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CESSATION OF THE TRANSMISSION OF INFORMATION
UNDER ARTICLE 73 e OF THE CHARTER: COMMUNICATION
FROM THE GOVERNMENT OF THE NETHERLANDS REGARDING
SURINAM AND THE NETHERLANDS ANTILLES

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(Note prepared by the Secretary-General)

On 4 April 1955 the Secretary-General received the following communication from the Permanent Representative of the Netherlands to the United Nations together with the enclosures indicated therein:

"The Permanent Representative of the Netherlands to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to Resolution 747 (VIII), adopted by the General Assembly on 27 November 1953.

"In the first, second and fourth paragraphs of the operative part of this Resolution the General Assembly (1) noted with satisfaction the progress made by the Netherlands Antilles and Surinam towards self-government, (2) considered that the new status of the Netherlands Antilles and Surinam could only be rightly appraised, after the negotiations between representatives of the Netherlands, the Netherlands Antilles and Surinam, which were adjourned in the year 1952 and were to be resumed in 1954, had led to a final result and this had been embodied in constitutional provisions, and (4) invited the Government of the Netherlands to communicate to the Secretary-General the result of these negotiations as well as the provisions mentioned in paragraph 2.

"On November 1954 the Representative of the Netherlands stated in the Fourth Committee of the Ninth General Assembly that the aforementioned negotiations had indeed been resumed at a conference held at The Hague in the spring of 1954 which led to complete agreement on a new Charter for the Kingdom of the Netherlands, under which, as its Preamble states, the Netherlands, Surinam and the Netherlands Antilles have of their own free will entered into 'a new constitutional order in the Kingdom of the Netherlands, in which they will conduct their internal interests autonomously and their common interests on a basis of equality, and in which they will accord each other reciprocal assistance'.

"The Representative of the Netherlands also informed the Fourth Committee that this Charter had been adopted by the Second Chamber of the Netherlands Parliament at The Hague on 16 July 1954, by the Parliament of the Netherlands Antilles at Willemstad in Curaçao on 26 August 1954, by the Parliament of Surinam at Paramaribo on 9 September 1954, and by the First Chamber of the Netherlands Parliament at The Hague on 27 October 1954.

"Since then the Charter was confirmed by Her Majesty the Queen of the Netherlands on 15 December 1954 and promulgated at The Hague, Willemstad and Paramaribo on 29 December, on which date it came into force.

"In the light of the changes thus brought about in the constitutional position and in the status of Surinam and the Netherlands Antilles the Netherlands Government regard their responsibilities according to Chapter XI of the Charter with regard to these Countries as terminated.

"As the Secretary-General is aware, the Permanent Representative of the Netherlands informed him in a letter of 31 August 1951 that the Netherlands Government had decided no longer to submit an annual report on Surinam and the Netherlands Antilles in conformity with article 73 (e) of the Charter. 1/ That decision was taken on the strength of the Interim Orders which came into effect for Surinam on 20 January 1950 and for the Netherlands Antilles on 7 February 1951 and by virtue of which these countries obtained complete autonomous powers as regards the management of their domestic affairs, including the promotion of their economic, social and educational interests. 2/ The said Interim Orders have now been superseded by the new Charter for the Kingdom of the Netherlands. The aforementioned constitutional considerations, which made it impossible for the Netherlands Government to continue the transmission of information in pursuance of article 73 (e) of the Charter after the entry into force of the said Interim Orders, have become even stronger under the new Charter.

"The enclosed documents, consisting of an English and Spanish translation of the Charter for the Kingdom of the Netherlands (annex 1), and an explanatory memorandum to the Charter (annex 2) are herewith transmitted to the Secretary-General in compliance with the wishes expressed in General Assembly Resolutions 222 (III) and 747 (VIII). They will, it is hoped, provide the necessary material for a right appraisal of the constitutional development which has been achieved.

New York, 30 March 1955."

1/ Note by the Secretariat: This letter is reproduced in document A/2177, dated 15 September 1952.

2/ Note by the Secretariat: Provisions of the Interim Order for the Netherlands Antilles are reproduced in document A/C.4/200, dated 8 January 1952.

ANNEX I

CHARTER FOR THE KINGDOM OF THE NETHERLANDS

Preamble

The NETHERLANDS, SURINAM and the NETHERLANDS ANTILLES,
considering that they have expressed freely their will to establish a new constitutional order in the Kingdom of the Netherlands,
in which they will conduct their internal interests autonomously and their common interests on a basis of equality,
and in which they will accord each other reciprocal assistance,
have resolved by mutual consent to establish the Charter for the Kingdom as follows.

1. General provisions

Article 1

The Crown of the Kingdom devolves by inheritance upon Her Majesty Juliana, Princess of Orange-Nassau, and upon her lawful successors.

Article 2

1. The King reigns over the Kingdom and over each of the Countries. He is inviolable. The Ministers are responsible.
2. The King is represented by the Governor in Surinam and in the Netherlands Antilles. The powers, duties and responsibility of the Governor as representative of the Government of the Kingdom, shall be determined by Kingdom Statute, or, as the case may be, by Kingdom Ordinance.
3. Matters pertaining to the appointment and removal of the Governor shall be determined by Kingdom Statute. The appointment or removal of the Governor is effected by the King as Head of the Kingdom.

Article 3

1. Without prejudice to whatever is set forth elsewhere in the Charter, Kingdom affairs shall include:
 - (a) maintenance of the independence and the defence of the Kingdom;
 - (b) foreign relations;
 - (c) Netherlands nationality;

- (d) regulation of the orders of knighthood, the flag and the coat of arms of the Kingdom;
 - (e) regulation of the nationality of vessels and the standards required for the safety and navigation of seagoing vessels flying the flag of the Kingdom with the exception of sailing ships;
 - (f) supervision of the general provisions governing the admission and expulsion of Netherlands nationals;
 - (g) the general conditions for admission and expulsion of aliens;
 - (h) extradition.
2. Other matters may be declared to be Kingdom affairs by mutual consent. Article 55 shall be equally applicable thereto.

Article 4

1. The Royal power in Kingdom affairs shall be exercised by the King as Head of the Kingdom.
2. The legislative power in Kingdom affairs shall be exercised by the legislative bodies of the Kingdom. Proposals for Kingdom Statutes shall be considered pursuant to the provisions of Articles 15 to 21 inclusive.

Article 5

1. The Monarchy and the succession to the Throne, the Organs of the Kingdom referred to in the Charter, and the legislative power in Kingdom affairs shall be governed, in so far as not provided for by the Charter, by the Constitution of the Kingdom.
2. The provisions of the Charter shall prevail in the event of any inconsistency with the Constitution.
3. Articles 15 to 20 inclusive shall apply to any proposal for amendment of the Constitution, containing provisions concerning Kingdom affairs, as well as to the legislative draft stating that there is reason for considering such a proposal.

2. The Conduct of Kingdom Affairs

Article 6

1. Kingdom affairs shall be conducted in co-operation by the Netherlands, Surinam and the Netherlands Antilles in accordance with the following provisions.

2. Wherever possible the Organs of the Countries shall participate in the conduct of these affairs.

Article 7

The Council of Ministers of the Kingdom shall be composed of the Ministers appointed by the King and the Ministers Plenipotentiary appointed by the Government of Surinam and of the Netherlands Antilles respectively.

Article 8

1. The Ministers Plenipotentiary act in the name of the Governments of their Countries which appoint or remove them.

They must be of Netherlands nationality.

2. The Government of the Country concerned provides for substitution in the event of absence or inability to act of the Minister Plenipotentiary.

The provisions of the Charter with regard to the Minister Plenipotentiary shall apply equally to his alternate.

Article 9

1. Before assuming office the Minister Plenipotentiary shall take before the Governor an oath of allegiance to the King and to the Charter. The form of the oath shall be prescribed by Kingdom Ordinance.

2. If in the Netherlands, the Minister Plenipotentiary shall take the oath before the King.

Article 10

1. The Minister Plenipotentiary shall participate in the deliberations of the Council of Ministers, and of the permanent Boards and special committees of the Council whenever Kingdom affairs are discussed which affect the Country in question.

2. The Governments of Surinam and of the Netherlands Antilles can - if in their opinion a particular matter gives rise thereto - appoint in addition to the Minister Plenipotentiary, a Minister to participate with advisory vote in the deliberations referred to in the preceding paragraph.

Article 11

1. Proposals for the amendment of the Constitution, containing provisions relating to Kingdom affairs, shall affect Surinam and the Netherlands Antilles.
2. With respect to defence matters, the defence of Surinam territory, or of Netherlands Antilles territory, as well as agreements or arrangements relating to any territory within their sphere of interest, shall be deemed to affect Surinam and the Netherlands Antilles respectively.
3. With respect to foreign relations, they shall be deemed to affect Surinam or the Netherlands Antilles whenever the particular interests of Surinam or of the Netherlands Antilles are involved, or whenever arrangements are contemplated which may have important consequences for such interests.
4. The extent to which Surinam and the Netherlands Antilles shall share in the expenses referred to in Article 35 shall affect both Countries respectively.
5. Proposals for naturalization shall be deemed to affect Surinam and the Netherlands Antilles only if they relate to persons resident in the Country concerned.
6. The Government of Surinam or of the Netherlands Antilles may indicate Kingdom affairs, which affect their respective Countries apart from those, mentioned in the first to fourth paragraphs inclusive.

Article 12

1. If the Minister Plenipotentiary of either Surinam or of the Netherlands Antilles, stating the reasons why a proposal for legislation of a generally binding character would be detrimental to his Country, has declared that his Country should not be committed, such a proposal can not be enacted so as to apply to the Country concerned, unless such a course would be inconsistent with the partnership of the Country in the Kingdom.
2. If the Minister Plenipotentiary of either Surinam or of the Netherlands Antilles has serious objections against the preliminary opinion of the Council of Ministers on the supervening aspect of the partnership relations, referred to in the first paragraph, or on any other matter in the consideration of which he has participated, deliberations thereon will continue at his request, if necessary after a period of time to be determined by the Council of Ministers.

3. The deliberations referred to above shall be conducted by the Prime Minister, two Ministers, the Minister Plenipotentiary and a Minister or special representative to be appointed by the Government concerned.
4. If both Ministers Plenipotentiary desire to participate in the continued deliberations, these deliberations shall be conducted by the Prime Minister, two Ministers and the two Ministers Plenipotentiary. The second paragraph of Article 10 shall be correspondingly applicable.
5. The Council of Ministers shall take a decision in accordance with the result of the continued deliberations. If the opportunity for continued deliberations has not been utilized within the specified period of time, the Council of Ministers shall decide.

Article 13

1. There is a Council of State of the Kingdom.
2. If the Government of Surinam or of the Netherlands Antilles so desire, the King shall appoint with the concurrence of the Government concerned a member or members to represent them in the Council of State.

The member concerned shall not be removed without prior consultation with his Government.

3. The State Councillor for Surinam or for the Netherlands Antilles shall participate in the proceedings of the Council of State, whenever the Council or a section of the Council is consulted on drafts for Kingdom Statutes and Kingdom Ordinances which are to apply in Surinam or the Netherlands Antilles, or on other matters which in accordance with Article 11 affect Surinam or the Netherlands Antilles.
4. Any Kingdom Ordinance concerning the said State Councillors may contain provisions deviating from the Law of December 21, 1861 (Staatsblad 129).

Article 14

1. Provisions regarding Kingdom affairs shall - in so far as the matter concerned is not dealt with in the Constitution, and subject to international arrangements and the provision of the third paragraph hereafter - be made by Kingdom Statute or, as the case may be by Kingdom Ordinance.

Other organs may be designated or entrusted by Kingdom Statute or Kingdom Ordinance to issue implementing provisions. In the Countries the Legislative Bodies or the Governments shall be so designated or entrusted.

2. If regulation is not to be effected exclusively by Kingdom Statute, it may be effected by Kingdom Ordinance.
3. Provisions concerning Kingdom affairs, applicable neither in Surinam nor in the Netherlands Antilles, shall be effected by statute or ordinance.
4. The naturalization of persons resident in Surinam or the Netherlands Antilles shall be effected by or pursuant to a Kingdom Statute.

Article 15

1. The King shall send drafts of Kingdom Statutes, simultaneously with their submission to the States-General, to the Representative Bodies of Surinam and of the Netherlands Antilles.
2. In the event that a proposed draft for a Kingdom Statute has been initiated by the States-General, the proposal shall be so transmitted by the Chamber prior to proceedings in Committee.
3. The Minister Plenipotentiary of Surinam or of the Netherlands Antilles is empowered to propose to the Second Chamber to initiate a draft for a Kingdom Statute.

Article 16

The Representative Body of the Country, in which the provisions are to apply is empowered to examine the draft provisions and to submit, if necessary, within a fixed period of time, a report in writing with reference thereto prior to the public discussion of the draft in the Second Chamber.

Article 17

1. The Minister Plenipotentiary of the Country, in which the provisions are to apply, shall have the opportunity to attend the debate on the draft in the States-General and to furnish such information to the Chambers as he considers desirable.
2. The Representative Body of the Country, in which the provisions are to apply, may decide to designate for the purpose of the discussion of a particular draft in the States-General one or more special delegates who also shall have the right to attend the debates and to furnish information.

3. The Ministers Plenipotentiary and the special delegates shall be immune from any legal process for anything they have said in the meetings of the Chambers of the States-General or have submitted to them in writing.
4. The Ministers Plenipotentiary and the special delegates are empowered to propose amendments to a legislative draft during the proceedings in the Second Chamber.

Article 18

1. Before a final vote is taken on any proposal for a Kingdom Statute in the Chambers of the States-General, the Minister Plenipotentiary of the Country in which the provisions are to apply shall have the opportunity to express his opinion on such a proposal. If the Minister Plenipotentiary states his opposition to the proposal, he may request the Chamber at the same time to postpone a vote till the following meeting. If, after the Minister Plenipotentiary has stated his opposition to the proposal, the Second Chamber adopts it with a majority of less than three fifths of the number of votes cast, the discussion shall be suspended and further consultations on the proposal shall take place in the Council of Ministers.
2. Whenever special delegates attend the meetings of the Chambers, the right referred to in the first paragraph shall devolve upon the delegate designated for the purpose by the Representative Body.

Article 19

Articles 17 and 18 shall be equally applicable to the proceedings in joint meetings of the States-General.

Article 20

Implementing provisions with respect to the subject-matter of Articles 15 to 19 inclusive can be set forth in a Kingdom Statute.

Article 21

If the King, in the event of war or in other exceptional circumstances in which immediate action is required, and after consultation with the Ministers Plenipotentiary of Surinam and of the Netherlands Antilles, considers it impossible to await the result of the examination referred to in Article 16, the provisions of that Article may be deviated from.

Article 22

1. The Government of the Kingdom shall attend to the publication of Kingdom Statutes and Kingdom Ordinances. The publication in the Country where the provisions are to apply, shall appear in the Official Gazette. The Governments of the Countries shall co-operate to that end.
2. Kingdom Statutes and Kingdom Ordinances shall enter into effect on the date determined therein or pursuant thereto.
3. The terms of the publication of Kingdom Statutes and of Kingdom Ordinances shall include a statement that the provisions of the Charter for the Kingdom have been observed.

Article 23

1. The jurisdiction of the Supreme Court of the Netherlands in respect of judicial matters in Surinam and in the Netherlands Antilles shall be regulated by Kingdom Statute.
2. If the Government of the Country concerned so requests the said Kingdom Statute shall provide for the addition of a member, an extraordinary member or an advisory member to the Court.

Article 24

1. Agreements with other Powers and with international organizations which affect Surinam or the Netherlands Antilles, shall be submitted to the Representative Body of Surinam or of the Netherlands Antilles simultaneously with the submission to the States-General.
2. If an agreement requires the approval of the States-General, the Ministers Plenipotentiary may, within the period of time which the Chambers of the States-General have to observe in accordance with the Constitution, notify their wish that the agreement shall be subjected to the decision of the States-General.
3. The preceding paragraphs are equally applicable in respect of the denunciation of international agreements, the first paragraph provided that the intention to denounce them shall be communicated to the Representative Body of Surinam or of the Netherlands Antilles.

Article 25

1. The King does not bind Surinam or the Netherlands Antilles to international economic and financial agreements, if the Government of the Country, setting forth the reasons for considering that the inclusion would be detrimental to the Country, has declared that the Country should not be bound by them.

2. The King does not denounce international economic and financial agreements in so far as Surinam or the Netherlands Antilles are concerned, if the Government of the Country, setting forth the reasons for considering that a denunciation would be detrimental to the Country, has declared that denunciation should not take place with respect to that Country. Denunciation may nevertheless be effected if exclusion of the Country concerned from the denunciation is incompatible with the provisions of the agreement.

Article 26

If the Government of Surinam or of the Netherlands Antilles notify their wish that an international economic or financial agreement should be concluded which applies exclusively to the Country concerned, the Government of the Kingdom shall co-operate in concluding such an agreement, unless this would be inconsistent with the partnership of the Country in the Kingdom.

Article 27

Surinam or the Netherlands Antilles shall be consulted in the preparation of agreements with other Powers which affect either of them in accordance with Article 11. They shall also be consulted in the performance of agreements which affect them and are binding on them.

Article 28

In accordance with international agreements entered into by the Kingdom, Surinam or the Netherlands Antilles may, if they so desire, accede to membership in international organizations.

Article 29

1. Money loans outside the Kingdom in the name of or for account of one of the Countries shall be contracted or guaranteed in agreement with the Government of the Kingdom.

2. The Council of Ministers shall concur with the contracting or guaranteeing of such money loans, unless this would be contrary to the interests of the Kingdom.

Article 30

1. Surinam and the Netherlands Antilles shall grant such aid and support to the armed forces within their territory as shall be required for the discharge of their task.

2. Provisions shall be made by Country Statute to ensure that the armed forces of the Kingdom stationed in Surinam or in the Netherlands Antilles can discharge their task.

Article 31

1. Persons resident in Surinam or in the Netherlands Antilles cannot be compelled to serve in the armed forces or to perform compulsory civil duty other than pursuant to a Country Statute.

2. The Country Constitution may determine that persons subject to service in the army shall not be sent elsewhere without their consent other than pursuant to a Country Statute.

Article 32

The armed forces for the defence of Surinam or of the Netherlands Antilles shall consist as far as possible of persons resident within the Country concerned.

Article 33

1. For purposes of defence the requisitioning of ownership and use of property, the restriction of rights of ownership and use, the requisitioning of services and billeting shall not be effected other than pursuant to general legislation to be enacted in Kingdom Statute, which shall also contain provisions concerning compensation.

2. Whenever possible the said Kingdom Statute shall entrust the authorities of the Countries with the issuance of implementing provisions.

Article 34

1. For purposes of maintaining external or internal security the King may declare any part of the territory to be in a state of war or in a state of siege in the event of war or danger of war, or if a threat to or disturbance of internal peace and order may substantially affect the interests of the Kingdom.
2. The manner in which such a declaration shall be made and its consequences determined, shall be provided for by or pursuant to Kingdom Statute.
3. This legislation may determine that, and in what manner, the powers of civil authorities in respect of public order and the police shall be transferred wholly or partly to other civil or military authorities and that in the latter case the civil authorities be subordinate to the military authorities in this respect. Whenever possible the Government of the Country concerned shall be consulted with regard to the transfer of powers. This legislation may deviate from provisions relating to the freedom of the press, the right of association and assembly, as well as from those relating to the inviolability of domicile and correspondence.
4. In an area where in the event of war the state of siege has been declared, military penal law and military penal procedure may be applied wholly or partly to any person, in the manner determined by Kingdom Statute.

Article 35

1. In accordance with their resources Surinam and the Netherlands Antilles shall contribute to the expenses related to the maintenance of the independence and the defence of the Kingdom, as well as to the expenses related to the conduct of other Kingdom affairs, to the extent that they benefit Surinam or the Netherlands Antilles respectively.
2. The contributions of Surinam and of the Netherlands Antilles referred to in the first paragraph shall be determined by the Council of Ministers for a fiscal year or for a number of consecutive fiscal years.
Article 12 is equally applicable provided that decisions shall be taken unanimously.
3. In the event that the contributions referred to in paragraph 2 have not been determined in due time, the contributions determined for the previous fiscal year in accordance with that paragraph, shall apply for a period not to exceed one fiscal year.
4. The preceding paragraph shall not apply with regard to the expenses of measures for which special provisions have been made.

3. Mutual Assistance, Consultation and Co-operation

Article 36

The Netherlands, Surinam and the Netherlands Antilles accord each other aid and assistance.

Article 37

1. The Netherlands, Surinam and the Netherlands Antilles shall consult each other as much as possible with regard to all matters in which the interests of at least two Countries are involved. For this purpose special representatives may be appointed and common Organs created.

2. Matters referred to in this Article include among others

- (a) promotion of cultural and social relations between the Countries;
- (b) promotion of appropriate economic, financial and monetary relations between the Countries;
- (c) problems in respect of coinage and currency, banking and foreign exchange policy;
- (d) promotion of economic strength by mutual aid and assistance among the Countries;
- (e) the carrying on of occupations and enterprises in the Countries by Netherlands nationals;
- (f) matters relating to aviation, including the policy with regard to unscheduled air transport;
- (g) matters relating to shipping;
- (h) co-operation in the field of telegraphic, telephonic and radio communications.

Article 38

1. The Netherlands, Surinam and the Netherlands Antilles may enter into mutual arrangements.

2. They may decide by mutual consent that such arrangements and the modification thereof shall be enacted in Kingdom Statute or Kingdom Ordinance.

3. Matters of private and penal law of an interregional or international character may be regulated by Kingdom Statute, provided that the Governments of the Countries concerned agree to the provisions thereof.

4. The transfer of domicile of juridical persons shall be provided for by Kingdom Statute. Such provisions must be approved by the Governments of the Countries.

Article 39

1. Civil and commercial law, civil procedure, penal law, penal procedure, copyright, industrial property, the notarial function, as well as provisions concerning weights and measures, shall be regulated as far as possible in a similar manner in the Netherlands, Surinam and the Netherlands Antilles.
2. Any proposal for drastic amendment of the existing legislation in regard to these matters shall not be submitted to a Representative Body - or taken into consideration by a Representative Body - before the Governments in the other countries have had the opportunity to express their views on the matter.

Article 40

Judgments of Courts in the Netherlands, Surinam, the Netherlands Antilles or Netherlands New Guinea, and orders issued by them, as well as certified copies of authentic acts issued by them, may be enforced throughout the Kingdom, with due observance of the legislation in the Country where enforcement is effected.

4. The Constitutional Organization of the Countries

Article 41

1. The Netherlands, Surinam and the Netherlands Antilles conduct their internal affairs autonomously.
2. The interests of the Kingdom are a matter of common concern to the Countries.

Article 42

1. Within the Kingdom, the constitutional organizations of the Netherlands is set forth in the Constitution, of Surinam and of the Netherlands Antilles in the Country Constitutions of Surinam and of the Netherlands Antilles, which may be referred to as State Constitutions.

2. The Country Constitutions of Surinam and of the Netherlands Antilles are enacted in Country Statute. Any proposal for the amendment of the Country Constitutions shall explicitly describe the proposed amendment. The Representative Bodies shall not adopt the draft of such a Country Statute except by two-thirds majority of the votes cast.

Article 43

1. Each of the Countries shall promote the observance of fundamental human rights and freedoms, the rule of law and the integrity of administration.

2. The safeguarding of these rights and freedoms, the rule of law and the integrity of administration shall be a Kingdom affair.

Article 44

1. Any Country Statute for the amendment of the Country Constitution with regard to

- (a) articles relating to fundamental human rights and freedoms;
- (b) provisions relating to the powers of the Governor;
- (c) articles relating to the powers of the Representative Bodies of the Countries;
- (d) articles relating to the administration of justice as it is understood at present by the Country Constitutions,

shall be submitted to the Government of the Kingdom. Such Country Statute shall not enter into effect until the Government of the Kingdom has signified its concurrence.

2. The provision of the first paragraph shall be applicable also to any Country Statute for the amendment of the Country Constitution of the Netherlands Antilles, with regard to the allocation of the seats of the Representative Body of the Netherlands Antilles to the various Island areas, as well as with regard to the provisions concerning the Island areas.

3. Draft Country Statutes referred to in the preceding paragraphs shall not be submitted to the Representative Body nor be examined by this Body if it has initiated such a draft, until the opinion of the Government of the Kingdom has been obtained.

Article 45

Amendments to the Constitution with regard to

- (a) articles relating to fundamental human rights and freedoms;
- (b) provisions relating to the authority and the powers of the King;
- (c) articles relating to the powers of the Representative Body;
- (d) articles relating to the administration of justice as it is understood at present in the Constitution,

shall be deemed - without prejudice to the provisions of Article 5 - to affect Surinam and the Netherlands Antilles, within the meaning of Article 10.

Article 46

The Representative Bodies shall be elected by Netherlands nationals, residents of the Country concerned, who have attained the age to be determined by the Countries, which should not exceed the age of 25 years. Each voter shall have only one vote. The elections shall be free and secret. In case of necessity the Countries may impose restrictions. Any Netherlands national shall be eligible, subject to requirements of residence and age, as the Countries may define.

Article 47

1. Before assuming office the Ministers and the Members of the Representative Bodies in the Countries shall take the oath of allegiance to the King and the Charter.
2. The Ministers and the Members of the Representative Bodies in Surinam and the Netherlands Antilles shall take the oath before the Representative of the King.

Article 48

The Countries shall observe the provisions of the present Charter in their legislation and administration.

Article 49

Rules may be established by Kingdom Statute with regard to the binding force of legislative measures which are inconsistent with the Charter, an international arrangement, a Kingdom Statute or a Kingdom Ordinance.

Article 50

1. Legislative and administrative measures in Surinam and the Netherlands Antilles which are inconsistent with the Charter, an international arrangement, a Kingdom Statute or a Kingdom Ordinance, or with interests whose promotion or protection is a Kingdom affair, may be suspended and annulled by the King as Head of the Kingdom by virtue of a decree stating reasons. The recommendation for annulment shall be made by the Council of Ministers.
2. With regard to the Netherlands, relevant provisions, if necessary, shall be made in the Constitution.

Article 51

1. In the event that any Organ in Surinam or in the Netherlands Antilles does not or does not adequately perform its duties as required in pursuance of the present Charter, an international arrangement, a Kingdom Statute or a Kingdom Ordinance, the manner in which provisions shall be made with respect thereto shall be determined by Kingdom Ordinance, setting forth the legal grounds and the reasons on which it is based.
2. With regard to the Netherlands, relevant provisions, if necessary, shall be made in the Constitution.

Article 52

With the assent of the King, a Country Statute may confer upon the King as Head of the Kingdom and upon the Governor as an Organ of the Kingdom, powers with respect to Country affairs.

Article 53

If Surinam or the Netherlands Antilles so express their desire, the independent supervision of the expenditure of funds in conformity with the budget of Surinam or of the Netherlands Antilles and the Island areas, may be exercised by the General Audit Office. In that event, after consultation with the Audit Office, rules shall be established by Kingdom Statute with regard to the co-operation between the Audit Office and the area concerned. The Government of that Country shall be empowered to appoint on the recommendation of its Representative Body a person who shall be enabled to participate in the deliberations on all affairs of the area concerned.

5. Transitional and Final Provisions

Article 54

1. Kingdom affairs shall also include: the formulation of conditions for participation in, as well as the granting of and application for rights for scheduled air transport, with the exception of domestic air transport by enterprises established within the Kingdom.
2. After a period of ten years, except in the event of extension by mutual consent, the Government of Surinam or of the Netherlands Antilles may declare that it wishes to cancel this provision, setting forth the grounds on which it considers that continuing this provision in effect would be detrimental to its Country. In that event this Article shall become inoperative two years after such a declaration has been made.

Article 55

1. Amendments to this Charter shall be enacted by Kingdom Statute.
2. A proposal for amendment, passed by the States-General, shall not be approved by the King prior to its acceptance by Surinam and the Netherlands Antilles. The acceptance shall be enacted by Country Statute.

This Country Statute shall not be enacted prior to the approval by the States in two readings. If the draft is passed at the first reading by two thirds of the votes cast, it shall be deemed approved forthwith. The second reading shall take place within one month after the draft has been passed at the first reading.

3. If and so far as a proposal for amendment of the present Charter is at variance with the Constitution, the proposal shall be dealt with in the manner provided for proposals for amendment of the Constitution, provided that the new Chambers may adopt the proposed amendment by an absolute majority of the votes cast.

Article 56

1. Authorities, binding laws, ordinances and decrees, existing at the effective date of the Charter, shall remain in effect until they have been replaced by others pursuant to this Charter. In so far as the Charter provides otherwise with respect to any matter, the terms of the Charter shall prevail.

2. The General Representative of Surinam and of the Netherlands Antilles in the Netherlands shall be the Ministers Plenipotentiary as of the effective date of the Charter.

Article 57

Statutes and ordinances, applicable to Surinam or the Netherlands Antilles, shall acquire the status of Kingdom Statute or Kingdom Ordinance respectively provided that, in so far as they can be amended by Country Statute pursuant to the Charter, they shall acquire the status of Country Statute.

Article 58

The first and third Titles of the Interim Orders for Surinam and for the Netherlands Antilles shall cease to have any force and effect from and after the effective date of this Charter.

Article 59

1. Article 155 (2), 156 to 160 inclusive shall be removed from the Country Constitution for Surinam and shall acquire the status of Kingdom Statute. They may be cited as "Defence Statute for Surinam".

2. Articles 164 (2), 165 to 169 inclusive shall be removed from the Country Constitution for the Netherlands Antilles and shall acquire the status of Kingdom Statute. They may be cited as "Defence Statute for the Netherlands Antilles".

3. The articles of the first and third sections of the second chapter of the Country Constitution for Surinam and the Netherlands Antilles, as well as Articles 38 and 45 shall be removed from the Country Constitutions and shall acquire the status of Kingdom Statute. They may be cited as "Orders for the Governor of Surinam" and "Orders for the Governor of the Netherlands Antilles" respectively.

4. The Country Constitutions, the Defence Statutes, and the Orders for the Governor of Surinam and of the Netherlands Antilles, shall be made consistent with the new constitutional order by Kingdom Ordinance within three months after the effective date of the Charter. The Country Constitutions then shall acquire the status of Country Statute.

At such time the text of Articles 141 and 142 of the Country Constitution for the Netherlands Antilles shall be made consistent with the text of Articles 132 and 133 of the Country Constitution for Surinam. Between the first and second paragraphs of Article 133 of the Country Constitution for Surinam, and Article 142 of the Country Constitution for the Netherlands Antilles, a new paragraph shall be inserted, reading: "The Attorney-General shall attend to the proper discharge of the task of the police. He shall be empowered to make such proposals with respect thereto as may appear to be necessary to him".

Article 60

Netherlands nationality within the meaning of this Charter shall include the status of Netherlands subject.

Article 61

The Charter shall become effective upon solemn promulgation, after affirmation by the King.

Prior to its affirmation the Charter shall require acceptance for the Netherlands in the manner provided for in the Constitution; for Surinam and for the Netherlands Antilles by decision of the Representative Bodies.

This decision shall require two thirds of the votes cast. If this majority is not obtained the States shall be dissolved and decision shall be effected by the new States by an absolute majority of the votes cast.

2. The General Representative of Surinam and of the Netherlands Antilles in the Netherlands shall be the Ministers Plenipotentiary as of the effective date of the Charter.

Article 57

Statutes and ordinances, applicable to Surinam or the Netherlands Antilles, shall acquire the status of Kingdom Statute or Kingdom Ordinance respectively provided that, in so far as they can be amended by Country Statute pursuant to the Charter, they shall acquire the status of Country Statute.

Article 58

The first and third Titles of the Interim Orders for Surinam and for the Netherlands Antilles shall cease to have any force and effect from and after the effective date of this Charter.

Article 59

1. Article 155 (2), 156 to 160 inclusive shall be removed from the Country Constitution for Surinam and shall acquire the status of Kingdom Statute. They may be cited as "Defence Statute for Surinam".

2. Articles 164 (2), 165 to 169 inclusive shall be removed from the Country Constitution for the Netherlands Antilles and shall acquire the status of Kingdom Statute. They may be cited as "Defence Statute for the Netherlands Antilles".

3. The articles of the first and third sections of the second chapter of the Country Constitution for Surinam and the Netherlands Antilles, as well as Articles 38 and 45 shall be removed from the Country Constitutions and shall acquire the status of Kingdom Statute. They may be cited as "Orders for the Governor of Surinam" and "Orders for the Governor of the Netherlands Antilles" respectively.

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At such time the text of Articles 141 and 142 of the Country Constitution for the Netherlands Antilles shall be made consistent with the text of Articles 132 and 133 of the Country Constitution for Surinam. Between the first and second paragraphs of Article 133 of the Country Constitution for Surinam, and Article 142 of the Country Constitution for the Netherlands Antilles, a new paragraph shall be inserted, reading: "The Attorney-General shall attend to the proper discharge of the task of the police. He shall be empowered to make such proposals with respect thereto as may appear to be necessary to him".

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ANNEX II

EXPLANATORY MEMORANDUM

It would be beyond the scope of this explanatory memorandum to follow closely the historical development of the relationship between the Netherlands, Surinam and the Netherlands Antilles.

As an introduction to the new constitutional order in the Kingdom of the Netherlands it might be useful, however, to enumerate the major stages which marked the road towards complete autonomy, as it was recently attained by Surinam and the Netherlands Antilles.

Although the earliest relations with the two Countries date back from 1667 and 1634 respectively, it was not until 1791 that the Netherlands Parliament (States-General) assumed direct authority over them. At first both Countries were governed as separate administrative units under a Governor. This arrangement was temporarily discontinued between 1828 and 1845 when the Government of Surinam and of the Netherlands Antilles was entrusted to one Governor-General residing at Paramaribo, the Capital of Surinam.

A fundamental change in the colonial Governments became effective in 1865, when popular representation was introduced by the creation of representative bodies (States), composed of 9 members elected by a restricted form of suffrage and 4 members appointed by the Governor. In 1901 the system of appointed members was discontinued in Surinam but later it was reintroduced.

As a result of the revision of the Netherlands Constitution in 1922 the colonial legislation was also revised, and the status of the Colonies was changed to that of Territories. Membership on the Representative Bodies was extended to 10 elected and 5 appointed members. In addition to the Representative Bodies the Governor was assisted by an Advisory Council, consisting of 5 members. This new constitutional organization of the Territories became effective in 1937.

New prospects for a complete revision were first set forth in the statement of Her Majesty Queen Wilhelmina on December 7, 1942. Solemn promise was given that steps would be taken towards a new partnership within the Kingdom in which the several Countries "will participate, with complete self-reliance and freedom of conduct for each part regarding its internal affairs, but with the readiness to render mutual assistance".

At the end of the war advisory committees were established in the Netherlands, Surinam and the Netherlands Antilles. Their efforts resulted in 1948 in the modification of the State Regulations for Surinam and the Netherlands Antilles.

Administrative Councils were established in both Countries, which might be regarded as a provisional Cabinet, responsible to the respective Representative Bodies. The Council's powers at that time differed, however, from those of a Council of Ministers, since formally these powers still rested largely with the Governor in accordance with the then existing provisions of the Constitution.

A second important change was the introduction of general suffrage for men and women. Before that time suffrage was restricted by an age limit, and by criteria of taxation and minimum annual income. Furthermore, by reason of this change all members of the Representative Bodies had to be elected.

Pending the eventual establishment of a new constitutional order within the Kingdom of the Netherlands, the Interim Orders came into being, for Surinam in 1950 and for the Netherlands Antilles in 1951. A distinction was made between internal and non-internal affairs, the Netherlands assuming responsibility for the latter, subject to consultations with the two Countries. One of the most important aspects of the Interim Orders was the institution of a Government Council composed of Ministers, solely responsible to the Representative Bodies. Membership of the latter was further broadened to a number of 21 members (22 members in the Netherlands Antilles), elected by general, direct and secret suffrage. Particulars about the various aspects of the Interim Orders were communicated to the General Assembly of the United Nations at its Eighth Session.

In the meantime negotiations for a new constitutional order were conducted by delegations of the Netherlands, Surinam and the Netherlands Antilles in The Hague. These negotiations were adjourned in 1952 and resumed in 1954, when they led to full agreement on a final text, which has been embodied now in the Charter for the Kingdom of the Netherlands.

As was communicated to the General Assembly at its Ninth Session the Charter was accepted by the Parliaments of the three Countries with larger majorities than required under the relevant constitutional provisions.

Finally, the Charter was affirmed by Her Majesty Queen Juliana on December 15, 1954; it became effective upon its promulgation on December 29, 1954.

The relationship between the Netherlands and Surinam and the Netherlands Antilles, formerly that of a metropolitan country and its colonies, has been decisively modified by the establishment of the "Charter for the Kingdom of the Netherlands". Formerly the Netherlands Constitution provided the constitutional basis for that relationship; today it is embodied in the Charter which is of a higher order and which has been voluntarily agreed upon by the three Countries constituting the Kingdom of the Netherlands.

Under the Charter the Kingdom of the Netherlands has assumed a new form; the status of each of the constitutive Countries within the Kingdom is outlined. The Charter has been drafted in long negotiations among delegations from the Netherlands, Surinam and the Netherlands Antilles and it has been adopted by the Parliaments of these three Countries with a plurality, surpassing by far the two-thirds majority prescribed in the Charter (Art. 61). In the States (Parliament) of Surinam no member voted against and only one member abstained from voting. In those of the Netherlands Antilles the approval was unanimous. It should be noted that the Parliaments of both Countries are elected on the basis of general franchise for men and women; they represent the total population of those Countries. A decision of the States is equivalent to a decision of the population. The almost unanimous approval made it unnecessary to follow the procedure prescribed in Article 61 (3) which in case of a majority of less than two thirds would have required new elections, which would have been equivalent to a plebiscite.

On December 15, 1954, the Charter was formally affirmed at The Hague by H.M. the Queen of the Netherlands in the presence of the delegations of the three Countries which had participated in drafting the Charter. On December 29, the promulgation of the Charter took place in the three Countries simultaneously. On that day it became effective.

The Charter provides for a new constitutional structure for the Kingdom of the Netherlands. It is based on the desire of Surinam and the Netherlands Antilles not for independence but for maintenance of the relationship with the Crown and with the Netherlands. The new Kingdom of the Netherlands is characterized by the principle that each of the Countries administers its internal affairs autonomously and that the three Countries are committed, on a basis of equality, to the administration of their common interests and to mutual assistance (Charter Preamble).

The administration of the internal affairs and interests of Surinam and the Netherlands Antilles is set forth in the respective Country Constitutions, which were formerly determined by Netherlands law; since the Charter became effective the Countries themselves have the right to determine their Constitutions. This includes the right to revise or amend them, subject only to the condition that they not impair the interests of the Kingdom as a whole.

The constitutional organization of Surinam and the Netherlands Antilles and the administration of the internal affairs have been described briefly above. The Charter merely contains a limited number of provisions in this respect which deal with the safeguarding of general principles common to the Kingdom as a whole (Art. 41-53).

It follows from the partnership within one Kingdom that the human rights and fundamental freedoms, and the main principles of the judiciary, executive and legislative branches of government are equal in the three Countries. To achieve and maintain this unity the Charter contains provisions to the effect that none of the three Countries may unilaterally change or amend the relative provisions in the Country Constitution or in the Constitution (Art. 43, 44 and 45).

To safeguard the independence of the judiciary the highest judicial officers are appointed by the highest organ of the Kingdom, the King. It is necessary that the appointment of such office be free from consideration of political and personal relations which in small communities may have undue influence. This does not, however, prevent the appointment of inhabitants of Surinam and the Netherlands Antilles. In fact this occurs frequently. For similar reasons the Lieutenant-Governors of the islands of the Netherlands Antilles are appointed by the King; for these offices also inhabitants of the Netherlands Antilles are normally selected. It may be pointed out that this system of appointment has been established at the request of the Countries concerned.

As stated above the internal affairs of the three Countries are administered autonomously. There are, however, a number of matters which are of equal concern to all parts of the Kingdom and require therefore to be administered in a uniform manner by Organs of the Kingdom.

Some matters, which thus affect the Kingdom as a whole are enumerated in Article 3 of the Charter. They include:

- a. maintenance of the independence and the defence of the Kingdom;
- b. foreign relations;
- c. Netherlands nationality;
- d. regulations with regard to the orders of knighthood, the flag and the coat of arms of the Kingdom;
- e. regulations with regard to nationality of vessels and requirements with regard to safety and navigation of sea-going vessels, flying the flag of the Kingdom, with the exception of sailing ships;
- f. supervision of the general provisions concerning the admission and expulsion of Netherlands nationals;
- g. general conditions for the admission and expulsion of aliens;
- h. extradition.

The above enumeration is not exhaustive. Articles 43 and 54, for instance, also mention Kingdom affairs. In addition, other matters may be declared to be Kingdom affairs by mutual consent of the three Countries.

The following explanation may be given with regard to Kingdom affairs, specifically mentioned in Article 3.

- ad a: the fact that defence is considered to be a Kingdom affair requires no further explanation. Military service, however, is a matter of concern to each individual Country as stated in Article 31. With regard thereto the Kingdom cannot force the individual Countries to accept any obligations.
- ad b: although foreign relations are the concern of the Kingdom, Surinam and the Netherlands Antilles have far-reaching powers which in some instances amount to a veto. Against their will they cannot be bound by international agreements of an economic or financial character, nor can existing agreements in those fields be denounced without their consent (Art. 25). If Surinam or the Netherlands Antilles expresses a desire to enter into international economic or financial agreements, the Government of the Kingdom shall co-operate to that end (Art. 26). In addition, Surinam and the Netherlands Antilles will be consulted during the negotiation and the performance of all international agreements which are deemed to affect them within the meaning of the Charter; if they so desire, they may become members of international organizations (Art. 27 and 28).

- ad c: since all citizens in the three component parts of the Kingdom enjoy the status of Netherlands nationals, it is evident that Netherlands nationality is a Kingdom affair.
- ad d: mention is made here of the flag of the Kingdom. However, the Countries may have their own flag.
- ad e: it is obvious that all sea-going vessels flying the flag of the Kingdom are subject to uniform rules. Vessels engaged in inland navigation, and also sailing ships, are subject to local conditions and rules.
- ad f: although each of the Countries is free to establish rules for the admission and expulsion of Netherlands nationals, the partnership of the Countries within the Kingdom makes the supervision of enforcement of general provisions on behalf of the Kingdom desirable.
- ad g: the power to admit or to expel aliens is to a large extent the concern of the individual Countries; with regard to international relations, however, certain general rules of the Kingdom have to be followed.
- ad h: extradition affects the international position of the Kingdom and should be governed by regulations, uniform throughout the Kingdom.

The matters, described in the Charter as Kingdom affairs, are the only instances in which the Netherlands, Surinam and the Netherlands Antilles have no exclusive authority to take final decisions. Apart from those matters the three Countries have complete autonomy (Art. 41).

The above does not imply, however, that the individual Countries have no voice in the Organs, charged with the conduct of Kingdom affairs. In view of the limited scope of matters which are of concern to the Kingdom as a whole no separate Organs have been created to deal with Kingdom affairs. The more so, since Surinam and the Netherlands Antilles would have difficulty in making available qualified persons in sufficient numbers to fill all posts. For these reasons the existing Netherlands Organs will assume the wider functions of dealing with Kingdom affairs. But their composition will be broadened by the participation of representatives of Surinam and of the Netherlands Antilles. The relevant provisions of the Charter determine the manner in which both Countries shall be able to share the responsibilities for Kingdom affairs within the above mentioned Organs. In determining the scope of the participation of Surinam and the Netherlands Antilles within the Organs of the Kingdom, the number of

inhabitants of the several Countries has been taken into account (the Netherlands 10,500,000 inhabitants, Surinam 200,000 inhabitants, and the Netherlands Antilles 180,000 inhabitants). The Organs on which Surinam and the Netherlands Antilles are to be represented, are the Council of Ministers, the Council of State, and the States-General (First and Second Chamber). On the request of the Governments of Surinam and the Netherlands Antilles provision may be made by Kingdom Statute to add also to the Supreme Court a member, an extraordinary member or an advisory member (Art. 23).

The highest Organ of the Kingdom is the King (Art. 2 (1)). Due to the King's inability to exercise his powers in Surinam and in the Netherlands Antilles in person, a Governor is appointed by Him to act as His representative in those Countries.

Whenever the Netherlands Council of Ministers is dealing with Kingdom affairs, the Council assumes eo ipso the stature of Council of Ministers for the Kingdom. In that event the Ministers Plenipotentiary, appointed by the Governments of Surinam and of the Netherlands Antilles, are present and participate with full voting powers in the deliberations of the Council (Art. 7 and 10 (1)). In addition the Governments of Surinam and the Netherlands Antilles may designate, whenever in their opinion the occasion gives rise thereto, a Minister to take part in the discussions of the Council with advisory vote.

In order to safeguard the interests of the Countries, represented by the Ministers Plenipotentiary, provisions have been made to prevent the enactment of measures which otherwise would be applicable also in Surinam and/or the Netherlands Antilles, if a Minister Plenipotentiary has stated that those measures would be detrimental to his Country. The sole exception to this rule relates to matters, in which such a course would be contrary to the overriding interests of the Kingdom as a whole (Art. 12 (1)).

A special procedure has been established to prevent overruling of the Ministers Plenipotentiary in the Council of Ministers. The Ministers Plenipotentiary have the right to demand a continuance of the relevant discussions, if they have serious objections against the preliminary opinion of the Council. The continued discussions are conducted between the Prime Minister, two Netherlands Ministers, a Minister Plenipotentiary and a Minister to be designated by the Country concerned. The ultimate result, arrived at in these discussions, is binding upon the Council of Ministers (Art. 12 (2 to 5)).

In the same manner the Netherlands Council of State assumes the functions of Council of State for the Kingdom, whenever the Council is dealing with Kingdom affairs. If the Governments of Surinam and the Netherlands Antilles so desire, a Councillor for each of the Countries shall be appointed to participate in the Council's deliberations on all matters, affecting the respective Countries. The Council of State is the highest advisory body to the King.

A short explanation may be given as to the procedure followed in the Netherlands with regard to the enactment of laws.

Generally a bill originates with one of the Ministers and is submitted to the King upon its approval by the Council of Ministers. The King then elicits the advice of the Council of State and sends the bill to the States-General. After the discussion and the adoption of the bill in both Chambers of the States-General, if necessary with the incorporation of amendments, the bill is presented to the King for enactment and promulgation.

With regard to draft Kingdom Statutes, the Charter provides for participation of Surinam and the Netherlands Antilles in the legislative procedure. The manner in which the two Countries participate in the deliberations of the Council of Ministers, or may participate in the discussions of the Council of State has been described above.

Simultaneously with the submission of a draft Kingdom Statute to the States-General, the King sends the draft to the Representative Bodies of Surinam and the Netherlands Antilles. The latter discuss the draft and submit a report with regard thereto (Art. 15 and 16). During the discussions on the draft in the States-General, the Minister Plenipotentiary of the Country concerned is enabled to attend the debates in both Chambers and to furnish the necessary information (Art. 17 (4)). In addition, the Representative Bodies of the Countries concerned may designate one or more special delegates to participate in the discussions (Art. 17 (2)).

Prior to the final vote on a draft Kingdom Statute, the Ministers Plenipotentiary have the right to express their opinion thereon. If they voice disapproval of the draft, and if, in the subsequent voting, a three-fifths majority of the votes cast is not attained, the discussions on the draft are suspended and further deliberations take place in the Council of Ministers in order to reach a solution (Art. 18).

Under the Netherlands Constitution the members of the Second Chamber of the States-General also have the right of initiative. Accordingly, the Ministers Plenipotentiary of Surinam and the Netherlands Antilles are empowered to propose to the Second Chamber that recommendations for draft Kingdom Statutes be made (Art. 15 (2)).

The procedure established under the Charter had to be extensive in order to safeguard the full share of Surinam and the Netherlands Antilles in the conduct of Kingdom affairs and to ensure that the two Countries should not be committed to laws and measures which in their opinion would be contrary to their respective interests. Perhaps it is even too extensive, in comparison to the limited number of cases in which it will have to be applied, for the greater part of the legislation applicable in the two Countries will be enacted by the respective representative organs under their own responsibility and authority.

The Charter also contains a few provisions which have a bearing on the theoretical possibility that the Countries might adopt measures, inconsistent with other regulations for the Kingdom as a whole or with interests, the promotion or protection of which is a Kingdom affair. This applies equally to measures, adopted in Surinam and the Netherlands Antilles as well as to those adopted in the Netherlands.

As to Surinam and the Netherlands Antilles, such measures may be subject to annulment or suspension by the King as Head of the Kingdom. A recommendation with regard thereto originates with the Council of Ministers, on which the two Countries are represented by their respective Ministers Plenipotentiary (Art. 49 and 50). With regard to the Netherlands, relevant provisions, if necessary, are made in the Constitution.

Provision has been made also to ensure that positive measures can be taken on behalf of the Kingdom, if one of the Countries does not or does not adequately perform those duties or provide for those matters, which normally fall within the scope of their administrative task (Art. 51).

The Governor of Surinam or of the Netherlands Antilles has a dual responsibility.

On the one hand he is the representative of the King as Head of the Kingdom, and of the Government of the Kingdom. In this respect his powers are determined by Kingdom Statute (Art. 2).

On the other hand the Governor is Head of the Government of the Country concerned which consists of the Governor, the Government Council and the Ministers. The Ministers are responsible to the Representative Bodies, the States, which have been elected by universal suffrage. As Head of the Government of one of the Countries, the Governor, in exercising his functions is bound by the decisions of a Parliamentary Cabinet and has to act in full agreement with its members, who in their turn are bound by their responsibility to the States. The latter function of the Governor is considered the more important one. Consequently, his powers and duties are not determined by Kingdom Statute, but by Country legislation which, in this instance is subject to the concurrence of the Government of the Kingdom (Art. 44).

The third Chapter of the Charter is devoted to mutual aid, consultation and co-operation between the three Countries. The partnership of the Netherlands, Surinam and the Netherlands Antilles within one Kingdom implies that the Countries accord each other aid and assistance in many respects, materially and spiritually. These are matters, which are not Kingdom affairs within the specific meaning of the Charter and as such not subject to legislation by Kingdom Organs. However, a reasonable degree of co-ordination is considered to be in the interest of the Kingdom as a whole. The Charter enumerates the relevant matters (Art. 37) and provides for the possibility of creating common organs. Arrangements with respect thereto may be agreed upon and, if necessary, embodied in Kingdom legislation or otherwise.

The Charter defines the status of the three Countries within the Kingdom as it is considered just and reasonable by the respective peoples. This does not mean that the constitutional order in its present form is final for times to come. There should remain ample opportunity to adapt the now existing constitutional order to the progressive development of the Countries. Amendment of the Charter should therefore be possible and not too difficult. Article 55 indicates the procedure to be followed. Amendment can only be effected, as a matter of principle, in accordance with the wishes of the inhabitants of the three Countries, and as to its form it must be enacted in Kingdom Statute. The relevant legislation cannot become effective, however, prior to voluntary acceptance by the three Countries. Thus, amendment cannot be imposed on any

one of the Countries, nor can one Country change the existing constitutional order unilaterally. Since amendment of the Charter might also entail amendment of the Netherlands Constitution, in which the procedure established for that purpose is rigid and might impede proposed amendments to the Charter, Article 55 (3) contains provisions which mitigate the rigidity of the relevant provisions of the Constitution.
