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Question of West Irian (West New Guinea) (*continued*) 307

Chairman: Mr. Victor A. BELAUNDE (Peru).

AGENDA ITEM 63

**Question of West Irian (West New Guinea)
(A/3200 and Add.1, A/C.1/L.173) (*continued*)**

1. Mr. AZIZ (Afghanistan) recalled that the question of West Irian was once again before the General Assembly, since the negotiations between Indonesia and the Netherlands had produced no results. To clarify his delegation's views on the matter, he wished to say that Afghanistan had always supported the principle of self-determination. It could not, however, accept a travesty of that principle. The Netherlands had administered West Irian for three centuries. During all that long period, the people of West Irian had not been enabled to pronounce themselves on their future. It was hardly possible to think that another three centuries would be necessary in order that the Netherlands might educate the people of West Irian enough so that they could decide on their statehood.

2. The delegation of Afghanistan had always been in favour of peaceful settlements and therefore of negotiations. It would, accordingly, support the thirteen-Power draft resolution (A/C.1/L.173), on the understanding that the good offices commission would endeavour to ascertain the wishes of the people of West Irian and would assist in finding a solution which would be acceptable to all parties and in accordance with the spirit of the Charter of the United Nations.

3. Mr. VOUTOV (Bulgaria) noted that the representative of the Netherlands and those supporting the cause of the colonialists were trying, with the aid of refined juridical arguments, to turn the clear and simple question of the completion of the liberation of a people under a colonial oppression into a complex and confused issue. It was natural for the colonial Powers to create the juridical norms for the legalization of their enslavement of other peoples. However, if all the juridical fetters invented by the enslavers were to be sacredly observed by the enslaved peoples, the greater part of humanity would still be under colonial oppression. Just as the Gordian knot had been cut by the stroke of a sword, so had the peoples in the colonies taken the path of struggling for their national liberation and in most cases had succeeded in achieving their independence.

4. The question of the liberation of West Irian had been brought before the General Assembly as a result of the failure in 1949 to liberate the entire territory of the Republic of Indonesia, West Irian being temporarily retained under colonial bondage.

5. The representatives of the Netherlands and of some other countries had used not only weak juridical arguments, but also arguments of a political, demographic and even—strangely enough—humanitarian nature. The fact remained that, after several centuries of colonial bondage, the Netherlands Government was still repeating its generous promises with regard to the loving care it would take of the population in West Irian in the future. One should not forget that the peoples suffering under colonial oppression needed deeds and not declarations.

6. The colonialists had even begun to talk about self-determination, of course with the significant reservation "when this becomes possible". The absurd state of affairs was thus reached in which the colonialists spoke of themselves as fighters for self-determination, whereas it was the plain truth that they suppressed in the most barbaric manner the national liberation movement whose aim was precisely self-determination for the peoples.

7. The contention of the representative of the Netherlands (857th meeting) that the population of West Irian was different from that of the Indonesian people could not possibly justify West Irian's remaining under the administration of the Netherlands. West Irian was linked geographically, historically, economically and culturally with Indonesia, while there were no such ties between West Irian and the Netherlands.

8. The true reason for the Netherlands refusal to allow West Irian to join the rest of Indonesia was its desire to retain Netherlands colonial possessions in that part of the world, which was valuable economically and important strategically. West Irian was a source for the exploitation of oil and other mineral wealth, as well as of cheap manpower. Its position resembled a pistol pointed at the young Indonesian Republic. It could also serve as a taking-off place for aircraft loaded with atomic and other bombs of the South-East Asia Treaty Organization (SEATO), the parties to the Security Treaty between Australia, New Zealand and the United States of America (ANZUS), and others.

9. The problem of West Irian was of great concern to the United Nations. It had already seriously aggravated the relations between States Members of the United Nations, and, if it was not solved, it might lead to a situation in the future which would be fraught with danger to peace in that part of the world—and not only there.

10. While the Indonesian Republic sought a peaceful solution of the question—a demand which was reflected in the thirteen-Power draft resolution (A/C.1/L.173)—the Government of the Netherlands even refused to hold talks. It was well known that closing the door to negotiations did not remove a colonial problem from the General Assembly's agenda. The problem would only grow more acute, and its solution would lie elsewhere. The United Nations could not become a party to an act the meaning of which was to approve the

continuation of the oppression of part of the people of the Indonesian Republic.

11. The Bulgarian delegation was accordingly fully in favour of the thirteen-Power draft resolution and hoped that the General Assembly would have before it at its twelfth session a report on satisfactory results from the talks between Indonesia and the Netherlands on the liberation of the population of West Irian and on the union of West Irian with the Republic of Indonesia.

12. Mr. ZEINEDDINE (Syria) pointed out that his Government had joined with fifteen other Governments of Member States to bring the question of West Irian before the General Assembly (A/3200 and Add.1) because, in its view, the question was, at one and the same time, a dispute between Indonesia and the Netherlands, a colonial issue of liberation from foreign rule, and a situation which, if permitted to continue, would be likely to endanger international co-operation and, ultimately, peace in the area.

13. The question of West Irian was, undoubtedly, a dispute consisting of several elements. Indonesia held that West Irian was a part of Indonesia, a contention which Syria accepted. Indonesia also maintained that the transfer of sovereignty over Indonesia had explicitly included the Residency of New Guinea, a thesis which Syria believed to be crystal clear. Lastly, Indonesia argued that both the Netherlands and the Indonesian Constitutions recognized those legal considerations.

14. Both the original text of the Constitution of the Kingdom of the Netherlands of 1922 and the amendment to article 1 made in 1948 had recognized Indonesia as one unit, and had not referred to West Irian as a separate Non-Self-Governing Territory. The Netherlands Government in May 1952 had unilaterally declared itself sovereign over West Irian by deleting the word "Indonesia" from the Constitution and inserting the words "Netherlands New Guinea". By that action the Netherlands Government had violated the act of transfer of sovereignty to Indonesia.

15. In addition to the legal aspects of the dispute, account must be taken of the proximity of West Irian to the rest of Indonesia, its cultural and linguistic ties with Indonesia, and its ethnic composition. No matter what opinion one might hold about the ethnic question, it remained true that the people of West Irian were far more related to the rest of Indonesia than they were related to the people of Rotterdam or Amsterdam. Geographically, ethnically and linguistically, the present and future of West Irian was closely and unmistakably bound with that of the Indonesian Republic.

16. The question of West Irian was not only a dispute between two Member States, but it was also an issue of a colonial nature. The Netherlands in fact had no title to West Irian beyond its acquisition of that territory by colonial processes in the past. The issue of liberation was, therefore, as pertinent in the case of West Irian as it was pertinent in the case of a large number of territories and peoples who had either achieved their liberty or were on their way to doing so. Since West Irian had remained outside the Republic of Indonesia only because of the military situation which had existed in 1949, it was only fair that West Irian should now be allowed to join the rest of Indonesia.

17. Besides being a dispute and a colonial issue, the question of West Irian also had wide international implications. It had come twice before the United

Nations, it had been the concern of the African-Asian Conference held at Bandung in 1955, and it was affecting international co-operation and peace in the area. That question was not capable of being ignored or shelved. With the passage of time, the problem became more serious, and its implications became greater. It was thus essential to try the means provided under the United Nations Charter for reaching a solution.

18. In the opinion of the Syrian delegation, the key to a solution of the problem lay in negotiations. Since, however, negotiations were not easy in view of the unfortunately recalcitrant attitude of the Netherlands Government, it was necessary to create a good offices commission. With that aim in view, the Syrian delegation had joined in co-sponsoring the thirteen-Power draft resolution. It hoped that that draft would be adopted and that it would be the prelude for further developments and a healthier attitude between the Netherlands and Indonesia. It also hoped that the Government of the Netherlands would help in easing the tension which existed between Asia and Africa, on the one hand, and the Western world, on the other.

19. Mr. KRISPIS (Greece) stated that, in the opinion of his delegation, there existed a dispute over West Irian which was liable to damage the friendly relations between two Member States. The dispute contained both legal and political elements. The political element was of such a character that the General Assembly was competent to deal with it. West Irian was a part of Indonesia, which had previously been Netherlands territory and was now, happily, a free State. The Netherlands had no longer any reason to be in the area. That dispute of a colonial character not only was in reality likely to endanger relations between two Member States, but might also influence the relations between the so-called Bandung Powers and the colonial Powers.

20. In view of those considerations, the delegation of Greece believed that the United Nations could not afford not to help in finding a solution to the dispute. It was of the opinion that the thirteen-Power draft resolution constituted a positive step towards a solution and, if adopted, would achieve a useful purpose. The draft resolution was also in line with the spirit of the resolutions adopted by the General Assembly on the questions of Algeria and Cyprus (resolutions 1012 (XI) and 1013 (XI)). His delegation would, accordingly, vote in favour of the draft resolution in the firm belief that its adoption would serve equally the parties concerned and the issue of world peace.

21. In conclusion, he wished to congratulate the delegation of Indonesia for its moderation and its acceptance of the thirteen-Power draft resolution.

22. Mr. HOLMES (Canada) stated that it had been the view of his Government in the past, and still was, that if there was a genuine legal dispute on the status of West New Guinea, as there appeared to be, it should be referred to the International Court of Justice for a decision. The opinion of the best international authority on the subject would certainly assist in reaching a fair judgement. Unfortunately, however, it had not been possible as yet to seek the decision of the Court.

23. In the absence of such a decision, he was bound to say that the Canadian delegation had not been convinced by the arguments for a change in the status of the territory.

24. Canada had proved many times its sympathy with all countries engaged in the arduous endeavour to establish and develop their own government. Never-

theless, it could not understand why the people of West Irian should be annexed to a country with which they had had only the most fortuitous connexion in the past.

25. His delegation respected and honoured the argument of the representative of Indonesia that the fact that the inhabitants were different in race was not conclusive, because Indonesia was a State which was not based on race or religion (861st meeting). Canadians had long believed that the conception of a State based on the union of races and languages was a higher one than that of a uniracial and unilingual State. That argument could not, however, be used as a reason for extending the State to include races which had no desire to be included. There did not seem to be clear evidence of a desire on the part of the inhabitants of West Irian to join Indonesia, a fact which the Indonesian Government seemed to have passed over somewhat lightly.

26. In the opinion of the Canadian delegation, it would be best for the Netherlands Government to continue to administer the territory of West Irian with the purpose, which it had constantly avowed, of educating and assisting the people to the point where they could govern themselves and choose their own destiny. If, when that day came, they chose to affiliate themselves with Indonesia, the situation would be quite different. It might be, of course, that they would prefer to constitute a State by themselves or to join with the peoples more closely related to them in other parts of the island which they shared. But those were questions which the people of West Irian should decide for themselves when the time was ripe, not questions which should be decided for them by the United Nations. If empires of the past were to be liquidated, as was constantly urged, there was no reason why there should be imposed on peoples now dependent a pattern of nationality for which the only justification would appear to be the imperial structure from which they had emerged.

27. A great deal was said in the Committee about the evils of colonialism. Canadians strongly supported the development of self-government and autonomy in colonial lands. Canada was a member of a Commonwealth of Nations founded on the essentially anti-colonialist principle of the growth of self-government and independence. Its attitude was based on an unshakable belief in the efficacy of self-government and on a recognition of historical processes. It was not based on a belief in the wickedness of the inhabitants of any particular continent or of great Powers in general, and it was not based on any preoccupation with race. He did not wish thus to imply any desire on the part of Indonesia to exploit the people of West Irian; but it did seem to him that no transfer of sovereignty over the land and people of West New Guinea could be justified simply on the grounds that an Asian country would like to take over a territory from a European country.

28. In the light of those views, he regretted that the Canadian delegation could see no virtue in the thirteen-Power draft resolution. It seemed to it that the only interpretation to be placed on that draft, taken in conjunction with the statements of the representative of Indonesia (857th and 861st meetings), was that the General Assembly should now accept and agree to the transfer of sovereignty over the territory to Indonesia without benefit of any legal judgement, and in the absence of any indication of the wishes of the people concerned.

29. Mr. EL KOHEN (Morocco) observed that, although West Irian was rather remote from Morocco

geographically, it was close to it in terms of interest and sympathy.

30. The delegation of Morocco believed in peace and in negotiations. It hoped sincerely that the question of West Irian, like other questions, would be settled in the spirit of the United Nations Charter by means of negotiations.

31. Commenting on the salient points of the Indonesian position, he supported the Indonesian claim that West Irian was part of the national territory of the Indonesian Republic. It was a legitimate claim, well founded historically as well as legally. West Irian had remained under the Netherlands administration by an act of annexation which had never had a basis in law.

32. The delegation of Morocco also supported the Indonesian argument that West Irian, which had formed part of the Netherlands colony of Indonesia, should be liberated from colonial rule as the rest of Indonesia had been. The twentieth century was the century of the liquidation of colonialism. If the United States Declaration of Independence had tolled the end of despotism and the beginning of democracy, Bandung had tolled the end of colonialism.

33. The argument that, if West Irian were given to Indonesia, Indonesia would be incapable of securing progress for it, could not be sustained in view of the progress already achieved in the Republic of Indonesia during its short period of independent existence.

34. In the interests of peace, the United Nations should assist Indonesia in convincing the Netherlands that the best path towards friendship among peoples was the path of negotiation and cooperation in the spirit of justice. The delegation of Morocco was hopeful that the Netherlands, which enjoyed Morocco's great respect, would show the necessary good will.

35. The delegation of Morocco would support the thirteen-Power draft resolution (A/C.1/L.173) in the hope that it would bring about negotiations between the parties concerned in the interest of their mutual friendship, as well as in the interest of the United Nations.

36. Mr. AL MARAYATI (Yemen) pointed out that the question of West Irian had caused deep concern among people all over the world, especially people in Asia and Africa. It had created an atmosphere of tension between Members of the United Nations and had disturbed the peace and security of the area.

37. His delegation believed that, historically and legally, West Irian formed part of Indonesian territory and should therefore be transferred to the Indonesian Republic.

38. After the previous attempts of the General Assembly to promote a peaceful settlement of the dispute had failed to produce the expected results, it was now incumbent upon it to render a greater contribution towards the settlement of the problem. The General Assembly had broad powers under the Charter with regard to the maintenance of international peace and security, and the development of international friendship and co-operation. Precedents established in the United Nations and outside had rendered obsolete the belief that colonies were matters of no concern to the Organization.

39. The delegation of Yemen hoped that, in the interests of peace and security, a settlement of the dispute could be achieved by the procedure outlined in the thirteen-Power draft resolution.

40. Mr. KISELEV (Byelorussian Soviet Socialist Republic) said that the representative of Indonesia had offered convincing arguments in support of his Government's position on the question of West Irian. The Netherlands Government had declined to continue negotiations on the question of the transfer of West Irian to Indonesia, whereas the Government of Indonesia was eager to find a way to a peaceful solution of the problem. The failure of the negotiations provided for in the Charter of the Transfer of Sovereignty (S/1417/Add.1, appendix VII), concluded between the two countries in 1949, had brought about a deterioration in the relations between Indonesia and the Netherlands. The latest phase in the negotiations had also been unsuccessful, despite the fact that the General Assembly, in its resolution 915 (X) of 16 December 1955, had expressed the hope that the negotiations would be fruitful. Surely the General Assembly must make further efforts to ensure a peaceful solution of the dispute. Such a solution would not only improve relations between the two countries but would also help strengthen peace and security in the entire area.

41. The position of Indonesia had recently received support from many sources, including statesmen of Member countries. Thus in December 1954, at their meeting at Bogor, the Prime Ministers of Burma, India, Indonesia, Pakistan and Ceylon had supported the Indonesian position and had called upon the Government of the Netherlands to resume negotiations so as to fulfil the obligations it had undertaken in a solemn agreement with Indonesia. Similarly, the Bandung Conference had approved a resolution urging that the Netherlands fulfil the obligations it had undertaken, and expressing the hope that the United Nations would assist the parties concerned in finding a peaceful settlement of the dispute. The United Nations could not ignore that appeal from countries representing a substantial proportion of mankind.

42. Reiterating the position taken by his delegation at previous sessions, he said that, historically and juridically, West Irian was an inalienable part of the Republic of Indonesia. By the Charter of the Transfer of Sovereignty the Netherlands had transferred unlimited sovereignty over Indonesia to the Republic of the United States of Indonesia and had recognized that Republic as an independent and sovereign State. The fact that article 1 of the Netherlands Constitution of 1922, as amended in 1948, referred only to Indonesia, and did not mention West Irian, made it clear that the transfer of sovereignty included sovereignty over West Irian as an integral part of Indonesia. The population of West Irian had for centuries had the closest relations with the rest of Indonesia.

43. The arguments based on strategic interests, advanced by certain representatives, were inadmissible. In that connexion, he cited press reports concerning military preparations by the Netherlands in West Irian which were bound to alarm the Government and people of Indonesia. The material submitted by the Indonesian delegation made it evident that the economic situation in West Irian was unfavourable and that almost nothing had been done in over 300 years of colonial rule. It was notable that West Irian was a territory many times larger than the Netherlands. Following the discovery of oil in 1935, large holdings of land had been acquired by oil companies. The resistance of the Netherlands to returning West Irian to Indonesia certainly had some connexion with the extraction of uranium ore in that territory. The attitude of the

Netherlands authorities to the indigenous population of West Irian had been described in October 1956 by a Netherlands newspaper as a policy of utter discrimination under which the Papuans were not regarded as human beings. It was not surprising, therefore, that the population was hostile to the Netherlands colonizers. The Netherlands representative had preferred to avoid such facts.

44. In conclusion, he welcomed the desire of Indonesia to negotiate a peaceful solution of the question. That was indeed the purpose of the thirteen-Power draft resolution, and his delegation would vote in favour of it.

45. Mr. MAHMOUD (Egypt) said that the political dispute over West Irian threatened relations between the Netherlands and Indonesia. That was why his delegation had joined fifteen others in requesting (A/3200 and Add.1) that the General Assembly consider the question. It was within the competence of the General Assembly to recommend that the parties undertake negotiations on the matter; certainly such a step fell within the terms of Article 14 of the United Nations Charter. Moreover, article 2 of the Charter of the Transfer of Sovereignty of 1949 included an agreement between the parties to hold negotiations. The one-year limit fixed for settling the problem was not an obstacle to the resumption of negotiations; moreover, that provision had been included at the request of Indonesia in the hope of accelerating a solution. In substituting *de facto* sovereignty for *de jure* sovereignty over the territory, the Netherlands had in fact committed a violation of the Charter of the United Nations, Article 73 of which provided further support for the view that the Assembly was competent to deal with the matter.

46. The fact that no solution had been achieved since 1950 could not be imputed to Indonesia. The arguments advanced by the representative of the Netherlands (857th meeting) and supported by the Australian representative (858th meeting) were really of a colonialist nature and should be disregarded as out of date. Indeed, the primitive conditions obtaining in West Irian after three and a half centuries of colonial administration were not in favour of the Netherlands case. A more adequate solution was necessary if the people of West Irian were to be helped in a more effective manner. If, on the basis of geographical considerations, some countries could claim a civilizing mission in a given area, surely in the case of West Irian Indonesia, and not the Netherlands, was the appropriate country. No adequate argument had been advanced against Indonesia in that respect. If there were difficulties, they would certainly be greater in the case of the Netherlands than in the case of Indonesia.

47. Indonesia had again displayed moderation in presenting its case to the United Nations. It had always sought negotiations, which had never been broken off on the initiative of Indonesia. Since the last phase of negotiations had ended unsuccessfully in February 1956, the question remained unresolved, for it could not be disposed of by arbitrary annexation by the Netherlands in violation of the Charter of the Transfer of Sovereignty. That document did not say that the question must be settled within one constitutional framework. The dissolution of the Netherlands-Indonesian Union was thus irrelevant, particularly since the Union had been dissolved by mutual consent. Moreover, West Irian had always been outside the framework of co-operation between the two members of the Union.

48. In calling for negotiations, the General Assembly would assist the relations between the Netherlands and Indonesia which at present were jeopardized by the problem of West Irian. The Netherlands surely could not disregard such an appeal by the General Assembly. Once the dispute was settled, Indonesia and the Netherlands could co-operate on the basis of the ancient relationships between them. The Egyptian delegation would vote in favour of the draft resolution (A/C.1/L.173).

49. Mr. Krishna MENON (India) felt that the issue of competence persisted only in the minds of those mostly concerned about what they called the security of their country rather than that of Indonesia or of West Irian. The thirteen-Power draft resolution was in line with the consistent attempts, during the discussion of the matter in the General Assembly, to find a conciliatory and harmonious solution in accordance with the United Nations Charter. Many references had been made to the legal status of the Charter of the Transfer of Sovereignty, but in the view of the Indian Government, Indonesia was a sovereign national republic by virtue of the fact that, with the assistance of the United Nations, it had established itself as an independent country. As the representative of Ecuador had put it (861st meeting), the people of Indonesia had exercised their right to self-determination as a whole, as a unity, and not island by island.

50. It had been claimed that the Charter of the Transfer of Sovereignty had been abrogated, but, if so, that could be true only of article 2 of that document. Article 1 was the most important part and provided that complete sovereignty over Indonesia was unconditionally and irrevocably transferred to Indonesia. At that time the Netherlands Constitution had referred only to Indonesia and had made no mention of West Irian, either as a residency or as a colony. The former colony of the Netherlands East Indies had been one territorial whole with its own personality and unity. It was thus fallacious to argue that there was a territorial dispute. West Irian was part of Indonesia. It happened to be in the illegal possession of the Netherlands, and the problem was by peaceful means to end that illegality, which had been accentuated by the Act of the Netherlands Parliament of 11 September 1956.

51. Dealing with article 2 of the Charter of the Transfer of Sovereignty, he failed to see how the lapse of a year could automatically confer a right upon the Netherlands Government to absorb West Irian. Article 2 said only that the matter must be settled by negotiation within a year and that the *status quo* of the Residency of New Guinea would meanwhile be maintained. But a residency was part of a province of the Netherlands East Indies, which had become Indonesia. If the *status quo* was to be maintained, any charge of annexation could consequently be made, if at all, against the Netherlands Government, which had severed West Irian from Indonesia in 1956.

52. Regardless of the status of the Charter of the Transfer of Sovereignty, article 1 thereof had become permanent by performance, because the Kingdom of the Netherlands had unconditionally and irrevocably transferred complete sovereignty over Indonesia. Unless it could be established that West Irian, like Surinam, for example, had been a separate entity—and every available constitutional document indicated the reverse to be true—the action taken by the Netherlands Government in 1956 was an act of annexation, and argument about reference to a juridical authority was beside the point. To question the legality of the origins

of nations was scarcely profitable, for no revolution was legal until after it was successful. Citing the examples of the United States, Ireland, and Canada, the independence of each of which could be questioned on the basis of arguments derived from strict law, he declared that the question of deciding the sovereignty of countries long after they had been established by their own proclamation, by their own will and determination, did not arise. Moreover, in the case of Indonesia, the United Nations had been in existence and, with the assistance of countries such as Australia, what might have been a bloody revolution had become more or less a peaceful settlement. Now the last portion of that settlement remained.

53. The representative of Australia had expressed (858th meeting) concern over the fate of the Papuans. In that connexion, Mr. Menon observed that it was better for colonial empires, for new countries and for old, not to go too far back into history. All, no doubt, had a savage past originally. However, to argue that handing over the Papuans to the Indonesians would be a crime against humanity was as fallacious as to argue that a nation must be an ethnic whole. Few Members of the Organization would be nations if they had to fulfil that requirement. If the Papuans were restored to their original homeland, namely what was now Indonesia, they would join a family of peoples which were ethnically different, spoke different languages, had different religious and inhabited several thousand islands.

54. Indonesia, instead of taking the law into its own hands, relied on the good will of the nations of the world and sought only that representatives of Member States, to be appointed by the President of the General Assembly, should try to find some way of resolving the question. The Assembly could not turn a deaf ear to appeals made by those who had rightful claims and who were entitled to consideration by reason of the fact that they did not press those claims by force, as they would be entitled to do under the ordinary law of nations as practised throughout history.

55. Article 2 of the Charter of the Transfer of Sovereignty related to the problem of the transfer of what had then been called West New Guinea to the Indonesian Republic. No authority in international law upheld the thesis that internal changes in a country could alter that country's external relations. West Irian constituted the unfinished job of Indonesian liberation. The problem was to transfer administration of that territory in a peaceful way for the good of all concerned.

56. He regretted having to refer to arguments advanced by the representative of Australia, a country with which India had very close relations. That representative's argument that Australia had a cardinal interest in the future of the whole of the area of New Guinea was imperialistic; it meant that, because Australia had half of that territory as a colony, it did not want the other half to pass out of European control. Mr. Menon was prepared to admit that New Guinea was strategically important to Australia, but it was equally so to Indonesia. If Australia was afraid of countries in the vicinity of that territory, Indonesia also had reason, for its own security, to think in the same way. If countries were to be treated as key areas in the defence of another country, he wondered what would become of their liberties. As for the Australian representative's reference to self-determination and to the praise given to that principle by the representative of Indonesia, he pointed out that the Indonesian people

had not only spoken about the matter, but by their endeavours had asserted the principle of self-determination. Freedom had not been handed over to the Indonesian people without any effort on their part. The people of West Irian could not be referred to as cattle to be handed over to their own people, for it was impossible to hand over the people of a country to the same country. Such arguments were based on the fallacy that there had been a place called West Irian isolated from Indonesia. That had not been so in Dutch times. No interests legitimate to Australia that were separate from the interests of the United Nations could be recognized by the General Assembly. The Australian argument regarding the unity of the Papuan people must be examined to see whether it did not arise from the fact that the rest of New Guinea was an Australian colony and that, therefore, the whole conception was something rather different from Papuan irredentism.

57. Some capital had been made of the fact that, in official reports to the United Nations, cited by the representative of Indonesia, the Netherlands Government had listed the territories which now constituted Indonesia and had referred separately to the Moluccas and New Guinea.¹ There were many places in the world where a State was called by two or three names. As for the Netherlands representative's reference to a statement by President Sukarno to the effect that the limits of Indonesia stretched from a place called Achir in Sumatra to Amboina, from which it had been argued that, since Amboina was not in West Irian, that territory was excluded, to suggest that, just because President Sukarno used such an expression, he had been indicating a geographic limit in terms of an ordinance map was not a political argument.

58. The only case that had been established was that the rights of the Netherlands in West Irian were solely those of conquest, which were no longer recognized as equitable and legal. If the problem to be settled under the Charter of Transfer had been that of sovereignty over West Irian, he asked why that document had not stated that the question of that sovereignty would be decided later. In fact, the text had provided that it was the problem of the residency that would be settled later.

59. The draft resolution did not ask for any legal decision or for the Assembly to come to any conclusion. It simply asked that the Assembly intervene between two Member States and that the President of the Assembly appoint a good offices Commission to assist the negotiations between them. The negotiations obviously would concern restoration to Indonesia of what rightfully belonged to it.

60. There had never been any suggestion by the Netherlands that the question was one of defence. If the Australian argument in that respect were to be accepted, not only would the Indonesian claim to West Irian not be respected, but even the concession expressed by the Netherlands Government that the people of that area were to be self-governing at some time could not be implemented. If West Irian were to become an independent country, he wondered what would become of the questions of security, of Papuan unity and the other arguments put forward by the Australian representative. His Government requested the total dismissal of the concept of territories as imperial outposts of other people and was more and more inclined to

accept the position, which had been taken in regard to other questions, that all the peoples of a country were entitled to their nationality and territorial integrity. He hoped that the draft resolution (A/C.1/L.173) would be given the support of the Committee.

61. Mr. NAIK (Pakistan), recalling that at its tenth session the General Assembly had, without objection, adopted resolution 915 (X), expressing the hope that negotiations between the Netherlands and Indonesia would be fruitful, said that his delegation had consistently stressed that the two parties should reach a solution by peaceful means. Unfortunately, the negotiations had failed, the failure resulting in further worsening of the relations between the two countries. The deadlock remained and the General Assembly continued to have the problem before it. Obviously, the General Assembly should not allow the situation to persist, but should explore all possible means of bringing about a peaceful settlement of the dispute. He was gratified at the general support for that objective.

62. Pakistan had co-sponsored the thirteen-Power draft resolution in the hope that negotiations could be resumed under the auspices of the United Nations without undue delay. That draft, which would constitute a further step towards a peaceful solution of the question, had apparently been misunderstood by some who had regarded it as intended only to transfer sovereignty over West Irian to Indonesia, and it had been rejected by the Netherlands. That was not a happy beginning, particularly in view of the fact that rejection by the Netherlands had come before any of the sponsors had had the opportunity to introduce the draft and to explain its real purpose. The draft sought only a resumption of negotiations; as *The New York Times* had commented editorially on 25 February 1957, it was possible that an impartial body of negotiators could shed considerable light on the question.

63. No one disputed the interest of Australia in the matter, and he hoped that, in any discussions regarding the future of West Irian, due regard would be given to the Australian interests and that Australia would be able to express its interest in the negotiations. He likewise hoped that Australia would assist the proposed good offices commission and that all parties concerned would give their support to the negotiations.

64. Mr. DEJANY (Saudi Arabia) said that his delegation supported the case of Indonesia because it believed it to be just. That case had been supported by the Bandung Conference, which had been attended by twenty-nine countries representing almost two-thirds of the population of the world, as well as by other countries, notably in the Western Hemisphere. The attempt to dismiss that case was regrettable and unjust. There was no doubt that West Irian was part of Indonesia and that its population was Indonesian. It was a well-known fact that it had never been separated from Indonesia administratively, but along with the other parts had been administered centrally from Batavia. There was no valid reason why West Irian, more than any other island, should be detached from Indonesia, which was universally accepted as the successor to what had previously been known as the Netherlands East Indies. That view was confirmed by article 1 of the Netherlands Constitution of 1922, as amended in 1948. Thus the highest source of legal authority in the Netherlands had taken cognizance of the fact that Indonesia had replaced the Netherlands East Indies. It was consequently unnecessary to adduce further facts in that respect.

¹ *Non-Self-Governing Territories: Summaries and analyses of information transmitted to the Secretary General during 1948 and ibid. 1949.* United Nations publications, Sales Nos.: 1949.VI.B.1 and 1950.VI.B.1, Vol. II.

65. Since West Irian was part of Indonesia, the West Irianese were Indonesians. Pointing out that in 1948 the Netherlands had testified that the population of Indonesia consisted of at least seventeen major groups and of numerous sub-groups, the ethnic argument was unconvincing and its sudden appearance after 1948 could not carry weight. There was no legitimate reason for depriving any part of the population of the fruits of liberation and freedom won by the whole. The Netherlands, indeed, had described the unity of Indonesia, in the course of the debates in the Security Council, as the product of Netherlands sovereignty and had said that all parties agreed that what had been known as the Netherlands East Indies should become an independent State as soon as possible. What had followed in 1949 could not alter the significance of that fact or its recognition by the Netherlands. In any case, if sovereignty had not passed over to Indonesia earlier, it had at least been transferred by the Charter of the Transfer of Sovereignty, signed in 1949. Unfortunately the Netherlands Government had not completed that process, apparently in order to retain some bargaining power during the transitional period. It had reserved the position of West Irian, but not the sovereignty over that area, which had been transferred. Whatever reasons the Netherlands might have for its attitude on West Irian, the reservation had been unreasonable and unnatural, for it vitally affected the existence of another State, Indonesia. It would be in the interests of all concerned if the Netherlands Government were to co-operate in completing the unity of Indonesia.

66. Arguments about the interests of the population of West Irian were not new; colonial Powers had always maintained that they were better able to help others than others to help themselves. The primitive conditions obtaining after over 300 years of colonial rule by the Netherlands did not strengthen that case. Indonesia doubtless was still confronted by a number of problems, but it had already overcome many serious problems in its brief span of independence. Indonesian accomplishments in such fields as education, health, and communications, as in all fields, were remarkable. Its achievement in education was not, so far as he knew, matched by any colonial administration anywhere in the world. Apart from all other considerations, there could be no doubt that the population of West Irian would fare much better when it rejoined the motherland.

67. The principle of self-determination had been introduced only to confuse the issue, for the Netherlands itself had recognized that West Irian was part of Indonesia. He wondered why the Netherlands had expressed no concern over the interests of the peoples of other islands. If it was really convinced that West Irian was not part of Indonesia, he wondered why it had adopted the opposite view up to 1948. The alternative to the return of the territory to Indonesia was a continuation of the colonial rule of the Netherlands, a clear case of colonialist self-interest. It was ironic that the principle of self-determination should be used for colonial ends.

68. He believed that the people of West Irian would rejoin their mother-country, as it was natural that they should, and that the Indonesians would never give up their quest for the unity of their country. The passage of time would lead to hardening of feeling and would be the more unfortunate in view of the close relations that had existed between the Netherlands and Indonesia over so long a period of time. His delegation had co-sponsored the thirteen-Power draft resolution in the

hope that that draft would contribute to a settlement of the question by peaceful means.

69. Mr. MICHALOWSKI (Poland) recalled that his delegation has assisted in the solution of many colonial problems in the United Nations, one of which had been the facilitation of Indonesian independence and its admission to membership in the Organization. Unfortunately, the problem had not been completely settled; West Irian had been separated from its mother-country despite the fact that it had been viewed as an integral part of Indonesia up to 1948. The Charter of the Transfer of Sovereignty of 1949 had transferred sovereignty to Indonesia, but unfortunately the parties concerned had not reached agreement on the implementation of that instrument. For the Netherlands to retain its rule over a country many times the size of its own territory, with no ties with the people of that country and separated from it by thousands of miles, was a colonial policy which must be condemned. The matter had been brought before the United Nations, and in resolution 915 (X), adopted at its tenth session, the General Assembly had expressed the hope that negotiations between the parties would be fruitful. Unfortunately, the negotiations had not produced the expected results and the problem remained. The transfer of sovereignty to Indonesia had been final, complete and irrevocable from the legal point of view. The Assembly should consequently do its best to promote a solution as quickly as possible by peaceful means as envisaged in the Charter. The draft resolution provided such means, and his delegation would vote for it.

70. Mr. SUDJARWO (Indonesia) thought that the statements made had sufficiently repudiated all the arguments made by the Netherlands and its supporters. Thus the representative of Ecuador had said (861st meeting) that the Netherlands representative had attempted to turn the issue upside down and that it was the Netherlands which was trying to annex West Irian by force. The position of the Netherlands Government, its unwillingness to settle the matter by negotiations, was untenable, to say the least. He agreed with the Netherlands representative that there had been too much stress on the legal aspect. The Committee was not a court of law, and his delegation was not seeking a legal judgement which the Committee was not competent to give. It sought only a means of solving a dispute which constituted a source of disturbance in the relations between Indonesia and the Netherlands and, as had been noted, affected relations between important parts of the world. It was consequently appropriate for Member States to view the dispute in a broader light. Indonesia was prepared to do so, and indeed that was why it had brought the problem before the United Nations.

71. He was encouraged by the apparent measure of mutual good will between the peoples of the two countries regarding a settlement of the problem as soon as possible. In that connexion, he recalled references he had made (857th meeting) to recent statements in the Netherlands, including statements in the Netherlands Parliament, as well as to the resolutions adopted by the Indonesian Parliament. The General Assembly should not lose or throw away the opportunity that existed if it was really concerned with peace. The draft resolution (A/C.1/L.173) was the proper way of offering a helping hand, and if it was adopted, he was sure that the United Nations would have done something for which not only Indonesia and the Netherlands, but the world would be grateful. He hoped that it would signal the beginning of a new era.

72. Mr. SCHURMANN (Netherlands) wished to correct a few of the errors made in the debate. He would not refer to the absurdities read out by the representative of the Ukrainian SSR, which had been surpassed by the Bulgarian charge about Netherlands preparation for an attack on Indonesia with atomic bombs. More serious was the charge by the representative of Ceylon in his statement at the 858th meeting that the Dutch were deliberately letting the Papuans starve and were using money appropriated for the territory to build beautiful houses for Dutch civil servants and were not spending a penny for the indigenous population. That was a slur on the many Netherlands workers for the welfare of the people of the territory, as well as on the members of the Christian missions. There were no palaces in West New Guinea; only a small part of sums available was used for the upkeep of civil servants and the bulk of it was devoted to the population. The true facts were to be found in the reports which the Netherlands transmitted under Article 73 e of the Charter and which were discussed each year in the Fourth Committee. He noted that the Indian representative in that Committee had declared himself deeply impressed by the progress made in the whole of New Guinea.

73. The representative of Ceylon had also referred to Mr. Papare, a man born in Netherlands New Guinea, who lived in Indonesia and had even been appointed a member of the Indonesian Parliament for what Indonesia called the Province of West Irian. He reminded that representative that Mr. Papare had himself stated on 6 December 1956 that the New Guineans under the Netherlands Government were better off than those on Indonesian territory. It was regrettable that a statement such as that by the representative of Ceylon should have been made in the Committee.

74. As the representative of Indonesia had admitted, the General Assembly was not competent to decide the legal claim of the Indonesian delegation. What remained of the legal argument advanced in support of Indonesian claim was based on the Charter of the Transfer of Sovereignty, which Indonesia had unilaterally abrogated. In that respect, he agreed with the representative of El Salvador that *pacta sunt servanda*. As for the amendment to the Netherlands Constitution, when Indonesia had become an independent State in 1949, it had become necessary to exclude it from the territories mentioned in article I of the Constitution; the word "Indonesia" had been replaced by the words "New Guinea", in full accordance with the Round Table Conference agreement. In that connexion, Professor Oud, the leader of the Liberal Party in the Netherlands, whose statement had been incorrectly interpreted by the Indonesian representative, had meant that it was incorrect to place West New Guinea constitutionally on a par with the other self-governing parts of the Kingdom, but had left no doubt whatever in the rest of his speech that sovereignty over Netherlands New Guinea remained with the Netherlands.

75. The Indonesian representative had made (857th meeting) other quotations from sources in the Netherlands on the matter of Netherlands New Guinea. But it was natural in a democratic country with an ancient tradition of freedom of opinion that there were always groups which did not agree with the policy pursued by the Government. But that policy was supported by the majority of the Netherlands Parliament. All parties, with the significant exception of the Communists, agreed that to transfer the sovereignty over West New

Guinea would mean a breach of the promises made to the inhabitants. He noted that the Indonesian representative, in quoting the statement of the General Synod of the Dutch Reformed Church, had overlooked the declaration in that statement that the Synod did not believe that the Netherlands should transfer sovereignty over West New Guinea.

76. Attempts had been made to cast doubt on the sincerity of Netherlands efforts because, after over 300 years under Dutch rule, Netherlands New Guinea was still backward. Such arguments overlooked the formidable obstacles to penetration into the interior. The first expedition into the interior had taken place in 1907, and it was only since the advent of aircraft, DDT, and penicillin that it had been possible to reach the widely separated tribes living in the jungle in the interior. What had been achieved since that time was a matter for approval and even admiration by experts in many lands. The representative of Indonesia had referred to the progress made in his country and its ability to promote the well-being of the inhabitants of West New Guinea. Very different evaluations of the progress made in Indonesia could be found in the recent speech of Mr. Mohammad Hatta, Vice-President of Indonesia.

77. The representative of Indonesia had not answered the question as to what results could be expected of negotiations in view of the Indonesian position that nothing less than complete and unconditional transfer of sovereignty over Netherlands New Guinea to Indonesia would do. Indeed, Mr. Sudjarwo had carefully refrained from giving the Indian argument that only a transfer of administration was entailed. Indonesia had torn up all its treaties with the Netherlands, including the Charter of the Transfer of Sovereignty. To claim negotiations on the basis of that Charter was a demand which exceeded the bounds of equity and even of common sense, especially if as the representative of India had averred, there was not even a dispute between the Netherlands and Indonesia.

78. It had always been the custom of the General Assembly to appoint a good offices commission only if the parties whom it was to assist agreed to that appointment. The Security Council had different rights on such matters. But for the Assembly to do so was *ultra vires* and contrary to its established practice.

79. Sir Percy SPENDER (Australia) declared that the draft resolution (A/C.1/L.173) had no intention other than to give support to a claim—no matter how the matter was put—for the transfer of either sovereignty or jurisdiction over West New Guinea from the Netherlands to Indonesia. The representative of the Netherlands had effectively answered the question as to what the subject of negotiations would be.

80. The legal aspect was essential and the question could not be decided without at least having regard to the determination of some legal question, as the statements of the Indonesian and Indian representatives had demonstrated.

81. The interests of the people of West New Guinea were of critical importance. In that connexion, he deplored the Indian representative's suggestion that Australia's claim of a direct interest in what took place in the beginning was imperialist in design. Nothing that he had said, directly or indirectly, could be interpreted as seeking the unification of New Guinea or as involving any claim whatever in respect of West New Guinea. What his delegation continued to stress was the right of the indigenous people to be heard. Surely any country would claim a direct interest in any matter

involving a change of sovereignty, a change of dominion, in respect of territory adjacent to its borders. That was all Australia claimed, and he was grateful to the representative of Pakistan for so readily conceding that interest. His delegation had never suggested that the matter should be decided upon strategic grounds, although he had emphasized his country's concern with whatever took place in West New Guinea. To suggest that his country was imperialistic was fantastic. Its record in New Guinea spoke for itself, and it was unfortunate that any representative should pass reflections upon the good will and *bona fides* of the Australian Parliament in that matter.

82. The representative of India had gone much further than the representative of Indonesia, who was gradually abandoning the legal basis on which his claim had originally been advanced. The representative of India had completely overlooked the fact that the Charter of the Transfer of Sovereignty had been accompanied by a letter signed by the two Indonesian delegates to the effect that the clause of article 2 of that Charter providing that the *status quo* of the residency of New Guinea would be maintained meant "through continuing under the Government of the Netherlands" (S/1417/Add.1, appendix XXIV, A). The Indian representative had simply fastened upon article 1 alone, saying that complete sovereignty over Indonesia had passed to the Republic of the United States of Indonesia.

83. Even assuming that it was open to Indonesia to have recourse to a charter which it had annulled, it should be noted that the word "Indonesian" had been used in the debate as if it had a fixed content. But it had been originated as a geographical term on the same level as "Melanesia", "Micronesia", and "Australasia". In that connexion, he noted that the Indonesian Declaration of Independence of 17 August 1945 had used the word "Indonesia". On the following day, the Committee for the Preparation of Independence had signed a provisional constitution for the Republic of Indonesia. On 19 August, that Committee had accomplished the task of determining what was within Indonesia under the Constitution by describing the territory of the Republic of Indonesia and stating that it consisted of eight provinces. It was claimed that the Moluccas included West New Guinea and consequently that the Republic of Indonesia also included that territory. But that was done by taking a term from one context and applying it to another. The statement of President Sukarno in connexion with the Declaration of Independence obviously excluded New Guinea.

84. Two things were clear: the term "Indonesia" as such had no constant meaning. Secondly, the Republic of Indonesia in 1945 had not included West New Guinea, a view which was substantiated by article 2 of the Charter of the Transfer of Sovereignty and the letters interpreting it (S/1417/Add.1, appendix XXIV). Consequently, if the matter were viewed entirely from a non-legal point of view, on political grounds, the claim that Indonesia had always included West New Guinea was shown to be without foundation.

85. Turning to the interests of the people of West New Guinea, which was paramount and could not be disregarded in any approach to the problem, Sir Percy noted that the Indian representative had contended that the Committee was not concerned with geographical or ethnic considerations and that, by virtue of article 1 of the Charter of the Transfer of Sovereignty, it was not concerned with the right of the people of New

Guinea to express their free will with regard to their own political destiny. It was difficult to accept the argument, based on an event which had taken place some years before, that all those considerations should now be disregarded. Having regard to the fact that there were nearly 1 million people in West New Guinea, it could hardly be wrong for Australia, consistent with its record in the rest of New Guinea and with a knowledge of the people and their problems, to contend that it was of cardinal importance that the United Nations should consider the right of those people to determine their own destiny. When that time came, they might choose to link their destiny to that of Indonesia, but that was not the only possible course, nor was it one which the people should be compelled to take by any action of the United Nations. Indeed, there had been extraordinary arguments as a result of the difficulty of attempting to square the circle between self-determination as applied to other questions dealt with in the United Nations and the refusal of self-determination to the people of West New Guinea.

86. He wondered whether those claiming that the Declaration of Independence amounted to the exercise of self-determination within the meaning of the Charter of the United Nations realized to what length that argument committed them. Surely it could not be said that self-determination had been exercised in respect of a territory as separate in character and as large as West New Guinea with its population of nearly 1 million. The Committee was being asked to subscribe to the circular argument that, while the whole concept of a united Indonesia derived in the broader sense from self-determination, the precise territorial limits to which self-determination was presumed to be applicable, were subject to unilateral determination thereafter.

87. The point before the Committee was that the principle of self-determination concerned the territories and the people of West New Guinea in the context and circumstances of the present time. One aspect of that context was Netherlands sovereignty in law and in fact; the other was the kind of connexion existing between the inhabitants of West New Guinea and their stage of development, and the corresponding facts in the rest of New Guinea.

88. To support any proposal seeking talks under the auspices of the United Nations on a predetermined proposition—and that intention had been clear in the Indian representative's statement—would be utterly inconsistent with the Charter. The thirteen-Power draft resolution, as the Netherlands representative had shown (860th meeting), would amount to an infringement of the territorial integrity and indeed the sovereignty of the Netherlands and would deny forever the application of the principle of self-determination to the people of Netherlands New Guinea.

89. The CHAIRMAN declared that the general debate had been concluded.

90. Mr. DE GAIFFIER d'HESTROY (Belgium) said that the representative of Indonesia, in his statement at the 861st meeting, had misunderstood the statement made by the Belgian delegation at the 859th meeting. In fact, Mr. van Langenhove had pointed out that, merely to confer citizenship on primitive tribal populations did not effectively transform them into equal citizens, and he had praised the policy of Latin American countries which was designed to correct inequalities so as to enable those populations to reap full benefit from their status as citizens.

91. Mr. GUNewardene (Ceylon) saw little justification for the reaction of the Netherlands representative to his delegation's statement at the 858th meeting of the Committee. Citing what he had then said, he noted that the Netherlands representative had not cared to comment on the statements by the Netherlands Parliamentary Mission that had visited West Irian regarding conditions then prevailing. Nor had that representative commented on the evidence provided by the Australian Administrator and others who had visited the area. The criticism that he had made of the Netherlands Administration had been based on the reports of an Australian journalist published in the Australian Press, as he had previously indicated. According to a dispatch by the correspondent of *The Eastern World* dated 11 November 1956, the Australian Government had been disconcerted by the fact that Australian journalists who had visited the territory had concluded that any military strength which the Netherlands might establish there could not be regarded as worthwhile protection for Australia and that little or nothing was being done for the indigenous population, since most of the £A 7 million expended annually was

being devoted to comfortable homes and settlements for the Dutch. In view of the fact that the Netherlands representative had challenged his statement, Mr. Gunewardene quoted the text of the articles in *The Age* from 1 to 7 September 1956 on which his statement had been based. He regretted that the Netherlands representative should have insinuated that his statement was unfounded.

92. Mr. GRINBERG (Bulgaria), in reply to the representative of the Netherlands, said that his delegation had pointed out that the territory of West Irian could serve as a taking-off place for aircraft loaded with atomic and other bombs of SEATO, ANZUS, and the like. Everyone would understand that that statement related to something of much more importance than Indonesia.

93. Mr. SUDJARWO (Indonesia) was glad that the independence of Indonesia had been proclaimed, not by the representative of Australia, but by President Sukarno, on behalf of the whole State of Indonesia.

The meeting rose at 12.45 a.m.