



QUEEN JULIANA
of the Netherlands

PARTNERSHIP IN A KINGDOM

The new legal order of the Kingdom of the Netherlands which made Surinam and the Netherlands West Indies an integral part of their Kingdom was signed by Queen Juliana on December 15, 1954. The accompanying article gives the background to this step and briefly summarises the main points of the charter establishing the new Commonwealth.

"I AM convinced, and history as well as reports from the occupied territories confirm me in this, that after the war it will be possible to reconstruct the Kingdom on the solid foundation of complete partnership, which will mean the consummation of all that has been developed in the past.

I visualize, without anticipating the recommendations of the future conference, that they will be directed towards a commonwealth in which the Netherlands, Indonesia, Surinam and Curacao will participate, with complete autonomy and freedom of conduct for each part regarding its internal affairs, but with the readiness to render mutual assistance."

These words were spoken by Queen Wilhelmina of the Netherlands on December 7, 1942, in the 44th year of her reign, when the powers of terror and aggression had climbed to their zenith and kept large parts of the Netherlands Empire under their heels. They initiated a development, the completion of which Queen Juliana sealed on December 15 at the Hague in a solemn confirmation of the new legal order of the Kingdom of the Netherlands. This, however, does not mean that these Royal words marked the beginning of the development of the Netherlands overseas territories from possessions under Dutch tutelage to autonomous parts of the Kingdom. That had already begun many years before. A brief description of that development is given in this article.

Summary of History

In Surinam the Charter issued for the colony by the States General of Holland in 1683, by which the territory was ruled until 1816, breathed for that time a liberal spirit which granted to the prominent inhabitants a certain amount of participation in the rule of the colony. After the British interregnum (1804-1816) and a period of repeated constitutional modifications in

the first part of the 19th century, the Government regulations of 1869 introduced in Surinam popular representation to a limited extent. Some representatives were elected by a limited number of electors, others nominated by the Governor. Both Surinam and Curacao had the right to maintain a budget though with certain restrictions of which the most important was that the budget had to be approved by the Netherlands Government if it showed a deficit.

BY J. A. J. VAN GORKOM, LL.M.,

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of Surinam.

After World War I (in 1922) the paragraphs of the Netherlands Constitution concerning the position of the overseas territories underwent some important modifications. The word "kolonie" (colony), which has in the Dutch language the sound of subordination, disappeared and the general principle that the administration of the internal affairs of the overseas territories was to be left to the territorial Governors, in cooperation with the people's representatives, was introduced. As a result, a new law concerning the organisation of the state (wet op de staatsinrichting) for each of the West Indian territories was enacted in 1936. By this law the right of interference by the Dutch Government in the internal affairs of the territories became strictly limited. However, budgetary restrictions were maintained, but since Curacao from 1929 and Surinam from 1940 had a surplus, this infringement of their autonomy lacked practical importance.

World War II separated Surinam and the Netherlands Antilles from the motherland and threw them on their own resources. This naturally stimulated the sense of self-sufficiency of the peoples and when the war ended several petitions from Surinam and the Netherlands Antilles were directed to the Government

members in Surinam and of 22 members in the Netherlands Antilles.

Still, the keystone of the new legal order had to be laid. The conflict with Indonesia was finally concluded with the transfer of sovereignty to Indonesia. In the spring of 1952 delegates of the Netherlands, Surinam and the Netherlands Antilles met again at the Round Table but could not reach complete agreement owing to some differences of opinion which at that time could not be resolved. However, in June 1954, the parties renewed their efforts and, thanks to careful preparation, rapidly agreed upon a draft Charter of the Kingdom of the Netherlands. In the following months this draft was accepted by a very great majority in the two houses of the Dutch parliament and unanimously by the representative bodies of Surinam and the Netherlands Antilles.

The main points of the Charter are summarised below.

The Fundamental Principles

According to the promises of Queen Wilhelmina, chapter XIV of the Netherlands Constitution, added in 1948, prescribed that a new legal order should be established in which the countries should autonomously manage their own affairs and should be united on a footing of equality for the protection of their common interests and the providing of mutual assistance. Moreover, it was stipulated that the new legal order should be voluntarily accepted by the peoples of the countries which were to take part in it. These two elements, the voluntary acceptance and the principles of the regulation—autonomy, unity and equality—are indeed the fundamentals of the new legal order. They are expressed in the preamble to the Charter. The voluntariness of acceptance is provided for in the regulation concerning the inauguration of the Charter (article 61) and in connection with the provisions regarding alterations (article 55) which require agreement between the countries.

The Queen and the Governors

The Queen of the Netherlands (for obvious legal reasons the Charter speaks of the King) is the head of the Government of the Kingdom and of the participating countries. Constitutionally she can do no wrong. In the fulfilment of her task she always acts with the countersignature of one or more of her Ministers who are responsible to the parliaments of their respective countries. In Surinam and the Netherlands Antilles naturally the Queen cannot reign personally; she is represented by a Governor nominated by her as Head of the Kingdom. This means that the Governors, as heads of the local Governments constitutionally can do no wrong, and that Surinam and the Netherlands Antilles have a voice in the nomination of their Governors. Besides being the representative of the Queen and head of the local Govern-

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of the motherland asking for the fulfilment of the promises of full autonomy made by Queen Wilhelmina.

The Netherlands Government was willing to meet these demands and to call a Round Table Conference of delegates from all parts of the Kingdom. The conflict with Indonesia prevented the realisation of this plan and therefore, in 1948, a conference was held in the Hague which brought together representatives of the Netherlands and of the two West Indian territories. It stipulated the broad outlines of a reconstituted Kingdom of the Netherlands. Before that conference took place, a partial revision of the constitutional laws of Surinam and the Netherlands Antilles had already been enacted, creating a semi-parliamentary responsibility of a board of administrators to a representative body elected by general suffrage. All restrictions on the right of budget were removed.

These four Caribbean countries, Surinam, Curacao, Aruba and Bonaire, together with part of the island of St. Martin, Saba and St. Eustatius are now partners with Holland in the Kingdom of the Netherlands.

Further reforms could not be made because of the Netherlands Constitution. However, amendments of this Constitution passed in 1948 made possible reforms in keeping with an entirely modern conception of peoples within a commonwealth. Pending the final settlement of the relations with Indonesia, the Netherlands and West Indian Governments agreed that, in anticipation of the new legal order of the Kingdom, Surinam and the Netherlands Antilles should be endowed with full autonomy and the right to be consulted in all matters of common interest. This provisional arrangement was enacted in 1949 and entered into force in Surinam at the beginning of 1950 and in the Netherlands Antilles in 1951. It provided for the assignment of complete responsibility for internal affairs to the local governments which shared their power with an elected parliament (Staten) of 21



ment, the Governor is the representative of the Government of the Kingdom. In this capacity he must look after the interests of the Kingdom in his country.

Management of Affairs

A number of matters which will be considered as affairs of the Kingdom are enumerated in article 3 of the Charter. Some of the most important are national defence, external affairs, the nationality of citizens and seagoing vessels and the supervision of the general rules regarding admission and expulsion of Netherlanders and aliens. In cooperation between the three countries these affairs are firstly managed by the Council of Ministers of the Kingdom which is composed of the Ministers appointed by the Queen (the Dutch cabinet) and of the Ministers Plenipotentiary appointed by the Government of Surinam and the Netherlands Antilles respectively. These Ministers Plenipotentiary take part in consultations concerning all affairs of the Kingdom which affect their countries. The West Indian Governments may decide for themselves whether an affair of the Kingdom is pertinent to their country and consequently have the authority to voice an opinion in any particular matter. The Charter stipulates that certain affairs will, under all circumstances, be considered of importance to Surinam and the Netherlands Antilles, for example, the defence of these countries and foreign relations when the interests of one or both of the West Indian countries are affected.

Under the above mentioned regulations the right of Surinam and the Netherlands Antilles to have a voice in all Kingdom affairs affecting their countries is guaranteed. But, what is their real influence in these matters? The Council of Ministers of the Kingdom usually consists of 12 or more Netherlands Ministers. Would not the Ministers Plenipotentiary of the West Indian countries always run the risk of being overruled? It is no secret that this vital point has for a long time been crucial in discussions about the Charter. Finally this matter was solved in the following way (article 12, of the Charter). If the Minister Plenipotentiary of one of the West Indian countries, in anticipation of serious harm to his country, maintains that it should not be bound by a proposed provision, this provision will not bind his country unless it is inherent in the terms of partnership that such a provision should be binding.

If the Council decides that such is the case and one of the Ministers Plenipotentiary declares that he has serious objections to this decision, the consultation on the matter must be continued in a

small committee consisting of the Prime Minister of the Kingdom, two (Dutch) Ministers and the Minister Plenipotentiary of the country concerned, together with a specially authorised Minister appointed by his Government. The Council of Ministers decides in accordance with the result of the consultation in this committee.

It may be clear that this procedure, usually called the procedure of "Internal appeal", strongly safeguards Surinam and the Netherlands Antilles against undue domination by the Netherlands. Comparable provisions have been made for handling Kingdom statutes by the Netherlands parliament which similarly is the legislative organ of the Kingdom. Firstly every draft statute that is intended to be operative in both or one of the West Indian countries must at the time of presentation to the Netherlands Second Chamber, also be presented to the representative bodies of these countries, which can make their remarks thereon.

Secondly the Ministers Plenipotentiary of the West Indian countries or—if the representative body of the country concerned so desires—one or more special delegates from the West Indian countries may give their views on the draft during the verbal discussions in the Netherlands parliament.

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offices and library of the Department's Central Experiment Station where they were introduced to members of the staff.

La Pastora.

The Chief Rehabilitation Officer, Mr. E. R. Moll, and his staff demonstrated the layout, planting and maintenance of cacao nurseries from which the cuttings are taken; the selection of cuttings and their transport in water to the propagating sheds; the preparation of stem and single-leaf cuttings for setting; the setting of the cuttings in the rooting media; the potting of rooted cuttings and the methods by which they are hardened-off, or acclimatised to natural atmospheric conditions, in bins and glass houses; and the fertilising, weeding and repotting of plants while in storage pending distribution to planters. The visitors were also shown the closed bin, open bin and continuous humidifier type of propagator; different types of equipment used for watering plants; various rooting media; and the composition and preparation of potting soil. La Pastora has been in operation since 1942 and has reached its maximum production of 400,000 plants per annum. The party also inspected the demonstration plot containing nature specimens of ICS and P (Peruvian) clones.

The visitors attending the first tour were: Mr. Salva, Mr. & Mrs. Hayot and Messrs. Bordaz and Desgrottes from Martinique; Messrs. Hazael-Massieux and Lative from Guadeloupe; and Messrs. Thomassin, Dolin and Clouet from French Guiana. Those attending the second tour were: Messrs. Wright and Lynch, Jamaica; Francis and Burton, Dominica; Atkinson and Duboulay, St. Lucia; Cave and Van Loo, St. Vincent; Branch and Nedd, Grenada; and Williams and Kitching, British Guiana.

The Caribbean Commission and the participants in the tours gratefully acknowledge the assistance and hospitality afforded by the Imperial College of Tropical Agriculture, the Cocoa Board, the Department of Agriculture and the planters.

FEBRUARY, 1955

MUNOZ MARIN TO OPEN SHOW IN JAMAICA



Governor **LUIS MUNOZ MARIN**
of Puerto Rico

HIS Excellency the Governor of Puerto Rico, Hon. Luis Muñoz Marín, will attend and open the Denbigh Agricultural Show which will be held in Jamaica on June 8 and 9 this year.

The show will mark the Diamond Jubilee of the Jamaica Agricultural Society and is one of the highlights in the year-long celebrations which marks the 300th anniversary of Jamaica's Association with the British Commonwealth.

In his letter of invitation to Mr. Muñoz Marín, Sir Hugh Foot, Governor of Jamaica, said that the Jamaica Agricultural Society had in mind "not only the outstanding position which you occupy in the Caribbean, but also the special interest which you have always taken in the development of agriculture."

Mr. Muñoz Marín has accepted the invitation to open the Show and has pledged the utmost cooperation of the Department of Agriculture of the Commonwealth of Puerto Rico.

A report from the Jamaican Press early in February disclosed that Puerto Rico will be an exhibiting country at the show and space has already been booked on behalf of the Department of Agriculture of the Commonwealth.

According to a letter to Hon. Rudolph Burke, president of the Jamaica Agricultural Society from

Education Through UNESCO.

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The enumeration given in the preceding lines does not claim to be exhaustive. In order to avoid repetition many publications of UNESCO devoted to the subject of education have not been included. The chief aim of this article is to make the people of the area aware of some of the resources of the Caribbean Commission Library.

Partnership in a Kingdom

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They can even propose amendments. Before the final vote on the proposed statute the Minister Plenipotentiary or—if present—the special delegates from the West Indian parliaments will be enabled to give their ultimate opinion on the proposed provision. If they reject it, the assembly cannot accept the statute with a majority less than three-fifths of the polled votes.

As the reader will have observed, these provisions too effectively safeguard Surinam and the Netherlands Antilles against easy overruling by their bigger partner. This possibility of overruling, however, does not exist in the field of international financial and economic agreements. As already stipulated in the Interim Order of 1949, the West Indian countries cannot be bound to such agreements against their will.

Mutual Assistance and Cooperation

The Netherlands, Surinam and the Netherlands Antilles extend to each other aid and assistance (article 36 of the Charter). In the next article a number of affairs are enumerated which will be considered to be of common interest to the three countries or to two of them. Included is the furtherance of efficient cultural, social, economic, financial and monetary relations between the

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Hon. Ramon Colon Torres, Secretary of the Department of Agriculture and Commerce of Puerto Rico, the display will be based on the agricultural programmes of the various agricultural agencies of Puerto Rico.

Mr. Munoz Marín and his wife will be the guest of His Excellency and Lady Foot for a few days during their stay in Jamaica.

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countries; matters of banking and foreign exchange policy, shipping, air and telecommunication, etc. Special representatives may be appointed to look after these affairs and joint committees may be set up for that purpose.

The Autonomy of the Countries

The autonomy of Surinam and the Netherlands Antilles was already firmly anchored in the Interim Order. This Interim Order was, however, a Dutch law which, theoretically, could be altered unilaterally by the Netherlands legislative organ (King and parliament in cooperation). Now the provisions concerning autonomy are incorporated in the Charter and can be amended only with the approval of the representative bodies of the three countries. Amongst other things this means that the Netherlands cannot unilaterally add something to the number of "affairs of the Kingdom" which are exempted from the autonomous sphere. Under the Interim Order the organisations of state of each of the West Indian countries were established by Dutch law and therefore subject to unilateral alteration. Under the Charter these local constitutions acquire the status of local law and can, therefore, be amended locally except for the paragraphs concerning the fundamental rights and freedoms, the powers of the Governor, the powers of parliaments and the paragraphs concerning the system of legal justice. Draft amendments on these subjects must be submitted to the Government of the Kingdom and cannot be operative without its consent. Amendments of the Netherlands Constitution on these points (except of course that concerning the Governor) will be considered affecting the West Indian countries. Consequently the Ministers Plenipotentiary in the Council of Ministers have a voice in these amendments and, if they think it desirable, can use the process of internal appeal.

This is only a summary of a long document of 61 articles, superficial like all summaries but, I hope, sufficiently elaborate to give an impression of the equilibrium and practical idealism which have inspired the makers of this Charter. May this idealism be rewarded by a long and prosperous life of the newly born Kingdom of the Netherlands.

Two Years of Technical Assistance in the Caribbean

TECHNICAL assistance in the Caribbean was first considered by the Caribbean Commission at its Eighth Meeting in Port-of-Spain in June 1949. The Commission recorded "its complete agreement with President Truman's call for a procedure of technical co-operation and encouragement of private capital investment in the under-developed areas of the world." It requested its national sections to consult with their governments as to the part the Caribbean Commission should play in the programme projected as a result of President Truman's call and instructed the Secretary General to prepare a report on technical co-operation assistance in the area on matters coming within the scope of the Commission's activities.

Subsequently, on July 20, 1950, a joint statement was issued by the Governments of the French Republic, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America, containing the views of the four member governments on the role the Caribbean Commission should play in the technical assistance programme to be carried out in the Caribbean area.

At its Twelfth meeting in Barbados in May 1951, the Commission expressed its readiness to act as a clearing house for information on programmes of technical assistance and as a coordinating adviser for such programmes in the Caribbean. Since that time the Commission, which was already rendering technical assistance to the countries which it serves in the area by making available to them the services of its technical staff, has been instrumental in bringing to the area, in cooperation with various international and metropolitan organisations and agencies, the services of highly qualified experts and in making arrangements with these agencies for scholarships and fellowships for the training of selected students. In addition, the Commission disseminates, information on available assistance on the activities of these agencies and on the procedure for

obtaining technical assistance. Articles setting out the scope of the Technical Assistance by these various international organisations and agencies, and outlining the procedure to be adopted in requesting their aid, were published in the March, April, May and June 1953 issues of the Monthly Information Bulletin of the Commission.

Technical assistance has become a standing item on the agendas of the Commission and the West Indian Conference.

The West Indian Conference, at its Fifth Session held in Montego Bay, Jamaica, in 1952, recommended, that the General Secretariat prepare and distribute annually a report on all forms of technical assistance made available by the United Nations and its specialised agencies to the countries served by the Commission.

It is in keeping with this policy that the present issue of "The Caribbean" carries an appendix containing information on all technical assistance extended to the area from January 1953 to December 1954.

The statement deals only with technical assistance received by countries in the area as a result of direct agreements between agencies rendering assistance and recipient governments. Perusal of it will show that the fields in which the services of experts are made available, and scholarships and fellowships are granted, cover a wide range including Agriculture, Education, Fisheries, Home Economics, Housing, Public Administration, Public Health, Social Welfare, etc. Information on technical assistance rendered regionally by the Caribbean Commission through its technical staff and/or with the help of outside organisations and agencies is not included in this statement, but will be found in the report of the Secretary General to member governments of the Commission which will be issued shortly and is also to be presented to the West Indian Conference (Sixth Session) in Puerto Rico in May 1955.