

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1952 No. 48

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

A. TITEL

*Handvest der Verenigde Naties; San Francisco, 26 Juni 1945
(Resoluties niet-zelfbesturende gebieden en Resolutie
Nederlandse Antillen en Suriname)*

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. 43.

De zesde Algemene Vergadering van de Verenigde Naties heeft in haar 361ste bijeenkomst op 18 Januari 1952 met 47 stemmen vóór, 2 tegen en 7 onthoudingen (waaronder Nederland) een resolutie aan-

genomen inzake de deelneming van niet-zelfbesturende gebieden aan de werkzaamheden van de Commissie betreffende gegevens over niet-zelfbesturende gebieden. De Engelse tekst van deze resolutie (V.N. signatuur No. A/L. 52) luidt:

The General Assembly,

Considering that point 9 of the Secretary-General's "Memorandum of points for consideration in the development of a twenty-year programme for achieving peace through the United Nations" advocates the use of the United Nations to promote by peaceful means the progress of dependent, colonial or semi-colonial peoples to a position of equality with Member States of the United Nations,

Considering that resolution 494 (V) adopted by the General Assembly on 20 November 1950 requests the appropriate organs of the United Nations to consider those portions of the Secretary-General's memorandum with which they are particularly concerned,

Considering that the report of the Special Committee on Information transmitted under Article 73e of the Charter recommends the use of technical assistance from the United Nations as a means of promoting the economic advancement of the peoples of the Non-Self-Governing Territories,

Considering that the direct association of the Non-Self-Governing Territories in the work of the United Nations and of the specialized agencies is an effective means of promoting the progress of the peoples of those Territories towards a position of equality with Member States of the United Nations,

1. *Notes* that special provisions exist in the constitutions of some of the specialized agencies and of the regional commissions of the United Nations permitting, on the proposal of the Administering Member concerned, the admission to those agencies and commissions of Non-Self-Governing Territories as "associate members";

2. *Commends* the practice referred to in the preceding paragraph;

3. *Invites* the Committee on Information from Non-Self-Governing Territories to examine the possibility of associating the Non-Self-Governing Territories more closely in its work and to report the results of its examination of this problem to the General Assembly at its seventh regular session in connexion with the Assembly's consideration of the Committee's future.

De zesde Algemene Vergadering der Verenigde Naties heeft in haar 361ste bijeenkomst op 18 Januari 1952 met 46 stemmen vóór, geen tegen en 7 onthoudingen (waaronder Nederland) een resolutie aangenomen inzake de factoren, welke in beschouwing moeten worden genomen bij de beoordeling van de vraag of een gebied al dan

niet volledig zelfbesturend is geworden. De Engelse tekst van deze resolutie (V.N. signatuur No. A/L. 53) luidt:

The General Assembly,

Recalling that, in resolution 334 (IV) adopted on 2 December 1949, the General Assembly invited any special committee which might be appointed on information transmitted under Article 73e of the Charter to examine the factors which should be taken into account in deciding whether any Territory is or is not a Territory whose people have not yet attained a full measure of self-government,

Having examined the report on the matter prepared by the Special Committee on Information transmitted under Article 73e of the Charter,

Having undertaken a revision of the above-mentioned factors,

Considering that the production of a more definitive list of factors involves protracted and complex studies on the basis of more complete information than was available in 1951,

1. *Decides* to take as a basis the list of factors drawn up at the sixth session of the General Assembly, which list is annexed to the present resolution;

2. *Invites* the Members of the United Nations to transmit in writing to the Secretary-General, by 1 May 1952, a statement of the views of their governments on the factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government;

3. *Appoints* an *Ad Hoc* Committee of ten members comprising Australia, Belgium, Burma, Cuba, Denmark, France, Guatemala, Iraq, the United States of America and Venezuela in order to carry out a further study of the factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government;

4. *Invites* the *Ad Hoc* Committee to take into account all information available, including that transmitted to the Secretary-General on the reasons which have led certain Administering Members to cease to transmit information on certain of these Territories, and to submit a report to the General Assembly at its seventh regular session;

5. *Invites* the Secretary-General to convene the *Ad Hoc* Committee in order that it may begin its work one week before the opening of the 1952 session of the Committee on Information from Non-Self-Governing Territories. ¹⁾

¹⁾ The General Assembly decided, by resolution A/L. 55, that the Special Committee on Information transmitted under Article 73e of the Charter should henceforth be known as the "Committee on Information from Non-Self-Governing Territories".

ANNEX

Factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government*Introduction*

1. The Territories which are covered by Chapter XI of the Charter are those Territories whose people have not yet attained a full measure of self-government. It may be noted that the expression "self-government" is qualified in the Charter by the words "full measure" in the English text, „complètement" in the French text, and "plenitud" in the Spanish text.

2. The task of the General Assembly, at present, is to indicate the factors which should be taken into account in determining whether the result of the advancement of the people of any given Territory is such that that Territory has reached a stage of self-government where it falls outside the scope of Article 73e of the Charter.

3. The condition under which the provisions of Chapter XI of the Charter cease to apply will be that the inhabitants of the Territory have attained, through political advancement, a full measure of self-government. The fulfilment of this condition may be achieved by various means, involving in all cases the expression of the free will of the people. The two principal means are (a) the attainment of independence and (b) the union of the Territory on a footing of equal status with other component parts of the metropolitan or other country or its association on the same conditions with the metropolitan or other country or countries. The extent to which the provisions of Article 73e continue to apply in the case of Territories which have become neither independent nor fully integrated within another State but which have already attained a full measure of self-government in their internal affairs is a question which merits further study.

4. The two principal forms of political advancement, mentioned in the above paragraph, call for the consideration of different factors in determining whether a Territory has or has not reached a stage of self-government where it falls outside the scope of Article 73e of the Charter.

5. Accordingly, the General Assembly lists under two separate headings below the factors to be taken into account, stressing that the list cannot be regarded as exhaustive or definitive, and that a single factor or particular combination of factors cannot be regarded as decisive in every case. Whether the peoples of a Territory should be regarded as having reached a stage of self-government where there is no longer any obligation to transmit information should be solved in the light of the conditions enumerated under either of the two

headings, taking into account the circumstances of each particular case, which will need to be studied separately.

6. Nevertheless, the General Assembly considers that the essential factors to be taken into account in deciding whether a Non-Self-Governing Territory has attained a full measure of self-government are the following:

(i) *Political advancement*: Political advancement of the population sufficient to enable them to decide upon the future destiny of the Territory with due knowledge.

(ii) *Opinion of the population*: The opinion of the population of the Territory, freely expressed by informed and democratic processes, as to the status or change in status which they desire.

7. These factors apply both to Non-Self-Governing Territories which have achieved independence and to Non-Self-Governing Territories which have freely united or associated themselves on a footing of equal status with other component parts of the metropolitan or other country or countries. In the latter case, however, the following factors are also essential and should be taken into account:

(i) *Legislative representation*: Representation without discrimination in the central legislative organs on the same basis as other inhabitants and regions.

(ii) *Citizenship*: Citizenship without discrimination on the same basis as other inhabitants.

I. *Factors indicative of the attainment of independence or other separate system of self-government*

A. *General*

1. *Political advancement*: Political advancement of the population sufficient to enable them to decide upon the future destiny of the Territory with due knowledge.

2. *Opinion of the population*: The opinion of the population of the territory, freely expressed by informed and democratic processes, as to the status or change in status which they desire.

B. *International status*

1. *Independence*: The attainment of independence by the Territory, or complete control over its external relations and internal affairs.

2. *Eligibility for membership in international organizations*: Eligibility for membership in the United Nations or for membership or associate membership in other international organizations; representation by delegates selected by the Territorial Government.

3. *General international relations*: Power to enter into direct relations of every kind with other governments and with international institutions, and to negotiate, sign and ratify international conventions.

4. *Voluntary limitation of sovereignty*: Degree to which the sovereignty of the Territory is limited by its own free will when that Territory has attained independence or other separate system of self-government.

C. *Internal self-government*

1. *Territorial government*: Freedom from control or interference by the government of another state in respect of the internal government (legislature, executive, judiciary) and administration of the Territory.

2. *Participation of the population*: Effective participation of the population in the government of the Territory by means of an adequate electoral and representative system.

3. *Economic and social jurisdiction*: Complete autonomy in respect of economic and social affairs.

II. *Factors indicative of the free association (whether in a federal or unitary relationship) of a territory on equal status with other component parts of the metropolitan or other country*

A. *General*

1. *Political advancement*: Political advancement of the population sufficient to enable them to decide upon the future destiny of the Territory with due knowledge.

2. *Opinion of the population*: The opinion of the population of the Territory freely expressed by informed and democratic processes, as to the status or change in status which they desire.

3. *Geographical considerations*: Extent to which the relations of the Territory with the capital of the central government may be affected by circumstances arising out of their respective geographical positions, such as separation by land, sea or other natural obstacles.

4. *Ethnic and cultural considerations*: Extent to which the population are of different race, language or religion or have a distinct cultural heritage, interests or aspirations, distinguishing them from the peoples of the country with which they freely associate themselves.

5. *Constitutional considerations*: Association (a) by virtue of the constitution of the metropolitan country or (b) by virtue of a treaty or bilateral agreement affecting the status of the Territory, taking into account (i) whether the constitutional guarantees extend equally to the associated Territory, (ii) whether there are constitutional fields reserved to the Territory, and (iii) whether there is provision for the participation of the Territory on a basis of equality in any changes in the constitutional system of the state.

B. Status

1. *Legislative representation*: Representation without discrimination in the central legislative organs on the same basis as other inhabitants and regions.
2. *Citizenship*: Citizenship without discrimination on the same basis as other inhabitants.
3. *Government officials*: Appointment or election of officials from the Territory on the same basis as those from other parts of the country.

C. Internal constitutional conditions

1. *Suffrage*: Universal and equal suffrage, free periodic elections by secret ballot, freedom of choice of electoral candidates.
2. *Local rights and status*: Equal rights and status for the inhabitants and local bodies of the Territory as enjoyed by inhabitants and local bodies of other parts of the country.
3. *Local officials*: Appointment or election of officials in the Territory on the same basis as those in other parts of the country.
4. *Internal legislation*: Complete legislative autonomy of the Territory, by means of electoral and representative systems, in all matters which in accordance with the normal terms of association are, in the case of non-unitary systems, not reserved to the central government.

De zesde Algemene Vergadering der Verenigde Naties heeft in haar 361ste bijeenkomst op 18 Januari 1952 met 47 stemmen vóór, geen tegen en 9 onthoudingen (waaronder Nederland) een resolutie aangenomen inzake de beëindiging van de indiening van gegevens ingevolge artikel 73e van het Handvest met betrekking tot de Nederlandse Antillen en Suriname. De Engelse tekst van deze resolutie (V.N. signatuur No. A/L. 54) luidt:

The General Assembly,

Having regard to its resolution 222 (III) of 3 November 1948 requesting the Members concerned to communicate information regarding any change in the constitutional position and status of a Non-Self-Governing Territory, as a result of which the responsible government concerned thinks it unnecessary to transmit information in respect of that Territory under Article 73e of the Charter,

Considering that it has received from the Secretary-General a copy of the communication dated 31 August 1951 from the Netherlands Government, which states that, in the opinion of that Government, the Netherlands Antilles and Surinam have now ceased to be Non-Self-Governing Territories within the meaning of Article 73e of the Charter of the United Nations, and that consequently the Netherlands Government has decided to terminate the transmission to the Secretary-General of information under Article 73e concerning the Territories,

Having regard to resolution 448 (V) of 12 December 1950, by which the General Assembly requested the Special Committee on Information transmitted under Article 73e of the Charter to examine such information as may be transmitted and to report thereon to the General Assembly,

Having regard to the information made available by the Government of the Netherlands relating to the Netherlands Antilles and Surinam and to the report of the Special Committee,

Having decided to appoint an *Ad Hoc* Committee to carry out a further study of the factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government,

Having been informed that a conference among representatives of the Netherlands, the Netherlands Antilles and Surinam on an equal footing is to be held in March 1952 to decide upon a system of co-operation for the common affairs of the three countries and the establishment of a new constitutional order to replace the present interim arrangement,

1. *Reaffirms* the statement contained in paragraph 1 of General Assembly resolution 222 (III) welcoming any development of self-government that may have taken place in Territories previously enumerated as Non-Self-Governing;

2. *Expresses its appreciation* to the Government of the Netherlands for communicating full information in compliance with paragraph 3 of General Assembly resolution 222 (III), and decides to transmit this information to the *Ad Hoc* Committee created by resolution¹⁾ of the General Assembly;

3. *Considers* that in 1952 the General Assembly should examine the communication of the Netherlands Government in the light of any report prepared by the *Ad Hoc* Committee, and taking into account whatever new arrangements as to common affairs may be developed by the 1952 conference of representatives of the Netherlands and of the Netherlands Antilles and Surinam;

4. *Decides* to include in the agenda of the next regular session of the General Assembly the question of the cessation of the transmission of information under Article 73e of the Charter as regards the Netherlands Antilles and Surinam.

Uitgegeven de derde April 1952.

De Minister van Buitenlandse Zaken a.i.,
W. DREES.

¹⁾ Document A/L. 53.