BOKHARI (Pakistan) said that he of course respected the principle of a hearing, but did not think that the Committee should grant to the Nationalist Party of Peuerto Rico, which was not even officially recognized by the authorities of the country, what it had refused to another and more commendable party.

41. Mr. KIMSAWAT (Thailand) shared the views of the representative of Pakistan.

42. Mr. YANG (China) said that his delegation had always given sympathetic consideration to requests for oral hearings. However, in the present case, in the light of the statement made by the representative of the United States to the effect that the Nationalist Party of Puerto Rico was not officially recognized and that it resorted to violence in pursuit of its political objectives, he had voted in the negative.

43. Mr. TRIANTAPHYLIAKOS (Greece) thought that, when considering requests for a hearing, the Committee should allow for the circumstances peculiar to each of them; in the case under review the request was unacceptable since it was made by a group which was not even officially recognized and which practised violence.

44. Mr. DE MARCHENA (Dominican Republic) said he had voted against the request of the Nationalist Party of Puerto Rico for reasons similar to those which had led him to vote against the request of the Puerto Rican Independence Party. It was for the population of Puerto Rico as a whole to decide as to its fate democratically and freely.

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)

[Item 34 (*a*)]*

45. Mr. SCHÜRMANN (Netherlands) recalled that the cessation of the transmission of information on the Netherlands Antilles and Surinam had been under discussion in the General Assembly for three years. In August 1951 the Netherlands delegation had informed the Secretary-General that it could no longer continue to transmit information on those territories under Article 73 e of the Charter. It had outlined its reasons in its communication, which had been accompanied by the constitutional texts relating to those two territories, and which had been circulated to the members of the General Assembly at the sixth session as document A/C.4/200. The General Assembly had then decided, by its resolution 568 (VI), to include the question on the agenda of the seventh session and to examine in 1952 the communication of the Netherlands Government in the light of any report prepared by the *Ad Hoc* Committee on Factors and taking into account whatever new arrangements as to common affairs might be developed by the 1952 conference of representatives of the Netherlands and of the Netherlands Antilles and Surinam.

46. At its seventh session, the General Assembly had referred that item on its agenda to the Fourth Committee, which had adopted a draft resolution proposed by Guatemala, in turn adopted by the General Assembly as resolution 650 (VII).

47. On 23 July 1953, the Permanent Representative of the Netherlands to the United Nations had addressed a further communication to the Secretary-General, submitted to the members of the *Ad Hoc* Committee as document A/AC.67/3. In that document the Netherlands Government expressed doubt whether the examination of the question of the cessation of the transmission of information on Surinam and the Netherlands Antilles would be facilitated if it were based on the resolution on factors (648 (VII)). Those territories had neither become independent nor been fully integrated within another State but had already attained a full measure of self-government in their internal affairs. In such cases the relevant question was whether the territory in question had attained such a measure of self-government in their internal affairs. In such cases the relevant question was whether the territory in question had attained such a measure of self-government that it was fully responsible in the fields mentioned in Article 73 e, i.e., economic, social and educational conditions.

48. Repeating the statements made in paragraph 5 of document A/AC.67/3, he recalled that the representa-

tives of Surinam and the Netherlands Antilles had supported the views expressed in that paragraph in the *Ad Hoc* Committee and had repeated that the Netherlands Government would be unable to transmit information concerning its territories unless it received that information from the Governments of Surinam and the Netherlands Antilles. The latter Governments considered it constitutionally incorrect to provide such information because they would thereby reduce the autonomy which they enjoyed.

49. Nevertheless, the *Ad Hoc* Committee had not reached any decision on that point and had finally decided to refer the matter to the General Assembly without a recommendation.

50. He sincerely hoped that the Fourth Committee would now see fit to recognize that the constitutional impossibility of transmitting information on the Netherlands Antilles and Surinm in which the Netherlands Government found itself was sufficient justification for discontinuing the transmission of such information.

51. Outlining the views of his Government on the meaning and scope of Chapter XI of the Charter, he said first, that under article 211 of the Netherlands Constitution no effective decision on the political status of any part of the Realm could be taken except by "voluntary acceptance through democratic procedure by each of the territories", namely the Netherlands, Surinam and the Netherlands Antilles. Secondly, as the decision to begin the transmission of information on the Netherlands Antilles and Surinam depended solely on the Netherlands Government, that Government alone was competent to decide whether a state had been reached where the transmission of such information should cease. Thirdly, for the obligation which a government had undertaken under Article 73 e of the Charter to cease it was not necessary that the territory should have attained that indefinable state of a "full measure of self-government", but it was sufficient that it should have full autonomy in regard to the three subjects mentioned in Article 73 e.

52. His last comment referred only to the obligation mentioned in Article 73 e and not to the other obligations set out in Chapter XI, because in his Government's view it was quite possible that the state of development reached by a territory that had previously been non-self-governing was such that the condition of Article 73 e no longer applied to it, whereas the other provisions of Chapter XI still applied.

53. With reference to the statements of some delegations in the Fourth Committee, he thought that it was wrong to claim that if the Administering Power had the right to decide on the cessation of the transmission of information under Article 73 e of the Charter, such a decision would be arbitrary. Actually, it would necessarily have to be based upon an agreement between the administering Power and the government of the territory that had been non-self-governing, and the cessation of the transmission of information would have to be fully approved by those in whose interests the obligation had been assumed. Moreover, once the administering Power's responsibility for economic, social and educational conditions ceased, the obligation to transmit information lapsed, not as a result of the arbitrary decision of the administering Power but by virtue of the provisions of the Charter itself.

54. On that point, however, he did not wish to open any unnecessarily long discussion, especially as the political and constitutional structure of Surinam and the Netherlands Antilles was not final. Talks were shortly to be resumed to settle the final and complete terms of co-operation between the various parts of the Kingdom in such matters as national defence and foreign policy. But that did not mean that the Government could continue to furnish the information envisaged in Article 73 e even on a provision basis. He wished to draw attention once again to the provision in Article 73 e that the administering Powers agreed to transmit information "subject to such limitation as security and constitutional considerations" might require. Whether or not the Antilles or Surinam had achieved a full measure of self-government, the Government of the Netherlands affirmed that for constitutional reasons resulting from the present interim status of those two territories, the transmission of information by the Netherlands Government on economic, social and educational conditions in those territories should cease.

55. As the texts of the Interim Orders of Government that were distributed to United Nations Members fully showed, the Netherlands Antilles and Surinam were self-governing with respect to internal matters. In economic, social and educational matters, legislative power was wielded only by their Parliaments and executive power only by their Governments. The Netherlands Government could not intervene in such matters in any way. Consequently, if it wished to transmit information on them to the Secretary-General of the United Nations, it would first have to ask the Surinam and Antilles Governments for that information. However, the Government of those two territories had refused to supply information for that purpose.

56. Accordingly, the Netherlands Government was not only legally relieved of the obligation to furnish information but was unable to do so.

57. The representative of Ecuador, in his statement at the 321st meeting of the Fourth Committee, had supported the view that the General Assembly had the right to say whether the people of a territory was completely self-administering after an affirmation of the administering Power to that effect; but he had conceded that, where an administering Power had ceased to transmit information for security or constitutional reasons, "the only body capable of deciding whether the cessation of information was proper was the administering Power itself".[2] As it had already stated, the Netherlands Government considered that in all cases the adminstering Power alone could decide when the transmission of information should cease. It was clear that that view could not be challenged where the cessation was based on constitutional considerations, and he thanked the representative of Ecuador for having confirmed it with such eloquence and authority.

58. Finally, for those who would not agree with that position, there was at least one argument which was a complete justification of the Netherlands Government's attitude: the freely expressed will of the peoples of the territories concerned. The Antilles and Surinam Parliaments, freely elected by the general franchise of men and women, had announced that they considered themselves self-governing with respect to internal affairs and that they were opposed to the transmission of information by the Netherlands Government because such transmission would constitute an infringement of their autonomy.

[2] See the provisional summary record of the 321st meeting.

59. At the 326th meeting the Philippine representative had said that in some cases a territory might feel that, if the administering Power continued to transmit information on that territory, doubts would be raised concerning the genuineness of its self-government and that might hurt the national feelings of the people concerned. That was exactly what the Fourth Committee would be doing if it asked the Netherlands Government to resume the transmission of information concerning the Antilles and Surinam. He could not believe that that was the Committee's intention.

60. In conclusion, he would assure the Committee that if the Fourth Committee adopted a reasonable attitude and limited itself to a finding that constitutional considerations justified the cessation of the transmission of information concerning Surinam and the Netherlands Antilles, that would not mean that the Committee would never again hear about those territories. When the final constitution came into force, the Netherlands Government would be quite prepared, if the General Assembly so desired, to complete and bring up to date the information it had furnished concerning the constitutional arrangements adopted in those territories.

61. He requested the Chairman to be kind enough to call upon Mr. Pos and Mr. Debrot, General Representatives of Surinam and the Netherlands Antilles to the Netherlands Government at The Hague. They had been appointed to their positions and empowered to act as members of the Netherlands delegation by their respective Governments, which were responsible only to the Parliaments of Surinam and the Netherlands Antilles.

62. Mr. POS (Netherlands), speaking on behalf of the Government of Surinam, summarized the information submitted in a number of documents and in the oral explanations he had personally given to the Special Committee on Information transmitted under Article 73 e of the Charter in 1951.[3] The Interim Orders regulating the present status of Surinam and the Antilles had entered into force on 20 January 1950 for Surinam and 7 February 1951 for the Netherlands Antilles. As a result of those Orders the two territories had attained self-government with respect to internal affairs. Affairs which were not internal were listed in article II of the Interim Orders; they concerned matters affecting not only the territory itself but the interests of the Kingdom as a whole, which consisted of the Netherlands in Europe, Surinam and the Netherlands Antilles in the Caribbean. The main subjects referred to were foreign relations and defence. The autonomy in the field of internal affairs was exercised by a Chamber of Representatives, elected by general franchise, and a government responsible to that Chamber. The system of government was therefore that of a constitutional monarchy and a parliamentary democracy, as in several countries in Europe and in the British Dominions. The powers of the Governor were exercised by the ministers of the territory, who were responsible to the elected Chamber of Representatives in the territory. As a consequence, the ministers must have the political confidence of the majority of that Chamber. The Governor represented the King and, under the principle that "the King rules but does not govern", the Government was in the hands of the ministers. In financial matters, the Chamber of Representatives was competent to vote the budget. The territories had their own monetary system and they could regulate their imports and exports as they thought fit. All economic, social and educational affairs were dealt with by the territories themselves. The Netherlands had no authority at all in those matters.

63. With regard to the non-internal affairs, the central Government must consult the territories. The General Representatives of Surinam and the Netherlands Antilles to the Netherlands took part in the discussions of joint affairs in the meetings of the Cabinet of the Kingdom. No international agreement or law by which Surinam and the Netherlands Antilles would be bound could be promulgated without previous consultation of the Government concerned. Besides, no international agreement dealing with economic or financial matters could be concluded by the Government at The Hague if the government of the territory did not wish to be bound by the consequences of such an agreement.

64. He would not discuss the meaning of the term "self-government", which the General Assembly had been unable to define, but merely called the Committee's attention to the consequences which the continuation of the transmission of information would have for Surinam. If the Netherlands had to transmit the information specified in Article 73 e, Surinam would have to furnish that information to the Netherlands Government, which had no authority in that field, and the Netherlands Government would transmit information on matters for which it was not responsible. Should the information give rise to remarks in the General Assembly concerning the policy followed in those matters, those remarks could not concern the Netherlands Government but only the Government of Surinam, in other words the Surinam Ministers who were responsible only to the Surinam Parliament. By criticizing actions of the Surinam Government the United Nations would be assuming the role of a parliamentary opposition, which could not be its intention.

65. He therefore hoped that the Fourth Committee would understand that the Surinam Government could not agree to such a procedure which would be incompatible with the implementation and development of the self-government already established in Surinam.

66. Mr. DEBROT (Netherlands), speaking on behalf of the Netherlands Antilles, called the Committee's attention to three main points: the legal scope of the Constitutions of Surinam and the Netherlands Antilles, the establishment of self-government in those territories, and the present status of the matter.

67. In general the Interim Orders of Government for Surinam and the Netherlands Antilles were practically identical, whatever differences existed being explained by the economic and social differences between the two countries; from the point of view of constitutional law, however, they need not be taken into account.

68. With regard to the establishment of self-government in those territories, the process was rather one of evolution, which was continuing. The most recent phases of self-government in the Netherlands Antilles might help to show the nature of that evolution. Preliminary and preparatory studies had been carried out from 1945, when the progressive evolution of self-government began, until 1948. During that period commissions had been entrusted with the task of ascertaining what public opinion thought of the overseas areas of the Kingdom, while other commissions ascertained the views of public

[3] See A/AC.35/SR.45 to 49.

opinion in, and the political aspirations of, Surinam and the Antilles. Shortly afterwards, the gradual establishment of self-government began. Two constitutional events of major significance were worthy of note: the introduction of universal suffrage for men and women in elections for the legislative assemblies of the States of Surinam and the Netherlands Antilles, and the amending of the Netherlands Constitution to permit the exercise of executive authority in overseas territories by the Ministers of the countries concerned who were responsible to the legislative assemblies elected under the general franchise.

69. The 1948-1951 period had been characterized by the establishment of self-government in internal affairs. Following exchanges of views held in that period, Interim Orders had been adopted for the Netherlands Antilles and Surinam. The term "Interim Order" had often given rise to misunderstanding. The word "interim" did not apply to internal affairs but only to the provisions concerning joint affairs which had not yet been finally adopted. However, some provisions concerning relations between the Netherlands and the overseas territories had been laid down. Title III of the Interim Orders had been devoted entirely to the regulation of joint affairs. For instance, the duties and prerogatives of the General Representative at The Hague and the procedure to be applied regarding draft laws, decrees, treaties and other agreements concluded with foreign Powers and which also affected countries in the Western Hemisphere had been laid down in that chapter.

70. A conference had been held at The Hague in April 1952 to draft final regulations covering joint affairs. The discussion had lasted for over a month and was then suspended in order to enable the delegates from the overseas territories to consult their respective parliaments and political parties. The negotiations would be resumed shortly in a commission which was to make preparations for the resumption of the conference.

71. It was obvious that at the present stage no decision could be taken which might be unfavourable or harmful to the measure of self-government achieved in recent years. That was why the Government of the Netherlands Antilles had felt that the transmission of the information specified in Article 73 e was incompatible with the present Constitution. The Government of the Netherlands Antilles annually issued publications relating to the questions covered in Article 73 e of the Charter. Those publications were intended for certain official departments and anyone interested in the questions. However, it felt that, from a constitutional point of view, it could not be expected to transmit that information to the Netherlands Government for communication to the United Nations under Article 73 e. To do so would, in fact, mean that the Government of the Netherlands Antilles recognized that it was the Netherlands Government, and not the Government of the territory, that had jurisdiction over its internal affairs. In other words, the Netherlands Antilles would thus lose the measure of self-government it had achieved in recent years.

72. He trusted that the Committee would understand why the Netherlands Government could no longer transmit information under Article 73 e.

73. Mrs. SKOTTSBERG-AHMAN (Sweden) said that her delegation had never recognized the theory of the indivisibility of self-government. It felt, on the contrary, that self-government was achieved by a process of evolution. Having studied the relevant documentation and the statements made by the representatives of the Netherlands, the Netherlands Antilles and Surinam, it was inclined to believe that the two territories concerned had attained self-government in domestic affairs, particularly in the fields covered by Article 73 e of the Charter.

74. Apart from the concept of a full measure of self-government—which had yet to be defined—the Charter indicated that constitutional considerations might limit the obligation for an Administering Member to supply information relating to a Non-Self-Governing Territory. The Netherlands representative had just said that because the new Constitution of the Netherlands Antilles and Surinam provided those territories with full self-government in the conduct of their internal affairs, the Netherlands Government was henceforth constitutionally unable to transmit the information referred to in Article 73 e of the Charter. Moreover, the representatives of the two territories concerned had formally advised the Committee that their respective Governments objected to the transmission of such information on their behalf by the metropolitan Government. It was difficult to imagine that the Committee, the fundamental duty of which was to ensure respect for the will of the peoples of the Non-Self-Governing Territories, should fail to take account of the desire so clearly expressed by the parties concerned and should require the Netherlands Government to continue to transmit the information in question. That would be tantamount to continuing to treat as colonies countries whose populations considered that they achieved self-government in internal affairs and were approaching full self-government.

75. However, the constitutional status of the Netherlands Antilles and Surinam was not yet final. The Governments of those territories and the Netherlands Government had still to decide on the procedure for the administration of their joint affairs and on the constitutional provisions designed to replace the present interim arrangement.

76. For that reason, the Swedish delegation had submitted its draft resolution (A/C.4/L.292). The Committee on Information would study the new constitutional provisions and report to the General Assembly. The draft would meet the views of those delegations which, in the *Ad Hoc* Committee on Factors, had felt that nothing could justify the cessation of the transmission of information, since by its terms the Committee would remain seized of the question pending a final decision as to the status of the two territories. She urged the Committee to adopt the draft resolution as a way out of the impasse in which it found itself as a result of the inability of the *Ad Hoc* Committee to submit even one recommendation in the matter to the General Assembly.

The meeting rose at 5.25 p.m.

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