

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1952 No. 43

Overgelegd aan de Staten-Generaal door de Minister
van Buitenlandse Zaken

A. TITEL

*Handvest der Verenigde Naties; San Francisco, 26 Juni 1945
(India—Pakistan—Zuid-Afrika Resolutie, Zuid-West-Afrika
Resoluties, Palestina Resoluties en China—Sovjet-Unie
Resolutie)*

B. TEKST

De Engelse tekst (en vertaling in het Nederlands) van het Handvest is bekendgemaakt bij Koninklijk besluit van 21 December 1945 (*Staatsblad* No. F 321).

C. VERTALING

D. GOEDKEURING

E. BEKRACHTIGING

F. TOETREDING

G. INWERKINGTREDING

Zie Tractatenblad 1951 No. 44.

J. GEGEVENS

Zie Tractatenblad 1952 No. 20.

De zesde Algemene Vergadering van de Verenigde Naties heeft in haar 360ste bijeenkomst op 12 Januari 1952 met 44 stemmen vóór en 14 onthoudingen (waaronder Nederland) een resolutie aan-

genomen inzake de behandeling van Indiërs in de Unie van Zuid-Afrika. Vergelijk uitgave No. 16 (Juli 1949) van het Ministerie van Buitenlandse Zaken voor de Universele Verklaring van de Rechten van de Mens, naar welke Verklaring in de onderhavige resolutie wordt verwezen.

De Engelse tekst van deze resolutie (V.N. signatuur No. A/L. 27) luidt:

The General Assembly,

Recalling its resolutions 44 (1), 265 (III) and 395 (V) relating to the treatment of people of Indian origin in the Union of South Africa,

Having considered that the Government of the Union of South Africa has been unable up to the present time to accept General Assembly resolution 395 (V) as a basis for a round table conference,

Noting that the promulgation on 30th March 1951 of five proclamations under the Group Areas Act renders operative thereby the provisions of that Act in direct contravention of paragraph 3 of resolution 395 (V),

Having in mind its resolution 103 (I) of 19 November 1946 against racial persecution and discrimination and its resolution 217 (III) of 10 December 1948 relating to the Universal Declaration of Human Rights,

Considering that a policy of "racial segregation" (apartheid) is necessarily based on doctrines of racial discrimination,

1. *Recommends* that a commission of three members be established for the purpose of assisting the parties, namely the Governments of India, Pakistan and the Union of South Africa, in carrying through appropriate negotiations, the said commission to be composed of one member to be nominated by the Government of the Union of South Africa, another to be nominated by the Governments of India and Pakistan and the third to be nominated by the other two members or, in default of agreement between these two within a reasonable time, by the Secretary-General;

2. *Calls* upon the Governments of the Union of South Africa, India and Pakistan to nominate members within sixty days from the date of adoption of the present resolution;

3. *Requests* the Secretary-General, in the event that the members of the Commission are not nominated in accordance with paragraphs 1 and 2 above, to lend his assistance to the Governments of India, Pakistan and the Union of South Africa, provided such assistance is deemed necessary and helpful by him, with a view to facilitating appropriate negotiations between them; and further, in his discretion and after consulting the Governments concerned, to appoint an individual who would render such additional assistance for the purpose of facilitating the conduct of the said negotiations;

4. *Calls* upon the Government of the Union of South Africa to suspend the implementation or enforcement of the provisions of the Group Areas Act pending the conclusion of the negotiations;

5. *Decides* to include this item in the agenda of the next regular session of the General Assembly.

De zesde Algemene Vergadering van de Verenigde Naties heeft in haar 362ste bijeenkomst op 19 Januari 1952 twee resoluties aangenomen inzake de status van Zuid-West-Afrika. Vergelijk voor het advies van het Internationale Gerechtshof d.d. 11 Juli 1950, naar welk advies in de beide resoluties wordt verwezen, de „Annuaire 1949—1950” van dat Hof, blz. 76. Vergelijk voor de resoluties 449 A en 449 B van de Algemene Vergadering d.d. 13 December 1950, waarnaar in de onderhavige resoluties wordt verwezen, de „Annuaire 1950—1951” van het Internationale Gerechtshof, blz. 68. Vergelijk *Staatsblad* 1920 No. 127 voor het Volkenbondsverdrag, waarnaar in de eerste onderhavige resolutie wordt verwezen.

De eerste resolutie is aangenomen met 45 stemmen vóór (waaronder Nederland), 5 tegen en 8 onthoudingen. De tweede resolutie is aangenomen met 36 stemmen vóór, geen tegen en 22 onthoudingen (waaronder Nederland). De Engelse tekst van deze resoluties (V.N. signatuur No. A/L. 56) luidt:

A

The General Assembly,

Believing that an agreed solution of the question of South West Africa would not only bring greater peace and harmony to the Continent of Africa, but would contribute significantly to the relieving of tensions in wider areas of the world,

Considering that the acceptance of the advisory opinion of the International Court of Justice of 11 July 1950 is essential to the rule of law and reason in international affairs, thus strengthening the cause of the United Nations,

Having by resolution 449 A (V) of 13 December 1950 accepted the advisory opinion of the International Court of Justice with respect to South West Africa,

Recalling that the advisory opinion of the International Court of Justice with respect to the Territory of South West Africa sets forth, *inter alia*, that:

(a) The Territory of South West Africa is a Territory under the International Mandate assumed by the Union of South Africa on 17 December 1920,

(b) The Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa, and that the competence to determine and modify the

international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations,

(c) The Union of South Africa continues to have the international obligations stated in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa as well as the obligation to transmit petitions from the inhabitants of that Territory, the supervisory functions to be exercised by the United Nations to which the annual reports and the petitions are to be submitted,

Having established an ad hoc committee of five, consisting of the representatives of Denmark, Syria, Thailand, the United States of America and Uruguay, to confer with the Union of South Africa concerning the procedural measures necessary for implementing the advisory opinion of the International Court of Justice,

Having authorized this committee, as an interim measure, to examine the report on the administration of the Territory of South West Africa covering the period since the last report, as well as petitions and any other matters relating to the Territory that may be transmitted to the Secretary-General,

Having received the report of the Ad Hoc Committee on South West Africa (A/1901 and Add. 1 to 3),

Noting that the Union of South Africa submitted to the Ad Hoc Committee on South West Africa a proposal which the Ad Hoc Committee found unacceptable because it did not allow for an adequate implementation of the advisory opinion of the International Court of Justice and because the proposal made no provision for the supervision of the administration of the Territory of South West Africa by the United Nations,

Noting that the Ad Hoc Committee submitted to the Union of South Africa a counter-proposal based on the existing Mandates agreement and providing for a procedure for the supervision of the administration of the Territory of South West Africa by the United Nations as nearly as possible analogous to that which existed under the League of Nations and, to the extent practicable, involving international obligations no more extensive or onerous than those existing under the League of Nations,

Noting that the Government of the Union of South Africa, in reply to the Ad Hoc Committee's counter-proposal, had stated that it was willing to resume negotiations only on the basis of its own proposal, and had informed the Committee that the Union of South Africa was unable to accept the principle of submission of reports on the administration of the Territory,

Noting with concern that the Ad Hoc Committee was unable to comply with the resolution of the General Assembly authorizing it to examine the report on the administration of the Territory of

South West Africa because no report was received, and that no petitions were transmitted by the Union of South Africa,

1. *Commends* the *Ad Hoc* Committee on South West Africa for its earnest and constructive efforts to find a reasonable basis of agreement;

2. *Regrets* the fact that, in the course of the negotiations with the *Ad Hoc* Committee, the Union of South Africa, while prepared to negotiate on the basis of certain articles of the Mandate, indicated its unwillingness to give adequate expression to its international obligations with respect to South West Africa, and in particular with regard to the supervisory responsibility of the United Nations toward this Territory;

3. *Declares* that, since the Government of the Union of South Africa cannot avoid its international obligations by unilateral action, the United Nations cannot recognize as valid any measures taken unilaterally by the Union of South Africa which would modify the international status of the Territory of South West Africa;

4. *Appeals solemnly* to the Government of the Union of South Africa to reconsider its position, and urges it to resume negotiations with the *Ad Hoc* Committee for the purpose of concluding an agreement providing for the full implementation of the advisory opinion of the International Court of Justice; and urges it further to submit reports on the administration of the Territory of South West Africa and to transmit to the United Nations petitions from communities or sections of the population of the Territory;

5. *Reconstitutes* until the next regular session of the General Assembly the *Ad Hoc* Committee on South West Africa, consisting of the representatives of Norway, Syria, Thailand, the United States of America and Uruguay, and requests it to continue to confer with the Government of the Union of South Africa concerning means of implementing the advisory opinion of the International Court of Justice;

6. *Authorizes* the *Ad Hoc* Committee on South West Africa, as an interim measure, and pending the completion of the negotiations with the Government of the Union of South Africa, and as far as possible in accordance with the procedure of the former Mandates System, to examine reports on the administration of the Territory of South West Africa as well as petitions and any other matters relating to the Territory that may be transmitted to the Secretary-General;

7. *Requests* the *Ad Hoc* Committee to submit a report on its activities to the General Assembly at its next regular session.

B

The General Assembly,

Having by its resolution 449 B (V) of 13 December 1950 reiterated its resolutions 65 (I) of 14 December 1946, 141 (II) of 1 November 1947, 227 (III) of 26 November 1948 and 337 (IV) of 6 December

1949 to the effect that the Territory of South West Africa be placed under the International Trusteeship System,

Having accepted the advisory opinion of 11 July 1950 of the International Court of Justice concerning South West Africa, which states, *inter alia*, that:

(a) The provisions of Chapter XII of the Charter are applicable to the Territory of South West Africa in the sense that they provide a means by which the Territory may be brought under the Trusteeship System,

(b) The provisions of Chapter XII of the Charter do not impose on the Union of South Africa a legal obligation to place the Territory under the Trusteeship System,

(c) The Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations,

Reasserts its position, expressed in resolution 449 B (V) of 13 December 1950, that the normal way of modifying the international status of the Territory would be to place it under the International Trusteeship System by means of a trusteeship agreement in accordance with the provisions of Chapter XII of the Charter.

De zesde Algemene Vergadering van de Verenigde Naties heeft in haar 365ste bijeenkomst op 26 Januari 1952 met 48 stemmen vóór (waaronder Nederland), 5 tegen en een onthouding een resolutie inzake de Palestina-kwestie aangenomen. (Vergelijk *Tractatenbladen* 1951 No. 68 en No. 127 voor de resoluties van de Veiligheidsraad inzake de Palestina-kwestie). De Engelse tekst van deze resolutie (V.N. signatuur No. A/L. 58) luidt:

The General Assembly,

Recalling all the resolutions adopted at previous sessions of the General Assembly on the Palestine problem,

Having examined the progress report of the United Nations Conciliation Commission for Palestine ¹⁾,

1. *Expresses its appreciation* to the Conciliation Commission for Palestine for its efforts to assist the parties to reach agreement on their outstanding differences;

2. *Notes with regret* that, as stated in paragraph 87 of the report, the Commission has been unable to fulfil its mandate under the resolutions of the General Assembly;

¹⁾ A/1985, *Official Records of the General Assembly, Sixth Session, Supplement No. 18.*

3. *Considers* that the governments concerned have the primary responsibility for reaching a settlement of their outstanding differences in conformity with the resolutions of the General Assembly on Palestine;

4. *Urges* the governments concerned to seek agreement with a view to an early settlement of their outstanding differences in conformity with the resolutions of the General Assembly on Palestine; and for this purpose to make full use of United Nations facilities;

5. *Considers* that the Conciliation Commission for Palestine should continue its efforts to secure the implementation of the resolutions of the General Assembly on Palestine and accordingly should be available to the parties to assist them in reaching agreement on outstanding questions;

6. *Requests* the Conciliation Commission for Palestine to render progress reports periodically to the Secretary-General for transmission to the Members of the United Nations;

7. *Requests* the Secretary-General to provide the necessary staff and facilities for carrying out the terms of the present resolution.

De zesde Algemene Vergadering van de Verenigde Naties heeft in haar 365ste bijeenkomst op 26 Januari 1952 met 49 stemmen vóór (waaronder Nederland), geen tegen en 7 onthoudingen een resolutie inzake hulpverlening aan Palestijnse vluchtelingen aangenomen, waarvan de Engelse tekst luidt als volgt (V.N. signatuur No. A/L. 59):

The General Assembly,

Recalling its resolution 302 (IV) of 8 December 1949 as amended by resolution 393 (V) of 2 December 1950,

Having examined the report of the Director of the United Nations Relief and Works Agency for Palestine refugees in the Near East ¹⁾ and the special joint report of the Director and the Advisory Commission of the United Nations Relief and Works Agency ²⁾,

Having considered the three-year programme of relief and reintegration recommended by the Director and the Advisory Commission of the United Nations Relief and Works Agency,

1. *Commends* the United Nations Relief and Works Agency for the development of a constructive programme which will contribute effectively to the welfare of the refugees;

2. *Endorses*, without prejudice to the provisions of paragraph 11 of resolution 194 (III) of 11 December 1948 or to the provisions of paragraph 4 of resolution 393 (V) of 2 December 1950 relative to

¹⁾ A/1905, *Official Records of the General Assembly, Sixth Session, Supplement No. 16.*

²⁾ A/1905/Add. 1, *Ibid, Supplement No. 16 A.*

reintegration either by repatriation or resettlement, the programme recommended by the United Nations Relief and Works Agency for the relief and reintegration of Palestine refugees, which envisages the expenditure of \$ US 50 million for relief and \$ 200 million for reintegration over and above such contributions as may be made by local governments, to be carried out over a period of approximately three years starting as of 1 July 1951;

Recognizing the concern of the United Nations in the problem of the Palestine refugees,

3. Urges the governments of the countries in the area to assist, with due regard to their constitutional processes, in the carrying out of this programme and to extend to the United Nations Relief and Works Agency, a subsidiary organ established by the General Assembly, their co-operation in the elaboration of specific projects and in the general performance of its functions;

4. *Invites* the United Nations Relief and Works Agency to explore with the governments concerned arrangements looking toward their assuming administration of reintegration projects at the earliest possible date;

5. *Requests* the United Nations Relief and Works Agency to explore with the governments concerned the desirability and practicability of transferring the administration of relief to those governments at the earliest possible date, and considers that the United Nations Relief and Works Agency should continue to carry the cost of the supply programme, subject to paragraphs 2 and 6, and to provide assistance for the health, welfare and education programme along with the duty of making such inspection and such verification of accounts as may be necessary.

6. *Considers* that relief expenditures should be reduced in suitable proportion to reintegration expenditures;

7. *Decides* that the amount of \$ 20 million provided for direct relief in resolution 393 (V) of 2 December 1950 should be increased to \$ 27 million for the fiscal year ending 30 June 1952;

8. *Decides* that, consequent upon paragraph 2 above, the amount of \$ 30 million provided in resolution 393 (V) of 2 December 1950 for reintegration should be increased to not less than \$ 50 million, and credited to the reintegration fund provided for in that resolution for the fiscal year ending 30 June 1952;

9. *Approves* the budget recommended by the United Nations Relief and Works Agency for the fiscal year 1 July 1952 to 30 June 1953, of the equivalent of \$ 118 million of which \$ 100 million shall be available for reintegration and \$ 18 million for relief;

10. *Authorizes* the United Nations Relief and Works Agency to transfer funds allocated for relief to reintegration;

11. *Urges* the governments of Member States to make voluntary contributions to the extent necessary to carry through to termination the programme set forth in paragraph 2 above;

12. *Requests* that negotiations regarding contributions for the proposed three-year programme be carried out with Member and non-Member States by the Negotiating Committee for Extra-Budgetary Funds established by the resolution adopted by the General Assembly on 7 December 1951³⁾;

13. *Expresses its appreciation* of the assistance afforded to the United Nations Relief and Works Agency by the specialized agencies and the United Nations International Children's Emergency Fund and urges them to render all services possible to strengthen the programme of refugee relief and reintegration, and to co-operate with the Secretary-General and the United Nations Relief and Works Agency in ensuring that the total assistance of the United Nations to Palestine refugees is rendered with the maximum of co-ordination and efficiency;

14. *Expresses its appreciation* to the numerous religious, charitable and humanitarian organizations whose programmes have afforded valuable supplementary assistance to Palestine refugees, and again requests them to continue and expand to the extent possible the work which they have undertaken on behalf of the refugees.

³⁾ A/L. 4.

De zesde Algemene Vergadering van de Verenigde Naties heeft in haar 369ste bijeenkomst op 1 Februari 1952 met 25 stemmen vóór, 9 tegen en 24 onthoudingen (waaronder Nederland) een resolutie aangenomen inzake de verhouding tussen de Republiek China en de Unie van Socialistische Sovjet Republieken. Vergelijk „Recueil des Traités” van de Verenigde Naties, deel 10, blz. 301, voor het op 14 Augustus 1945 te Moskou tussen deze beide Staten gesloten verdrag, waarnaar in de onderhavige resolutie wordt verwezen. De Engelse tekst van de resolutie (V.N. signatuur No. A/L. 76) luidt:

The General Assembly,

Considering that it is a prime objective of the United Nations “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”,

Noting that the Republic of China and the Union of Soviet Socialist Republics concluded on 14 August 1945 a Treaty of Friendship and Alliance which provides, *inter alia*,

(a) That the Contracting Parties “agree to act in accordance with the principles of mutual respect for each other's sovereignty and

territorial integrity and non-intervention in each other's internal affairs", and

(b) That "the Soviet Government agrees to render China moral support and assist her with military supplies and other material resources, it being understood that this support and assistance will go exclusively to the National Government as the Central Government of China",

Finding that the Union of Soviet Socialist Republics obstructed the efforts of the National Government of China in re-establishing Chinese national authority in the three Eastern Provinces (Manchuria) after the surrender of Japan and gave military and economic aid to the Chinese Communists against the National Government of China,

Determines that the Union of Soviet Socialist Republics, in its relations with China since the surrender of Japan, has failed to carry out the Treaty of Friendship and Alliance between China and the Union of Soviet Socialist Republics of 14 August 1945.

Uitgegeven de vijf en twintigste Maart 1952.

De Minister van Buitenlandse Zaken,
STIKKER.