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Chairman: Mr. Francisco URRUTIA (Colombia).

AGENDA ITEM 61

The question of the West Irian (West New Guinea) (A/2694, A/C.1/L.109)

The CHAIRMAN stated that on the item now before the Committee it was his intention to interpret the rules of procedure precisely. When the text of proposals was being discussed, there should be no repetition of the general debate. Similarly, when explanations of vote were given, general declarations, which were more fitting for the general debate, would not be in order. In view of the delays in the work of the Committee, he hoped that it would not be necessary to suspend the debate. He asked all prospective speakers to place their names on the list which he hoped could be followed without any interruption.

Mr. SUDJARWO (Indonesia) expressed the hope that in the discussions of the question of West Irian the Committee might find a peaceful solution of a dispute which had continued for almost five years, or at least could explore the ways in which such a peaceful solution might be attained. The explanatory memorandum of 17 August 1954 (A/2694) depicted the nature of the dispute and gave the reasons why the Indonesian Government had found it necessary to submit the question to the General Assembly. The decision to do so had been made only after efforts to reach a satisfactory solution by negotiations outside the United Nations had failed.

It was unfortunate that West Irian, which for centuries had been an integral part of his country, should be disputed by the Netherlands. The Netherlands efforts to separate West Irian from independent Indonesia and keep it in colonial bondage constituted a regrettable and dangerous policy. "Indonesia" was the national name substituted for the unpopular colonial term "Netherlands East Indies", and had been recognized legally and constitutionally by the Netherlands. In the constitution of the Kingdom of the Netherlands, as amended in 1948, the term "the Netherlands Indies" had been replaced by the term "Indonesia". From that time on "Indonesia" had become the official name used by the Netherlands for what had formerly been the Netherlands Indies, including, of course, West Irian, which had then been a sub-residency of the Moluccas Residency. It had therefore been natural for a Netherlands report to the United Nations in 1949 to state

that Indonesia consisted of a series of island groups including specifically "New Guinea west of 141°E. longitude".¹

4. There was a contention that the West Irianese, or Papuans, were not Indonesians and had no racial or ethnological links with Indonesians. "Indonesia", however, was not a racial term, but a national and political one. Indonesia was inhabited by many kinds of ethnic groups with their own dialects and with more or less different customs. Mr. Sudjarwo recalled, in that connexion, that Mr. van Royen, the representative of the Netherlands, had referred on 22 December 1948, before the Security Council,² to about seventeen main ethnic and linguistic groups which had been given a sense of Indonesian nationality by common existence under the Netherlands Crown. It did not matter whether the West Irianese belonged to the same ethnic groups or spoke the same language as other Indonesians. In fact, the Irianese used the Indonesian language as their *lingua franca*. It was by no means necessary, in order to possess a particular nationality, to belong to the same race and speak the same language as all the other nationals of the country, as was evident from the examples of Switzerland, India, the United Kingdom, the Soviet Union, or even the Netherlands itself. The Province of Friesland, for instance, took pride in being distinct from other parts of the Netherlands, with its own language and literature.

5. Thus there were two basic, unequivocal facts. Indonesia was the national political name of the former Netherlands East Indies, including West Irian; and the West Irianese were Indonesians.

6. The question whether West Irian had cultural links with other Indonesians was irrelevant, since culturally the peoples of the whole of South-East Asia and the Pacific were close to one another. Mr. Sudjarwo would therefore refrain from asking what cultural link existed between the Netherlands and West Irian.

7. The essence of the issue was the freedom which the United Nations sought to promote and the colonialism which the United Nations sought to end. Nevertheless, the Indonesian delegation did not wish to discuss the story of Netherlands colonialism in Indonesia, which after three centuries had tragically ended only in a war of revolution. Nor did it intend to debate the question why, after all those years, only 7 per cent of the population was literate.

8. West Irian had been the most neglected part of Indonesia under the Netherlands régime. It was almost entirely undeveloped economically and socially. Although the territory represented about 413,000 square

¹ *Non-Self-Governing Territories: Summaries and analyses of information transmitted to the Secretary-General during 1949, Vol. II*, p. 158. United Nations Publications, Sales No.: 1950.VI.B.1.

² See *Official Records of the Security Council, Third Year*, No. 132, 388th meeting.

kilometres and constituted about 22 per cent of Indonesia, it was covered with malarial jungles and mountains and had not been considered attractive by the Netherlands Government. However, it had been thought good enough as a location for a concentration camp for Indonesian political leaders.

9. The territory had not, however, been neglected by the Indonesian Government. West Irian was part of the country and an integral part of the effort for independence, and the West Irianese had fought for freedom from colonial rule.

10. For many decades Indonesia had fought for its independence and for a change from its colonial status to that of a free national State. The boundaries of that State could only be the boundaries of the former Netherlands East Indies with whose freedom the national movement had been concerned. From the north-west of Sumatra to the south-east of New Guinea, the people had been actively engaged in the movement to establish the sovereign State of Indonesia. In the fight for freedom there had been no distinction between West Irianese, Javanese, Sumatrans or others. Indonesians from other islands lived in West Irian and the inhabitants of neighbouring islands belonged to the same racial stock. West Irian had had close trade and other relations with other parts of the country, and historically had belonged to the Sultanate of Tidore. Only since the existence of the dispute with the Netherlands had those natural relations been cut off.

11. When the people of Indonesia had proclaimed their independence on 17 August 1945, they had set up an independent republic comprising the former Netherlands East Indies territories.

12. The people of West Irian had participated actively in the struggle against the possible return of the Netherlands administration. They had set up a new political party, called the Irian Party for the Independence of Indonesia, in 1946. Their leader, now a member of the Indonesian Parliament, had led resistance groups in West Irian against the Japanese, and had been decorated for his war-time activities, which had included service with the United States and Australian forces. His ideal, and that of his party, had been not merely to help the Allies rid the country of the Japanese occupation forces, but also to free it from any foreign domination.

13. The Netherlands colonial administration had failed to appreciate that movement, and its repressions had driven the party underground. Even so, the party had had 2,000 members by March 1948, and was the largest political group in West Irian. Considering the difficulties of political organization in such an underdeveloped territory, and the Netherlands repressions, the growth of the party was indicative of the desire of the politically literate people of West Irian to end colonialism. The movement had spread rapidly throughout the whole territory, although it was severely hampered by the Netherlands troops, who curtailed freedom of movement and freedom of speech.

14. The Netherlands parliamentary report of 1954 had admitted the unsatisfactory conditions and unrest prevailing in West Irian. There could be no peace there so long as colonialism continued in an area which belonged to an independent Indonesia. To sustain such an anachronism would be to preserve a threat to the peace and the democratic development of that area.

15. Thanks to the intervention of the Security Council, the colonial war had been stopped in Indonesia

and the parties had entered into negotiations which had led to political agreements (S/1417/Add.1) at the Round Table Conference at The Hague late in 1949.

16. From the outset, it had been the policy of the Indonesian Government to settle the conflicts with the Netherlands by peaceful negotiations. The Government of the Indonesian Republic had declared that policy in a political manifesto on 1 November 1946 in which it had stated that if force was ever used, it would be the Dutch who would take the initiative, and that what the Indonesians desired was simply a recognition of their independence and the opportunity to perfect the form of government they had chosen.

17. It had been clear from the beginning that peace could only be restored if the Netherlands Government was willing to give up its colonial ties. Co-operation could then be established in a new relationship between two sovereign States, the Netherlands and Indonesia. Whatever form the new sovereign State might take it was to replace the former Netherlands East Indies and colonialism was to be abolished throughout the territory. There was no doubt about the boundaries of the new State.

18. In article 3 of the Linggadjati Agreement, initialled on 30 November 1946 and signed on 25 March 1947, it had been stated that the United States of Indonesia should comprise the entire territory of the Netherlands Indies. Although that agreement had not been implemented, the basic principle that the territory of the Netherlands East Indies should be the territory of the United States of Indonesia had not been abandoned. The Netherlands Lieutenant Governor General, Mr. van Mook, at the conference at Den Pasar in Bali in December 1946, had stated that it was decidedly not the intention of the Netherlands Government to exclude New Guinea from Indonesia.

19. In the *Renville* Agreement of 17 January 1948 the first of the six additional principles had stated clearly that the sovereignty to be transferred was the sovereignty throughout the Netherlands East Indies. The *Renville* Agreement, in its turn, had not been executed, but the principle that the Netherlands East Indies would be replaced entirely by a new Indonesian State had no longer been in dispute. Accordingly Mr. van Royen had told the Security Council on 22 December 1948 that all parties agreed that what was to be the Netherlands East Indies should become an independent State.

20. The preliminary agreement of 7 May 1949 concerning a round table conference had stated that discussions would take place in connexion with the transfer of sovereignty in accordance with the *Renville* principles. When the Netherlands had proposed a round table conference, its representative had informed the United Nations, in a letter dated 2 March 1949 (S/1274), that it had reached the conclusion that the best solution was to be found in an accelerated transfer of its sovereignty to an Indonesian federal government which would be fully representative of the whole of Indonesia. That decision to transfer complete sovereignty unconditionally had promised to solve the colonial conflict fundamentally. At the opening of the conference, the Netherlands Prime Minister had spoken of the irrevocable resolution of the Netherlands transfer sovereignty so that a new tie between the Netherlands and Indonesia would be established at

the door would be open towards co-operation of both peoples on the basis of freedom and friendship.

21. In the new relationship there could be no doubt as to where the West Irianese would be. They were Indonesians, not Netherlanders. No one familiar with the basic idea of the Round Table Conference could imagine the exclusion of the Indonesians of West Irian. The co-operation of the Indonesian delegation had therefore been offered by its Chairman, who had concluded his opening statement at the conference with the thought that both sides should concentrate their attention on the future of the two nations.

22. The achievement of the declared purpose of the transfer of sovereignty had been laid down in an agreed charter stating that the Kingdom of the Netherlands unconditionally and irrevocably transferred complete sovereignty over Indonesia to the Republic, and recognized the Republic as an independent State. It had been agreed that the transfer of sovereignty should take place at the latest on 30 December 1949. The Indonesian delegation had then remembered with gratitude the declaration of Mr. van Royen before the United Nations. And it had been satisfied by the statement of the head of the Netherlands delegation that the ideal of the freedom of the Indonesian peoples was to be irrevocably realized. No one could have imagined the exclusion of one group of peoples from the term "Indonesian peoples". There could be no room for doubt about the idea that sovereignty over Indonesia meant the whole of Indonesia. Neither the wording nor the spirit of the agreement could admit of any other interpretation.

23. However, it seemed that the Netherlands, contrary to all previous agreements, had had some idea of retaining its colonial rule in West Irian. Any such idea could only be regarded as contrary to all previous understandings, and had been emphatically rejected by the Indonesian delegation, for the language of article 1 of the Charter of transfer of sovereignty had been clear enough.

24. On that question the United Nations Commission for Indonesia had come up with a temporary compromise to save the conference. The Indonesian delegation had not been able to compromise on the substance of the question; but, to contribute to the success of the conference, it had accepted a temporary solution which had become article 2 of the Charter of transfer.

25. That article had provided that in view of various considerations which it enumerated, the *status quo* of the residency of New Guinea should be maintained, with the stipulation that, within a year from the date of transfer of sovereignty, the question of the political status of New Guinea should be determined through negotiations. Certain points should be noted in connexion with that article; the Indonesian territorial administrative name of West Irian, namely, the residency of New Guinea, had been maintained; the question had been declared to be a dispute; it had been laid down that the parties would have to solve the question at a later date through negotiations; and the stipulation of the one-year period had been agreed upon at the request of the Indonesian delegation only to accelerate a solution of the remaining disagreement.

26. In order to avoid misunderstandings, the parties had exchanged letters on 2 November 1949 in which it was agreed, according to the English text, that the phrase "the *status quo* of the residency of New Gui-

nea shall be maintained" meant "through continuing under the Government of the Netherlands". That official English text unfortunately was not a complete translation of either the Dutch or Indonesian texts. However, in none of the three official texts was the word "sovereignty" used. It was clear that the intention had been that the Netherlands should retain over West Irian something which had purposely not been termed "sovereignty". Although the Netherlands had been allowed to retain temporary administration and control, no claim to sovereignty was supported by the Charter of transfer. Netherlands administration in West Irian could be continued temporarily for the sake of expediency, but a claim to continuing sovereignty over any part of Indonesia would be a violation of the principle of the transfer of sovereignty.

27. While the round table agreements of 2 November 1949 had been correctly regarded as a successful end of the four-year conflict, the happy occasion had been obscured by the dispute over West Irian. The head of the Indonesian delegation, therefore, had said in his closing speech at the conference that while he welcomed its success, the happiness of his delegation was rather repressed because not all questions had been solved. The fact that the question of West Irian had remained in dispute had been of the gravest concern to the Indonesian Government, which had received severe criticism, and it had been with the greatest difficulty that the agreements were ratified by the Indonesian Parliament.

28. After the transfer of sovereignty on 27 December 1949, the Indonesian Government had been determined to remove the dispute as soon as possible by negotiations. On the initiative of Indonesia, the first ministers' conference between Indonesia and the Netherlands, held in Jakarta in April 1950, had done some preliminary work towards negotiating the dispute. An Irian commission composed of Netherlands and Indonesian representatives had been set up to investigate and report. It had been decided that future negotiations at a second conference during 1950 would be continued on the basis of the report of the commission.

29. The second conference had been held in December 1950 at The Hague. In the course of those negotiations, the stipulated one-year period had come to an end. The Indonesian delegation had submitted a note to the conference proposing that the *de jure* sovereignty of the Republic of Indonesia over West Irian should be recognized by the Netherlands without delay and that the transfer of the Netherlands administration should be implemented by the middle of 1951. In addition, the Indonesian delegation had recognized the interest of the Netherlands in West Irian, and had undertaken to employ Netherlands officials in the administration. The counter-proposals submitted by the Netherlands delegation to transfer sovereignty over West Irian to the Netherlands-Indonesian Union and to retain the administration in Netherlands hands, with Indonesian members participating on a parity basis in a West Irian Council, had been unacceptable to the Indonesian Government, since that would have meant in practice Indonesian participation in a colonial rule.

30. The lapse of the one-year period without a settlement had created a grave situation. The Indonesian Government had not acquiesced in the prolongation of the Netherlands colonial administration. However, the lapse of the period had not released the parties from

the obligation to seek a solution by peaceful means. Between December 1951 and February 1952, another conference had been held at The Hague, which had again failed to bring about a solution. Again the Indonesian Government had offered concessions, proposing a joint Indonesian-Netherlands responsibility over West Irian as a first step, and putting aside the question of sovereignty for the time being. The Netherlands, however, had opposed the suggestion, and taken the view that there was no dispute regarding the political status of the territory.

31. The Netherlands Government should understand, however, that the exercise of administration and control by one of the parties during the period of the dispute did not give that party *de jure* sovereignty or derogate from the rights of the other parties.

32. One cause of the reluctance of the Netherlands to negotiate the final political status of West Irian might be the fact that on 19 February 1952 the Netherlands Government had incorporated the territory of West Irian into its Constitution as a part of the Netherlands Kingdom. Contrary to the round table agreements, it had thus decided arbitrarily and unilaterally the final political status of West Irian. Nor had it consulted the Irianese people before making that move. The Netherlands Government even took pride in providing information on that territory as a Non-Self-Governing Territory under Article 73 e of the United Nations Charter. It had been agreed at the Round Table Conference not only that the question of West Irian remained in dispute, but also that no change in its status should be brought about without the consent of the two parties. Thus the round table agreements, which had proclaimed the end of Netherlands colonial rule in Indonesia, had been broken by the reimposition of the colonial system on part of that territory. That arbitrary annexation was a grave challenge to the letter and spirit of the round table agreements. The dispute was therefore not a legal matter of sovereignty, but a moral political issue of a high order.

33. The Indonesian delegation did not ask a verdict from the First Committee on the dispute itself, for it still had the intention of seeking a solution by negotiation with the Netherlands Government. It was only because of the recent refusal of the Netherlands Government to resume negotiations that Indonesia had thought it best to bring the matter before the United Nations so that it might find the best way of assisting the parties in seeking a peaceful solution.

34. From the beginning, the Netherlands had not seemed eager to find a speedy solution. After its arbitrary action in 1952, it could not feel too happy about further negotiations, since it thought that it had settled the matter. That attitude was unacceptable to the Indonesian Government; but whenever it had sought further negotiations, the Netherlands Government had avoided talking at all, even on matters of common interest, such as defence.

35. When the Indonesian Government had sought information regarding projected negotiations on West Irian between the Netherlands and Australian Governments on 24 July 1953, the Netherlands Government had altogether refused co-operation. After the negotiations with Australia, the Netherlands Government had forgotten the request. It seemed to forget that no defence for West Irian was possible without

the co-operation of the Indonesian people, as had been shown by the swift collapse of Netherlands defence before the Japanese invasion.

36. As for negotiating over the political status of West Irian, the Netherlands Government had stated on 29 October 1952 that it saw no useful purpose in resuming negotiations with Indonesia on that question. However, the Netherlands Government, having assumed arbitrarily sovereignty over West Irian, had said that it was prepared to co-operate to do away with possible misunderstandings about its intentions regarding that territory. The issue, however, was not the Netherlands intentions but the political status of West Irian.

37. Pursuant to its policy of seeking solutions by negotiation, the Indonesian Government in its Note of 22 March 1954 had invited the Netherlands Government to discuss not only the question of dissolving the Netherlands-Indonesian Union, but also the question of West Irian. In its answer of 14 April, the Netherlands Government had refused to negotiate the latter question, but only to co-operate in eliminating misunderstandings with regard to Netherlands intentions. Even when the Indonesian delegation at the conference at The Hague in the summer of 1954 had suggested that the question of West Irian be placed on the agenda, the Netherlands Government had refused, and so far had not even answered the Indonesian protest against that act. Accordingly, the Indonesian Government had had to seek other ways to solve the dispute peacefully.

38. The national movement for Irianese freedom was inextinguishable, although that had not been reported under Article 73 e of the Charter. Three independence organizations which had fought successfully against the Japanese had been less successful against the Netherlands, but nevertheless continued to be active in West Irian. A succession of insurrections had taken place, beginning in 1945 and continuing until March 1948. Driving the independence parties underground, imprisonment and censure could not erase the fact that the people in West Irian wanted freedom from Netherlands colonial domination.

39. The Netherlands had been in West Irian for over a century. Prior to the Second World War there had been practically no achievements, and the Netherlands itself had conceded that the territory was still in the most primitive condition. A report drawn up by the Netherlands Government inter-departmental commission at the end of 1953 gave an impression of impotence and a lack of confidence and enthusiasm. Emphasis was placed upon the difficulties involved in the development of West Irian, and the conclusion drawn was that the primitive conditions were such that development would require generations. The data in the report on the political, economic, educational and cultural conditions were far from encouraging. It was stated that the primitiveness of the indigenous population excluded it from administrative responsibility. Another difficulty noted was that a large part of the country had not yet been brought under Netherlands administration and that an expansion of administrative was necessary. Mr. Sudjarwo recalled, in that connexion, that, according to a Netherlands parliamentary report on the subject, only about half of the 700,000 Papuans had been brought under the administration and that of the rest very little was known.

40. That parliamentary report was witness to the unsatisfactory conditions and the unrest among the people—Dutch, Eurasians and Natives alike. The report noted the bad housing and health conditions and the unsatisfactory relations between the people and the government. Indeed, the present colonial government in West Irian was considered even worse than the former government in the other parts of the Netherlands East Indies. The report took note that the distrust and bitterness of the populace towards the government was a detrimental factor for the development of the country. It should be clear that the Netherlands Government was incapable of governing the territory in a democratic way, in the interests of the indigenous population.

41. The Netherlands Government had never estimated highly the capacity of the Indonesians to govern themselves. During the revolution, when the republican government's power to govern had seemed non-existent because of the Netherlands military occupation, and when only the voice of the central republican radio had been heard, the Netherlands representative had asserted in the United Nations, in August 1947,³ that the republican government had a microphone but no authority, and a voice but no allegiance. History had shown that that radio had represented the will and enthusiasm of a nation to be free. Two or three years later, the Republic of Indonesia had been a reality recognized by the world, and had been admitted unanimously in 1950 as the sixtieth Member of the United Nations.

42. Whether or not the Indonesian Government would be able to govern its own people, including the people of West Irian, was essentially a matter of will rather than of technical ability. For over three centuries, the Netherlands had had an opportunity to educate and develop the Indonesian people. Yet in the end there had been a revolution, and only 7 per cent literacy. That was not because the Netherlands had not been equipped or able to set up schools. In West Irian, the Netherlands had had over a century, but the situation of the people was miserable.

43. Despite the burden of building a new nation on the ruins of war and revolution, the Republic of Indonesia had tackled the problem of education vigorously. Not only was there the will of the Government to build a better society, but also there was the enthusiasm of a free people to acquire the education which had been denied it.

44. By means of a nation-wide mass campaign, the rate of illiteracy had already been successfully reduced from 93 per cent to 47 per cent. Whereas there had been hardly any libraries under Netherlands rule, over 245,000 had already been established in Indonesia, although not yet in West Irian. Since 1940, the number of children attending elementary schools had increased threefold. The number of secondary schools had risen from 144 in 1940 to 2,846 in 1954. As compared with 637 Indonesians students attending college in 1940, today the two major universities alone had over 12,000 students, and twelve other institutions of higher learning had been established. The Government had provided thousands of fellowships for study both in Indonesia and abroad. Four hundred and fifty col-

leges, and 4,000 special schools to train half a million teachers, had already been established.

45. For West Irian, the Ministry of Education envisaged the provision of 2,000 elementary schools and some 75 teachers' training colleges.

46. It was not technical equipment but will and enthusiasm which were decisive. Although there was a shortage of equipment and teachers, technical obstacles were being overcome by determination. Foreign professors had been engaged and technical assistance had been welcomed.

47. The same enthusiasm could be found in Indonesia in other fields. No longer frustrated by censorship, newspapers and periodicals were able to function as organs of free expression. There were about fifteen times as many dailies and about ten times as many weekly and monthly publications as there had been during the period of Netherlands rule.

48. There had also been a kind of cultural revolution in the creative arts which was being encouraged by private organizations and by the Government.

49. In co-operation with the United Nations, the Indonesian Government had done a great deal in the fields of social welfare and health, and in the promotion of fisheries, small industries, etc., in all areas of the country.

50. It was therefore amazing that the Netherlands Foreign Minister could assert that West Irian would become a colony of Indonesia. West Irian was now being treated as a Netherlands colony, but when it was reunited with the rest of Indonesia it would take its place as one of the territories of Indonesia with the greatest possible autonomy. The Irianese would manage their own affairs, participate in free and secret elections and send their representatives to the Indonesian Parliament.

51. The Netherlands colonial government could have no real interest in the welfare of the West Irianese. Despite the inadequacy of education, the Netherlands Government spent more on barracks and naval bases than for schools, in accordance with the outmoded colonial military policy. It was natural that that policy should have aroused hostile feelings among the people of Indonesia. Fortunately, many well-informed people had seen the danger and unreality of that policy. As early as 1950, a Netherlands liberal newspaper had pointed out that the distance between the Netherlands and West Irian, both literally and figuratively, was so great that economic, cultural and political ties were no longer natural. Sooner or later, the paper had continued, opposition and reprisals were to be expected not only from Indonesia, but from all other Asian countries if the concept of "full possession" was clung to.

52. All those who thought realistically of the many remaining Netherlands interests in Indonesia saw the peril of continuing the colonial policy. For them, the maintenance of friendly relations between Indonesia and the Netherlands was worth more than the whole West Irian question. In 1950, an Amsterdam financial house had stated in its report that 99 per cent of the 220,000 Dutch people in Indonesia demanded that Irian be returned to the Indonesians, for their possessions in Indonesia were worth a hundred to a thousand times more than Irian. A director of Unilever, which had vast and prospering interests in Indo-

³ See *Official Records of the Security Council, Second Year, No. 82, 192nd meeting.*

nesia, had stated in January 1952 that only if the political realities were accepted could the way open for friendly co-operation.

53. Because there were those realistic voices in the Netherlands, there was hope for a reasonable solution of the West Irian dispute. In essence, it was a colonial problem, and as such concerned the whole world and not only Indonesia and the Netherlands. The lessons from other parts of the world were known, the most recent being Indo-China. West Irian was the last relic of Netherlands imperial prestige, which was a false prestige in the new relations between Asia and the West.

54. That was why the dispute had been brought before the United Nations, in order to find the best ways and means under the Charter of putting the parties on the road to a negotiated and peaceful solution. To that end, the Indonesian delegation had submitted its draft resolution (A/C.1/L.109).

55. In the preamble, the facts were recalled in a simple and moderate way. In the operative part, it was asked only that the Governments concerned be called upon to resume negotiations as soon as possible so as to solve the dispute by peaceful means as envisaged by the Round Table Conference agreement and in accordance with the principles of the United Nations Charter. Although that request hardly expressed the demands of its people, it was the hope of the Indonesian Government that the Netherlands Government, encouraged by the deliberations in the Committee, would be able again to enter into negotiations.

56. The Indonesian delegation felt that the United Nations had a duty to perform in those negotiations, since negotiations outside the United Nations had proved fruitless. That was why the draft resolution requested the Secretary-General to assist the parties in the implementation of the resolution.

57. Indonesia claimed that West Irian and the Irianese were a free country and a free people and a part of free Indonesia, sharing in its sovereignty. The Netherlands claimed that West Irian was a colony and that the Irianese were subject to colonial rule. The problem was essentially one of colonialism against freedom. Indonesia sought the road to a peaceful solution and did not ask the United Nations for a solution immediately. It sought only further negotiations with the encouragement and guidance of the United Nations. But Indonesia attached great importance to a recommendation of the United Nations. The question was not insoluble, and it should not be beyond the wisdom of the Committee to find the right and peaceful way for its solution.

58. Mr. VON BALLUSECK (Netherlands) stated that his delegation regretted that the Government of Indonesia had deemed it necessary to bring the question before the General Assembly. Both in the General Committee (72nd meeting) and in the General Assembly (477th meeting), his delegation had explained why it considered it both unjustified and harmful to force a debate which might become a source of unrest if ill-founded statements were to stir up confusion in a territory which was engaged in a peaceful and legitimate process of development towards self-government. The Netherlands delegation had opposed the inclusion of the item in the agenda for reasons of principle as well as on grounds of expediency and procedure and, as to the substance, on legal grounds,

59. The parties involved had repeatedly tried but had failed to reach agreement. There was nothing the United Nations could do to change the situation except to augment confusion and stimulate tension.

60. The Netherlands administration of West New Guinea was a peaceful endeavour to create conditions for the self-determination of a population. A threat to the peace could only occur if Indonesia were to resort to aggressive action. Then the matter would belong primarily to the competence of the Security Council, which at present carried the Indonesian question on its agenda. Moreover, Article 12 of the Charter forbade the General Assembly to make any recommendations with regard to the question unless the Council so requested, which it had not done.

61. The Netherlands delegation had hoped that the round table agreements of 1949 would open the way towards a constructive relationship between two equal nations. However, a few months after the agreements had been ratified, the Federal Republic of the United States of Indonesia, which had accepted the sovereignty transferred by the Netherlands on the basis of the provisional Indonesian Federal Constitution, had changed its constitutional structure into that of a unitary State, thereby abolishing those possibilities for the self-determination of the populations of the component States for which the agreements had specifically provided.

62. In 1954, when the Indonesian Government had expressed the wish to abrogate certain portions of the agreements and to dissolve the Union between Indonesia and the Netherlands, the Netherlands Government had decided to meet that desire.

63. The Indonesian Government at present appealed for United Nations intervention, with the aim of annexing Netherlands New Guinea. Arguments had been advanced to show that Indonesia had a legal claim to that territory.

64. When legal questions concerning sovereignty were discussed, it was easy to lose sight of one aspect of paramount importance. That was that the First Committee was not a court of law dealing with a dispute about a piece of property, but an organ which, if indeed it had a legitimate interest in the matter, should be primarily concerned with the welfare of the human beings concerned. It was with that in mind that the Netherlands Government's policy had been formulated, and Mr. von Balluseck asked the members to approach the question in that light.

65. The interior of the eastern part of Netherlands New Guinea was taken up by two mountain ranges, which were practically inaccessible except by aeroplane. South of the mountain ranges, the country consisted of jungle swamps. In the western part, there were high mountain ranges in the north and swamp lands covered with jungle forests along the south coast.

66. It was impossible to state its exact population because almost half of the estimated people were nomads who roamed the jungle. However, there were 262,000 indigenous inhabitants under regular Netherlands administration, and periodical contact had been established with another 129,000. It was estimated that the total population numbered somewhat over 700,000.

67. The inhabitants were partly Papuans, partly pigmies. Neither from a racial nor from a cultural point of view was there any connexion between those very primitive people and the highly cultural ethnical groups represented by the representative of Indonesia.

8. Indonesia had been subjected to the influence first of the Hindu and, subsequently, of the Moslem religion and culture which, added to the indigenous civilization, had created a pattern of development rich in tradition and in ethical and spiritual values.

9. New Guinea's inaccessibility had prevented both the Indonesians and the Dutch from penetrating its interior, and for a long time, although officially under Netherlands sovereignty, it had remained a practically unknown part of the world, in which human development had remained primitive.

10. During the nineteenth century, Christian missions had ventured into the territory, and in 1898 the first permanent Netherlands administrative posts had been established. Those settlements had been outposts along the coast. Not until 1907 had the first expedition into the then unknown interior been undertaken. The only permanent settlers had been the Dutch missionaries and, with financial support from the Government, they had done a great deal to promote the welfare of the Papuans. The start had perhaps been slow, but the climate and the natural circumstances which had been referred to had made a flying start impossible.

1. Referring to the reports made by an inter-departmental commission and by a parliamentary commission, which had been referred to by the representative of Indonesia, Mr. von Balluseck said that although critical of the Government, they proved how great an interest the Netherlands people and Government took in the development of New Guinea.

2. Mr. von Balluseck then quoted from the report of the United Nations Visiting Mission (T/1078) which in 1953 had visited that part of New Guinea which was administered by Australia, but which had conditions similar to those in Netherlands New Guinea, to show why the start had had to be slow and why modern science and technology had first to provide new means to overcome those obstacles.

3. From the time when exploration by aeroplane had become a practical possibility and tropical diseases uncontrollable, the Netherlands Government had systematically developed West New Guinea by building the foundations for progressive improvement.

4. Mr. von Balluseck's general remarks were not intended to provide a résumé of the territory's history, but to emphasize that the only connexion between Indonesia and Netherlands New Guinea was that both had been nominally administered from Batavia. Even so, it was to be noted that the then Governors-General of the Netherlands East Indies had been authorized to declare certain laws, which had been enacted for the Netherlands East Indies, inapplicable to New Guinea, because of the different conditions prevailing in that territory. Thus the distinctive character of Netherlands New Guinea had always been recognized.

5. Mr. von Balluseck denied that the point at issue was that a non-self-governing people wished to obtain independence, or that a part of a nation, still unfree, desired to join those that had already obtained independence. There was no movement for independence or for affiliation with Indonesia among the indigenous population.

5. The Netherlands Government proposed to continue, through a process of education, to develop a free political consciousness, which was a prerequisite for ultimate self-determination.

77. What Indonesia proposed was that a territory whose people had no ties with it be annexed by Indonesia, and once and for all be deprived of self-determination.

78. The Indonesian explanatory memorandum (A/2694) stated that "West Irian's primary importance to Indonesia lies in the political and national sphere". That meant that Indonesia regarded its claim as a matter of its own political ambition and national aspiration. The Netherlands Government, on the other hand, considered that, over and above those arguments, the interests of the non-self-governing people concerned should prevail. Chapter XI of the Charter read: "The interests of the inhabitants of these [non-self-governing] territories are paramount." That conception was not reflected in the Indonesian explanatory memorandum.

79. Turning to the legal aspects of the case, Mr. von Palluseck recalled that when the round table conference was finally convened at The Hague in 1949, representatives of the Kingdom of the Netherlands, the Republic of Indonesia and the Federal Consultative Assembly had been present, and also the United Nations Commission for Indonesia. The Republic of Indonesia had been the Jogjakarta Republic, exercising power over Central Java and parts of Sumatra and wishing to extend its influence over all the other islands. The Federal Consultative Assembly had been a body composed of the leaders of the populations in other parts, such as West and East Java, parts of Sumatra, Celebes, Borneo, etc., who desired to base the Indonesian State on a federal structure and did not wish to be ruled by the Jogjakarta Republic.

80. On 2 November 1949, ultimate agreement had been reached on a number of documents, which were to come into force at the moment of the transfer of sovereignty. That transfer had taken place on 27 December 1949.

81. Mr. von Balluseck then read articles 1 and 2 of the Charter of transfer of sovereignty, and observed that he would first give the Indonesian interpretation on each contested point and then the relevant Netherlands counter-argument.

82. According to the Indonesian Government, the term "Indonesia", mentioned in article 1, covered all Netherlands territories formerly included in the Netherlands East Indies, and therefore also New Guinea.

83. The Netherlands Government contended that the Charter of transfer must be read as a whole. Article 2 stated clearly that "it has not yet been possible to reconcile the views of the parties on New Guinea, which remain, therefore, in dispute". Consequently, the question as to what was ultimately to happen to West New Guinea had been left open. It had been, however, definitely decided that no change in the existing situation would take place unless such a change had been explicitly agreed on between the parties. Article 2 therefore stated in so many words that "the *status quo* of the residency of New Guinea shall be maintained". That *status quo* had been that the Kingdom of the Netherlands exercised complete sovereignty over West New Guinea.

84. In order to make that perfectly clear, the parties had exchanged letters on 2 November 1949. The letter signed by the two Indonesian delegations stated that the clause in article 2 of the draft charter of transfer of sovereignty, reading "the *status quo* of the resi-

gency of New Guinea shall be maintained", meant "through continuing under the Government of the Netherlands". Moreover, according to the minutes of the conference, the Federal Consultative Assembly had declared that the stipulation that New Guinea was to retain its *status quo* meant that it would remain "under Netherlands sovereignty".

85. The Indonesian Government also maintained that the words "complete sovereignty over Indonesia", in article 1, confirmed its contention, by reading them as meaning "sovereignty over all territories which previously had formed part of the Netherlands East Indies, including West New Guinea".

86. However, the words "complete sovereignty over Indonesia", in article 1, did not refer to the geographical extent of Indonesia, but to the character of Indonesian sovereignty. In other words, the term "complete" did not qualify "Indonesia" but "sovereignty". The Netherlands delegation had originally proposed that certain organs of the Netherlands-Indonesian Union should have supra-national powers. That proposal had been rejected by the Indonesian delegations and the expression "complete sovereignty" had been used to indicate that the existence of the Union would not diminish the sovereign powers of the Government of Indonesia.

87. In that connexion, Mr. von Balluseck referred to a paragraph in the Indonesian explanatory memorandum, quoting a statement by Mr. van Royen in the Security Council in 1948.⁴ At that time, according to the memorandum, the representative of the Netherlands had said: "All parties agree that what used to be the Netherlands East Indies should become an independent State as soon as possible."

88. Mr. von Balluseck wished to point out that in all negotiations taking place between 1945 and 1949, and preceding the final agreements, the Netherlands Government had always made a reservation to the effect that it wanted West New Guinea to obtain a special status within the Netherlands-Indonesian Union.

89. Article 2 confirmed that viewpoint. Mr. van Royen, however, had not been speaking about the New Guinea question, but had been explaining to the Security Council that the dispute between the Netherlands and Indonesia did not centre on the question as to whether Indonesia would become independent, but on the question when independence would be granted. His statement had therefore contained no implication that the reservations regarding New Guinea had been dropped. Even if the Indonesian Government erroneously read such an implication into his statement, the legal fact remained that the agreements of 1949 contained the final consensus between the parties and were therefore decisive.

90. The Indonesian Government had later advanced a third argument, contending that the sovereignty *de jure* over West New Guinea had already been transferred to Indonesia on 27 December 1949 and that that was the meaning of articles 1 and 2.

91. "Sovereignty *de jure*" was a doubtful notion in international law; but it was clear, from what Mr. von Balluseck had just said, that the words "complete sovereignty" did not include West New Guinea. Sovereignty over that territory had remained with the Netherlands Government, and it had been left to the out-

come of the negotiations envisaged in article 2 to determine whether or not any change in the existing status should be made. In addition, the Note attached to the Agreement concerning the assignment of citizens, which had come into force on the same date as the Charter of transfer, stated that none of the provisions of that agreement should apply to the nationality of the inhabitants of New Guinea in case the sovereignty over that territory was not transferred to the Republic of the United States of Indonesia. That stipulation would have been senseless if on its effective date the sovereignty over New Guinea had already been transferred to Indonesia. That point of view was confirmed by the fact that Indonesia, during the first year of negotiations following the round table agreements, had not claimed that sovereignty had been transferred, but had demanded that it should be transferred.

92. Finally, the Indonesian viewpoint was that, since agreement had not been reached by 27 December 1950, the end of the year for which negotiations had been scheduled, the Netherlands Government from that date onward had been illegally occupying West New Guinea.

93. However, there was no provision in the Charter of transfer to the effect that either Netherlands sovereignty over West New Guinea should cease at the end of the one-year period of negotiations, or that a change in the *status quo* should take place in case the negotiations did not bring about agreement.

94. The Indonesian Government had rebuked the Netherlands Government for its unwillingness to negotiate. But the Netherlands Government had negotiated beyond its obligations.

95. The first negotiations had started in April 1950 and had continued in December 1950. The Netherlands Government had proposed that sovereignty over West New Guinea should be vested in the Netherlands-Indonesian Union. The Indonesian Government, however, had insisted that sovereignty be handed over to the Republic of Indonesia. After the negotiations had been terminated without agreement, the United Nations Commission for Indonesia had submitted a report thereon to the Security Council in which it stated that "the Indonesian Government was prepared to resume negotiations only if it were understood in advance that sovereignty over Western New Guinea would be transferred to Indonesia" (S/2087, para. 57). It was obvious that such a viewpoint could hardly provide a basis for discussion.

96. For that reason the negotiations in 1950 had failed. Moreover, the Indonesian Government had declared in so many words that article 2 did not provide any grounds for a continuation of the discussions. Thus Indonesia had made it impossible for either Government to resume negotiations. Nevertheless the Netherlands Government had remained willing to attempt to negotiate, but had received little encouragement.

97. In December 1950, the Indonesian Government had still claimed that the Netherlands Government should transfer sovereignty over New Guinea to Indonesia. Towards the end of 1951, it had advanced that novel and contrary argument that the transfer had already taken place under the round table agreement. Obviously, that contention had made a resumption of negotiations impossible.

98. The Netherlands Government had nevertheless consented to new negotiations, after having been as

⁴ See footnote 2 on page 389.

sured by the then Minister of Foreign Affairs that the Indonesian Government would drop its *a priori* condition. In spite of that, the Indonesian Government had renewed its contention about sovereignty. The Netherlands Government had not been able to accept that argument as a basis for discussion, and had tried to find other solutions. It had suggested that if the Indonesian Government really believed in the soundness of its new interpretation of the charter, it should seek a decision on that point from the International Court of Justice. But the Indonesian Government had rejected that proposal on the ground that the problem was of a political and not of a legal nature. Yet all its arguments had been based on allegedly legal interpretations.

99. On the last day of the conference of 1952, at a time when the Indonesian delegation had already been recalled by its Government, which had resigned, the Indonesian delegation had suggested joint Indonesian-Netherlands responsibility for West New Guinea. Apart from the fact that the suggestion had implied future transfer of sovereignty to Indonesia, it had not been possible to consider it as the Indonesian delegation was departing that same day.

100. In November 1952, the Indonesian President had stated in a radio speech that from now on the Indonesians would discuss the future of New Guinea exclusively amongst themselves, and would take unilateral measures.

101. For those reasons, it must be clear to any impartial observer why the Netherlands Government could not entertain any further proposals for a resumption of negotiations. The Netherlands Government had therefore stated in a formal declaration in 1954 that it was no longer prepared to negotiate about West New Guinea. The decision had not been taken *a priori*, but had come as the unavoidable conclusion of a chain of developments. The Netherlands Government had proposed a number of possible solutions, which had been rejected. It had reached the end of its willingness to proceed along a road which could only lead to renewed failure.

102. At the time when the Charter of transfer had come into force, the Netherlands Government, although retaining sovereignty over West New Guinea, had declared its willingness to explore the possibility of some other solution with its Union partner, for two reasons. First, the Republic of the United States of Indonesia, according to article 1 of its Constitution, had been "a democratic State of federal structure", which had left to the population of the territories of which it was composed the possibility of self-determination. In those circumstances, a suitable place for West New Guinea might have been devised. As article 1 of the Charter of transfer had formulated, the sovereignty was accepted by the Republic of Indonesia "on the basis of the provisions of its Constitution which, as a draft, has been brought to the knowledge of the Kingdom of the Netherlands". Secondly, the Netherlands and the Republic of the United States of Indonesia had then been joined in a union for the purpose of "friendly co-operation". A solution of the New Guinea question might have strengthened the Union. Both those reasons had become inoperative through the disappearance of the Republic of the United States of Indonesia and the dissolution of the Netherlands-Indonesian Union.

103. Having explained the reasons why the Netherlands Government felt that its legal position in West

New Guinea was beyond doubt, and why the possibilities for further negotiations had been exhausted, Mr. von Balluseck wished to make some remarks about the spirit in which the Netherlands Government viewed its task and its duties towards the territory.

104. West New Guinea was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter of the United Nations. The territory presented extraordinary difficulties. Therefore progress could only be slow. The primitive indigenous inhabitants needed assistance in every way to develop a more modern pattern of organized life. No national consciousness existed and certainly no expressed desire for political affiliation with Indonesia. The present Vice-President of Indonesia had admitted in a statement of 25 November 1949 that the population of Irian, with the exception of a very small group, was not capable of expressing its political will. The Prime Minister of India, Mr. Nehru, had declared in Singapore, on 17 June 1950, that the decisive touchstone for the New Guinea problem was: "What is right for New Guinea and what does its population want?"

105. If West New Guinea were ceded to Indonesia, it would become an integral part of the Republic of Indonesia. In fact, it would remain a Non-Self-Governing Territory, but Indonesia would not undertake the obligations of Chapter XI of the Charter with respect to it. No more information as envisaged in Article 73 e of the Charter would be forthcoming, and the population would never be allowed to decide its own future.

106. However, if the *status quo* were maintained, the Netherlands Government would continue to administer the territory in the spirit of the Chapter XI and to comply with its specific obligations under Article 73 e.

107. The Netherlands was prepared to go even further than its Charter obligations. Although the Charter, in Article 1, paragraph 2, enjoined Members to respect the principle of self-determination of peoples, it did not attach thereto any specific duties of implementation. In the case of West New Guinea, the Netherlands Government had of its own accord repeatedly declared that, at the appropriate time, it would give to the inhabitants of Netherlands New Guinea the opportunity to determine their own future. Those declarations had been made long before the issue of West New Guinea had come before the Assembly. They represented the policy by which the Netherlands Government would abide.

108. A foreshadowing of the Netherlands Government's intentions in that respect were to be found in the report of the United Nations Commission for Indonesia of 13 April 1951 to the Security Council (S/2087), from which Mr. von Balluseck quoted paragraphs 50 and 54. Since then, the Netherlands Government had confirmed that declaration in two statements, which Mr. von Balluseck then quoted, one taken from the speech made by the Queen of the Netherlands, on the opening of Parliament on 16 September 1952, the other from the written reply of the Netherlands Government on 29 October 1952 to the remarks made by the Second Chamber of the Netherlands States General on the Budget for 1953.

Statement by the Chairman

109. The CHAIRMAN wished to state, in order to avoid possible misunderstandings, that he had permitted

the representative of Argentina to correct his vote at the previous meeting only because that representative had asked to have his correction included before the result of the vote was announced, and because the correction could in no way have changed the result of the vote.

110. Chairmen had occasionally permitted a vote to be changed after the result of the vote was announced. That, however, was an erroneous interpretation of the rules of procedure.

111. The First Committee would now be dealing with two questions where the vote might be very close. It was therefore necessary to interpret the rules of procedure strictly, so that a delegation could not, for in-

stance, change its abstention to a negative vote after the result of the vote had been announced, thereby entirely changing the result of the vote. After the result had been announced, the Chairman would not allow any correction of the vote except in such cases where a representative found that the vote had actually been miscounted, in which case he could ask for an immediate recount.

112. Mr. ENTEZAM (Iran) proposed that the list of speakers in the general debate should be closed at 1 p.m. on 25 November.

It was so decided.

The meeting rose at 6.20 p.m.