

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1953 No. 34

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, Resoluties
zelfbeschikkingsrecht, Resolutie Nederlandse
Antillen en Suriname)*

B. TEKST

De Engelse tekst van het Handvest is bekendgemaakt bij Koninklijk besluit van 21 December 1945 (*Stb.* No. F 321).

C. VERTALING

D. GOEDKEURING

E. BEKRACHTIGING

F. TOETREDING

G. INWERKINGTREDING

Zie *Trbl.* 1951 No. 44.

J. GEGEVENS

Zie laatstelijk *Trbl.* 1953 No. 28.

De zevende Algemene Vergadering van de Verenigde Naties heeft in haar 402de bijeenkomst op 10 December 1952 met 45 stemmen vóór (waaronder Nederland), 5 tegen en 2 onthoudingen een resolutie

aangenomen inzake de **sociale toestanden in niet-zelfbesturende gebieden**. De Engelse tekst van deze resolutie luidt als volgt:

The General Assembly,

Noting the report prepared by the Committee on Information from Non-Self-Governing Territories on social conditions in Non-Self-Governing Territories,

1. *Approves* the report of the Committee as a brief but considered indication of social conditions in Non-Self-Governing Territories and of the problems of social development;

2. *Invites* the Secretary-General to communicate the report, for their consideration, to the Members of the United Nations responsible for the administration of Non-Self-Governing Territories, to the Economic and Social Council, to the Trusteeship Council and to the specialized agencies concerned.

De zevende Algemene Vergadering van de Verenigde Naties heeft in haar 402de bijeenkomst op 10 December 1952 met 51 stemmen vóór (waaronder Nederland), geen tegen en 1 onthouding een resolutie aangenomen nopens **rassendiscriminatie in niet-zelfbesturende gebieden**. Zie uitgave No. 16 (Juli 1949) van het Ministerie van Buitenlandse Zaken betreffende de Universele Verklaring van de Rechten van de Mens (op 10 December 1948 door de Algemene Vergadering van de Verenigde Naties aangenomen), naar welke Verklaring in de onderhavige resolutie wordt verwezen. De Engelse tekst van de onderhavige resolutie luidt als volgt:

The General Assembly,

Having regard to the principles of the Charter and of the Universal Declaration of Human Rights emphasizing the necessity of promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Having regard to the principle recognized in Chapter XI of the Charter that the interests of the inhabitants of the Non-Self-Governing Territories are paramount,

Recognizing that there is a fundamental distinction between discriminatory laws and practices, on the one hand, and protective measures designed to safeguard the rights of the indigenous inhabitants, on the other hand,

1. *Recommends* to the Members responsible for the administration of Non-Self-Governing Territories the abolition in those Terri-

tories of discriminatory laws and practices contrary to the principles of the Charter and of the Universal Declaration of Human Rights;

2. *Recommends* that the Administering Members should examine all laws, statutes and ordinances in force in the Non-Self-Governing Territories under their administration as well as their application in the said Territories, with a view to the abolition of any such discriminatory provisions or practices;

3. *Recommends* that, in any Non-Self-Governing Territory where laws are in existence which distinguish between citizens and non-citizens primarily on racial or religious grounds, these laws should similarly be examined;

4. *Recommends* that all public facilities should be open to all inhabitants of the Non-Self-Governing Territories, without distinction of race;

5. *Recommends* that where laws are in existence providing particular measures of protection for sections of the population, these laws should frequently be examined in order to ascertain whether their protective aspect is still predominant, and whether provision should be made for exemption from them in particular circumstances;

6. *Recognizes* that the establishment of improved race relations largely depends on the development of educational policies, and commends all measures designed to improve among all pupils in all schools understanding of the needs and problems of the community as a whole;

7. *Calls the attention* of the Commission on Human Rights to the present resolution.

De zevende Algemene Vergadering van de Verenigde Naties heeft in haar 402de bijeenkomst op 10 December 1952 met 47 stemmen vóór, 2 tegen en 8 onthoudingen (waaronder Nederland) een resolutie aangenomen inzake de **opvoedkundige, economische en sociale politiek in niet-zelfbesturende gebieden**, van welke resolutie de Engelse tekst luidt als volgt:

The General Assembly,

Considering that the Committee on Information from Non-Self-Governing Territories is invited to submit to the General Assembly at its regular sessions reports containing such substantive recommendations as it may deem desirable, relating to functional fields generally,

Considering that in 1950, 1951 and 1952 the General Assembly approved special reports prepared by the Committee on Information from Non-Self-Governing Territories on educational, economic and

social conditions, and invited the Secretary-General to communicate these reports to the Members of the United Nations responsible for the administration of Non-Self-Governing Territories for their consideration,

Recognizing that these reports express general views and objectives to be taken into account in the formulation of policy,

1. *Expresses the hope* that the Members concerned, when transmitting information under Article 73e of the Charter, will furnish annually as complete information as possible on any action taken to bring the reports of the Committee on Information from Non-Self-Governing Territories to the attention of the authorities responsible in the Territories for the implementation of educational, economic and social policy, and on any problems which may arise in giving effect to the general views expressed in these reports;

2. *Invites* the Committee on Information from Non-Self-Governing Territories in its annual reports to the General Assembly to consider the information transmitted under Article 73e of the Charter in the light of the views expressed in the special reports on educational, economic and social conditions.

De zevende Algemene Vergadering van de Verenigde Naties heeft in haar 402de bijeenkomst op 10 December 1952 met 53 stemmen vóór (waaronder Nederland), 2 tegen en 3 onthoudingen een resolutie aangenomen nopens de verlenging van het mandaat van de **Commissie betreffende gegevens over niet-zelfbesturende gebieden**. De tekst van deze resolutie luidt als volgt:

The General Assembly,

Having established, by resolution 332 (IV) adopted on 2 December 1949, a Committee on Information from Non-Self-Governing Territories,

Recognizing the value of the work performed by this Committee,

Recalling its decision set out in resolution 332 (IV) of 2 December 1949 to "examine in 1952 the question whether the Special Committee should be renewed for a further period, together with the questions of the composition and terms of reference of any such future Special Committee",

Having re-examined the terms of reference of the Committee and the provisions for its composition as set forth in resolution 332 (IV), and the provisions relating to the work of the Committee set out in resolution 333 (IV),

1. *Decides* to continue the Committee on Information from Non-Self-Governing Territories on the same basis for a further three-year period;

2. *Instructs* the Fourth Committee, acting on behalf of the General Assembly, to fill such vacancies as may occur among the non-administering Members of the Committee;

3. *Decides* that, at its regular session in 1955, the General Assembly will examine the question whether the Committee on Information from Non-Self-Governing Territories should be renewed for a further period, together with the questions of the composition and terms of reference of any such future committee.

De zevende Algemene Vergadering van de Verenigde Naties heeft in haar 402de bijeenkomst op 10 December 1952 met 43 stemmen vóór, 11 tegen (waaronder Nederland) en 4 onthoudingen een resolutie aangenomen inzake de deelneming van niet-zelfbesturende gebieden aan de werkzaamheden van de **Commissie betreffende gegevens over niet-zelfbesturende gebieden**. Zie *Trbl.* 1952 No. 48 (blz. 1) voor de resolutie van de Algemene Vergadering d.d. 18 Januari 1952 over dit onderwerp, naar welke resolutie in de onderhavige resolutie wordt verwezen. De Engelse tekst van de onderhavige resolutie luidt als volgt:

The General Assembly,

Recalling that, in resolution 566 (VI) adopted on 18 January 1952, the General Assembly invited 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 session in connexion with the Assembly's consideration of the Committee's future,

Recalling that it has been found both possible and useful to associate Non-Self-Governing Territories with the work of technical organs of the United Nations, including the specialized agencies,

Recognizing that direct participation of the Non-Self-Governing Territories in the work of the Committee on Information from Non-Self-Governing Territories can be of further assistance in promoting the progress of these Territories and their peoples towards the goals set forth in Chapter XI of the Charter of the United Nations,

Noting that the Members administering Non-Self-Governing Territories have from time to time attached qualified persons from these Territories to their delegations to the Committee,

1. *Considers it desirable* that there be associated in the work of the Committee on Information from Non-Self-Governing Territories qualified indigenous representatives from Non-Self-Governing Terri-

tories, and invites the Administering Members to make such participation possible;

2. *Invites* the Administering Members to transmit copies of the reports on economic, social and educational conditions of the Committee on Information from Non-Self-Governing Territories, together with the relevant resolutions of the General Assembly, to the executive and legislative branches of these Territories;

3. *Invites* the Committee on Information from Non-Self-Governing Territories to study further the question of the direct participation, in its discussions on economic, social and educational conditions, of representatives of those Territories the inhabitants of which have attained a wide measure of responsibility for economic, social and educational policies, and to include recommendations on this question in its report to the General Assembly at its eighth session.

De zevende Algemene Vergadering van de Verenigde Naties heeft in haar 402de bijeenkomst op 10 December 1952 met 34 stemmen vóór, 12 tegen (waaronder Nederland) en 8 onthoudingen 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**. Zie *Trbl.* 1952 No. 48 (blz. 2) voor de resolutie van de Algemene Vergadering d.d. 18 Januari 1952 over dit onderwerp, naar welke resolutie in de onderhavige resolutie wordt verwezen. De Engelse tekst van de onderhavige resolutie luidt als volgt:

The General Assembly,

Taking into account the obligation to transmit information, accepted in virtue of Article 73e of the Charter, by the Members which have or assume responsibilities for the administration of Territories whose peoples have not yet attained a full measure of self-government,

Taking into account that this obligation remains in force with regard to each Territory until such time as the objectives of Chapter XI of the Charter are fulfilled,

Taking into account the statement contained in resolution 222 (III), adopted by the General Assembly on 3 November 1948, to the effect that it is essential for the United Nations to be informed of any change that may take place in the constitutional status of any Non-Self-Governing Territory, and that, not later than six months after the submission of the aforesaid information, such information

as may be required in such cases should be communicated, including information about the constitution, legislative acts or executive orders regarding the government of the Territory as well as about the constitutional relationship of the Territory to the government of the metropolitan country,

Having examined the report of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) (A/2178),

Recognizing that, in deciding whether a Territory has or has not attained a full measure of self-government, an enumeration of factors would be a useful guide both for the General Assembly and for the Administering Member concerned,

Having regard to its resolution 567 (VI) of 18 January 1952,

1. *Approves* provisionally the annexed list of factors¹⁾ which may serve as a guide, both for the General Assembly and for the Members of the United Nations which have or assume responsibilities for the administration of Non-Self-Governing Territories, in deciding whether a Territory has or has not attained a full measure of self-government;

2. *Recognizes* that each concrete case should be considered and decided in the light of the particular circumstances of that case and taking into account the right of self-determination of peoples;

3. *Declares* that the factors, while serving as a guide in determining whether the obligations as set forth in Article 73e of the Charter still exist, should in no way be interpreted as a hindrance to the attainment of a full measure of self-government by the Non-Self-Governing Territories;

4. *Further declares* that, for a Territory to be deemed self-governing in economic, social or educational affairs, it is essential that its people shall have attained a full measure of self-government as referred to in Chapter XI of the Charter;

5. *Recommends* that, provisionally, the annexed list of factors should be taken into account in any case which the General Assembly examines resulting from any communication received by the Secretary-General in virtue of General Assembly resolution 222 (III) concerning the cessation of the transmission of information under Article 73e of the Charter, or in relation to other questions that may arise concerning the existence of an obligation to transmit information under this Article;

6. *Decides* to set up a new *Ad Hoc* Committee of ten Members, consisting of Australia, Belgium, Burma, Cuba, Guatemala, Iraq, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela, with instructions to con-

¹⁾ The list of factors will be published in the printed edition of the resolutions of the session.

tinue and carry out a more thorough study of the factors which will have to be taken into account in deciding whether a Territory has or has not attained a full measure of self-government;

7. *Invites* the said Committee to take into account, *inter alia*, the list of factors (A/2178) prepared in 1952 by the *Ad Hoc* Committee set up under General Assembly resolution 567 (VI) and the statements transmitted by governments in compliance with the aforementioned resolution and, further, to take into account the following additional elements:

(a) The possibility of defining the concept of a full measure of self-government for the purposes of Chapter XI of the Charter;

(b) The features guaranteeing the principle of the self-determination of peoples in relation to Chapter XI of the Charter;

(c) The manifestation of the freely expressed will of the peoples in relation to the determination of their national and international status for the purposes of Chapter XI of the Charter;

8. *Invites* all Members of the United Nations to transmit in writing to the Secretary-General, by 1 May 1953, a statement of the views of their governments on the subjects contained in the terms of reference of the Committee;

9. *Requests* the Secretary-General to convene the *Ad Hoc* Committee so that it may begin its work not later than four weeks before the opening of the 1953 session of the Committee on Information from Non-Self-Governing Territories.

De zevende Algemene Vergadering van de Verenigde Naties heeft in haar 403de bijeenkomst op 16 December 1952 drie resoluties aangenomen inzake het **zelfbeschikkingsrecht** der volken. De eerste resolutie is aangenomen met 40 stemmen vóór, 14 tegen (waaronder Nederland) en 6 onthoudingen; de tweede resolutie is aangenomen met 39 stemmen vóór, 12 tegen (waaronder Nederland) en 5 onthoudingen; de derde resolutie is aangenomen met 42 stemmen vóór, 7 tegen (waaronder Nederland) en 8 onthoudingen. De Engelse tekst van deze resoluties luidt als volgt:

A

Whereas the right of peoples and nations to self-determination is a prerequisite to the full enjoyment of all fundamental human rights,

Whereas the Charter of the United Nations, under Articles 1 and 55, aims to develop friendly relations among nations based on respect for the equal rights and self-determination of peoples in order to strengthen universal peace,

Whereas the Charter of the United Nations recognizes that certain Members of the United Nations are responsible for the administration of Territories whose peoples have not yet attained a full measure of self-government, and affirms the principles which should guide them,

Whereas every Member of the United Nations, in conformity with the Charter, should respect the maintenance of the right of self-determination in other States,

The General Assembly recommends that:

1. The States Members of the United Nations shall uphold the principle of self-determination of all peoples and nations;

2. The States Members of the United Nations shall recognize and promote the realization of the right of self-determination of the peoples of Non-Self-Governing and Trust Territories who are under their administration and shall facilitate the exercise of this right by the peoples of such Territories according to the principles and spirit of the Charter of the United Nations in regard to each Territory and to the freely expressed wishes of the peoples concerned, the wishes of the people being ascertained through plebiscites or other recognized democratic means, preferably under the auspices of the United Nations;

3. The States Members of the United Nations responsible for the administration of Non-Self-Governing and Trust Territories shall take practical steps, pending the realization of the right of self-determination and in preparation thereof, to ensure the direct participation of the indigenous populations in the legislative and executive organs of government of those Territories, and to prepare them for complete self-government or independence.

B

The General Assembly,

Considering that one of the conditions necessary to facilitate United Nations action to promote respect for the right of self-determination of peoples and nations, in particular with regard to the peoples of Non-Self-Governing Territories, is that the competent organs of the United Nations should be in possession of official information on the government of these Territories,

Recalling its resolution 144 (II) of 3 November 1947 in which it declared that the voluntary transmission of such information was entirely in conformity with the spirit of Article 73 of the Charter, and should therefore be encouraged,

Recalling its resolution 327 (IV) of 2 December 1949 in which it expressed the hope that such of the Members of the United Nations as had not done so might voluntarily include details on the govern-

ment of Non-Self-Governing Territories in the information transmitted by them under Article 73*e* of the Charter,

Considering that at the present time such information has not yet been furnished in respect of a large number of Non-Self-Governing Territories,

1. *Recommends* States Members of the United Nations responsible for the administration of Non-Self-Governing Territories voluntarily to include in the information transmitted by them under Article 73*e* of the Charter details regarding the extent to which the right of peoples and nations to self-determination is exercised by the peoples of those Territories, and in particular regarding their political progress and the measures taken to develop their capacity for self-administration, to satisfy their political aspirations and to promote the progressive development of their free political institutions;

2. *Decides* to place this resolution on the agenda of the Committee on Information from Non-Self-Governing Territories for its next session in 1953.

C

The General Assembly,

Considering that it is necessary to continue the study of ways and means of ensuring international respect for the right of peoples to self-determination,

Considering that the recommendations it has adopted at its seventh session do not represent the only steps that can be taken to promote respect for such right,

1. *Requests* the Economic and Social Council to ask the Commission on Human Rights to continue preparing recommendations concerning international respect for the right of peoples to self-determination, and particularly recommendations relating to the steps which might be taken, within the limits of their resources and competence, by the various organs of the United Nations and the specialized agencies to develop international respect for the right of peoples to self-determination;

2. *Requests* the Commission on Human Rights to submit through the Economic and Social Council its recommendations to the General Assembly.

De zevende Algemene Vergadering van de Verenigde Naties heeft in haar 409de bijeenkomst op 20 December 1952 met 55 stemmen vóór (waaronder Nederland), geen tegen en 4 onthoudingen een resolutie aangenomen inzake de beëindiging van de indiening van gegevens ingevolge artikel 73*e* van het Handvest met betrekking tot de **Nederlandse Antillen en Suriname**. Zie *Trbl.* 1952 No. 48

(blz. 7) voor de resolutie van de Algemene Vergadering d.d. 18 Januari 1952 over dit onderwerp. Vergelijk uitgave No. 28 (Maart 1952) van het Ministerie van Buitenlandse Zaken voor de handelingen van de zesde Algemene Vergadering der Verenigde Naties terzake van het beëindigen door Nederland van de rapportage over de Westindische Rijksdelen. De Engelse tekst van de onderhavige resolutie luidt als volgt:

The General Assembly,

Bearing in mind the importance of the question of cessation of the transmission of information and the information supplied on that subject by the Netherlands Government, and in view of the short time remaining for the conclusion of the work of the seventh session,

Decides that the Committee set up to study 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-government¹⁾, should examine carefully the documents submitted by the Netherlands Government relating to the Netherlands Antilles and Surinam in the light of the resolution on factors adopted by the General Assembly, and report to the Assembly at its next regular session.

Uitgegeven de negen en twintigste April 1953.

De Minister van Buitenlandse Zaken,
J. W. BEYEN.

¹⁾ Zie blz. 6 hierboven.