

GENERAL ASSEMBLY

TWELFTH SESSION

Official Records



Thursday, 21 November 1957,
at 3.10 p. m.

NEW YORK

CONTENTS

	Page
Agenda item 62:	
The question of West Irian (West New Guinea) (continued)	215

Chairman: Mr. Djalal ABDUH (Iran).

AGENDA ITEM 62

The question of West Irian (West New Guinea) (A/3644, A/C.1/L.193) (continued)

1. Mr. SHAHA (Nepal) noted with regret that the parties concerned had thus far been unable to reach a settlement through direct negotiations, because of the different interpretations they seemed to give to the clauses in the Charter of the Transfer of Sovereignty (S/1417/Add.1, appendix VII). Whereas Indonesia considered that it had de jure, if not de facto, sovereignty over West Irian, the Netherlands maintained that it retained both its de facto and de jure sovereignty over that Territory.
2. If the question were no more than a legal issue, the International Court of Justice would have been the proper body to deal with it. But the Indonesian Government attached political and moral importance to it and felt that the very principle of national freedom was at stake. The Indonesian Government contended that West Irian, like present-day Indonesia, had formerly been a part of the Netherlands East Indies and that, unless that Territory were reincorporated into Indonesia, the Indonesian people's national aspirations would be thwarted. The Netherlands Government, on the other hand, recalling that it had assumed the responsibility for developing the Territory's ability to govern itself, maintained that West Irian had no racial or cultural ties with Indonesia, but did have close relations with eastern New Guinea and that the transfer of the Territory to Indonesia before it had had a chance to express its will freely would be a flagrant violation of the Charter of the United Nations.
3. He observed that the Netherlands Government had not been prepared to take the principle of transfer of the Territory's sovereignty as the basis for negotiation and that Indonesia had so far refused to accept any other basis for negotiation. He felt that resolutions and the efforts of a good offices commission were of no value unless the parties concerned were willing to seek a settlement by peaceful and just negotiations. The Nepalese delegation would therefore support any measure which would promote direct negotiations between the two countries. The nineteen-Power draft resolution (A/C.1/L.193), of which his delegation was a sponsor, did not prejudice the issue in any way. It merely requested the parties concerned to start negotiations with a view to finding a solution in conformity with the Purposes and Principles of the United Nations Charter. It was to be hoped that the parties would be able to find a basis for negotiations which would enable the question to be settled in a manner satisfactory to both of them.
4. Mr. QUIROGA GALDO (Bolivia) said that his delegation had for four years steadfastly maintained the same attitude on the question of West Irian.
5. The Bolivian people felt close friendship for both the Indonesian and the Netherlands peoples. His delegation would accordingly deal quite impartially with the question under consideration.
6. It had been suggested that the population of West Irian would gain nothing by association with the Republic of Indonesia; but it would gain immediate freedom, which was not to be despised. The Netherlands Government was doubtless concerned for the welfare of the inhabitants of that Territory, but history showed that the sole purpose of colonialism was to enrich the strong and cast down the weak. Some questions might well be asked concerning the achievements of the colonists in New Guinea after one hundred years of occupation, when it was learned that the Papuans were still living as they lived in the Stone Age.
7. He himself had been very surprised to learn of the joint Australian-Netherlands statement of 6 November 1957, as West Irian was not a Trust Territory. As for the advancement of the inhabitants, that would certainly be ensured better by Indonesians than by Europeans, whose "sacred mission" in that part of the world had culminated in failure. With regard to the ethnic differences adduced in opposition to the claims of the Indonesian Government, his delegation did not consider ethnic, linguistic or geographical unity as necessary characteristics of a nation. Renan had defined a nation as "a collective state of mind". West Irian belonged to Indonesia because its people shared the same state of mind as the inhabitants of all the islands of the Republic. To apply the criterion chosen in the joint statement in defining a nation would mean that each of the eighty-two sovereign States forming the United Nations would have to be subdivided, even such ancient States as France and Spain.
8. In the opinion of his delegation, it was a mistake to think that it was in the interests of countries like Australia to keep territories under the colonial régime. To combat the communist propaganda which was exploiting the nationalist aspirations of the peoples of South-East Asia, the strategic and political problems of the region called for the establishment of a defensive belt of free nations to defend the free world. The integration of West Irian with democratic and individualist Indonesia would provide a stronger safeguard than the administration of New Guinea by aliens, concerned more perhaps with the utilization of raw materials than

with the welfare of the indigenous inhabitants and their right to self-determination.

9. He referred to the report transmitted by the Netherlands Government to the United Nations in 1949, ^{1/} which stated that Indonesia comprised, *inter alia*, that part of New Guinea west of 141 degrees E. longitude, and to article 1 of the Charter of the Transfer of Sovereignty, which stated that, the Kingdom of the Netherlands unconditionally and irrevocably transferred complete sovereignty over Indonesia to the Republic of the United States of Indonesia. He also recalled article III of the Linggadjati Agreement of 25 March 1947, the statement made by the Lieutenant Governor-General of the Netherlands East Indies, Mr. van Mook, at Den Pasar (Bali) in December 1946, and the Netherlands Constitution as amended in 1948, which stated that the Kingdom of the Netherlands comprised the territories of the Netherlands, Indonesia, Surinam and the Netherlands Antilles. West Irian was not mentioned anywhere. The Netherlands Crown had never claimed possession of that Territory and had always recognized Indonesia's sole and lawful title to it.

10. Basing its claim on indisputable documents, including the agreements reached by the 1949 Round Table Conference, ^{2/} the Indonesian Government was requesting application of the principle *uti possidetis juris* at the date of the transfer of sovereignty; it was only trying to recover part of its territory.

11. The Netherlands, on the other hand, seemed to be invoking the principle *uti possidetis de facto*, since, by refusing to continue the negotiations called for in the Charter of the Transfer of Sovereignty, it gave the impression that it wished to remain in West Irian indefinitely, in the hope that *de facto* possession would enable it to exploit the island's petroleum deposits for its own benefit.

12. In the question of West Irian, a danger to be avoided was the attribution of primary importance to juridical elements, since the impression might be given that, as the result of the breakdown in the negotiations provided for in the Charter of the Transfer of Sovereignty for the purpose of settling the future of the Territory within a year from the date of that transfer, the Netherlands had not acted arbitrarily in deciding unilaterally to annex the Territory. The fact was that the breakdown of those negotiations was merely a hitch which could not change the terms of the agreement, which stated explicitly that the political status of West Irian was to be determined through negotiations between Indonesia and the Netherlands.

13. Moreover, it should not be forgotten that it was not Indonesia's fault that a settlement had not been reached within a year, as prescribed by article 2 of the Charter of Transfer. Between April 1950 and July 1954, four conferences had been held for that purpose; they had failed on account of the resistance of the Netherlands, which had no desire to settle the question in conformity with both the letter and the spirit of article 2 of the Charter of Transfer. The Netherlands had gone so far as to propose to Indonesia that the exercise of sovereignty over West Irian should be

transferred to the Netherlands-Indonesian Union. The Indonesian Government had rejected that proposal outright, stating that Indonesia could not participate in a colonial régime. It was obvious that the efforts made by the Netherlands to transform that political problem into a juridical one—it had tried to bring the case before the International Court of Justice—were aimed solely at annulling the terms of article 2 of the Charter of the Transfer of Sovereignty and removing all possibility of negotiation.

14. The Netherlands Government had later alleged that in view of the changes in the constitutional structure of Indonesia—the federal Constitution had been replaced by one of a unitary character—negotiations need no longer be continued. But no one could argue that a sovereign State could not freely exercise the rights inherent in its sovereignty or was compelled to settle all outstanding territorial problems before considering a change in its constitutional structure. Finally, the dissolution of the Netherlands-Indonesian Union was apparently being used as the pretext for consigning article 2 of the Charter of Transfer to oblivion. His delegation did not think that that argument was any more valid than those previously advanced.

15. The question of West Irian was still a political problem, linked with the liquidation of three centuries of colonialism. The fresh complexion which Australia and the Netherlands were trying to cast on the question by embarking on a policy of co-operation to keep the island under their dominion emphasized its essentially political nature. The very fact that the General Assembly, at its twelfth session, had been presented with a *fait accompli* showed that the Netherlands Government was trying unilaterally to abrogate the provisions of article 2 of the Charter of Transfer in order to avoid engaging in negotiations.

16. It remained for the United Nations to exercise moral pressure on the Governments concerned in order to avoid aggravation of the dispute, the consequence of which would be very serious for the Netherlands people itself, as the Minister of Foreign Affairs of Indonesia had implied at a previous meeting.

17. Although the draft resolutions submitted at previous sessions had failed to obtain a two-thirds majority in the General Assembly in plenary meeting, the Bolivian delegation had once more joined with others in sponsoring the nineteen-Power draft resolution, which it called on Member States to adopt. That draft proposed nothing extraordinary, but it was in conformity with that desire for peace and harmony which was the very foundation of the United Nations.

18. Mr. NISOT (Belgium) said that he would state the views of his delegation, although it considered that under Article 2, paragraph 7, of the United Nations Charter, the Assembly was not competent to discuss the question. Indonesia was basing its arguments on article 2 of the Charter of the Transfer of Sovereignty. However, that article gave no indication that New Guinea was one of the territories affected by the transfer of sovereignty to the Republic of the United States of Indonesia. On the contrary, the article expressly provided that with regard to New Guinea the *status quo* was to be maintained. The loss of sovereignty over a territory was a serious *capitis diminutio* which could only result from a clear and explicit text, since all juridical presumptions were to the contrary. Such a question should be discussed with the greatest circum-

^{1/}Non-Self-Governing Territories: Summaries and analyses of information transmitted to the Secretary-General during 1949. United Nations publication, Sales No.: 1950.VI.B.1.Vol.II.

^{2/}See Official Records of the Security Council, Fourth Year, Special Supplement No.6, document S/1417/Add.1.

spection and on the basis of relevant and conclusive arguments.

19. It was surprising that, in spite of the Netherlands' urging, Indonesia had not agreed to allow the International Court of Justice to decide the question of sovereignty over New Guinea. To back up its refusal Indonesia had claimed that that was a political and not a juridical question. It was difficult to see how anyone could deny that the question of ascertaining to whom sovereignty over a territory belonged was a juridical one. States would be in a very precarious position if it were sufficient to invoke political interest for a right of sovereignty to be relegated to the category of unimportant problems not worth clarification. Furthermore, Indonesia had repudiated the 1949 agreements with the Netherlands, including the Charter of the Transfer of Sovereignty, which it invoked. Had it done so because it thought that political considerations were more important than juridical undertakings?
20. He wondered whether it was on such a theory that the General Assembly was now being asked to act. If so, it was questionable whether the General Assembly could do so without discrediting itself. Even those who had no great esteem for international law were bound to admit that it existed in the interest of States and that it provided certain safeguards for them. What would become of those safeguards if the Assembly was ready to act even though the party applying to it showed by its behaviour that it cared nothing for juridical obligations, which, in its view, should be subordinate to highly political designs encompassing the outright annexation of a territory?
21. In the present circumstances, the right of the peoples of New Guinea to self-determination would be best protected by the maintenance of the *status quo*. The Assembly could not give the impression that it was giving favourable consideration to a third State's claim to annex their country. Article 73 of the Charter, which had been binding upon the Netherlands when, in 1949, the question of transferring sovereignty had arisen, continued to govern the status of West New Guinea. Now, as then, the Netherlands was bound by its provisions. It could act only in accordance with the principle that the interests of the inhabitants should be paramount. It was the duty of the Netherlands gradually to develop self-government and, in particular, to help the inhabitants to reach a stage of development at which they would be able to decide on the future of their country. It would fail seriously in its duty if, at the present stage, it yielded to the demands of those who coveted their territory.
22. The Assembly could not promote negotiations—as it was requested to do by the draft resolution—when it knew that the aim of one of the parties was in direct conflict with the most sacred imperatives of the United Nations Charter. Indonesia might consider that it was as capable as the Netherlands of ensuring the advancement of the people of New Guinea; but that was not the point. It was the Netherlands that had been entrusted with that responsibility under the Charter. The Charter was in force and the political allegiance of the Territory could therefore not be changed without prior consultation with its inhabitants. The Assembly could not disregard that rule.
23. Mr. BELOVSKI (Yugoslavia) deplored the fact that no progress had been made towards a solution and that, on the contrary, tension between Indonesia and the Netherlands had increased. It was the duty of the United Nations to try to promote a peaceful settlement and the question must remain before the General Assembly until an agreement had been reached.
24. It had been thought that it might perhaps be possible to achieve positive results without adopting a recommendation or taking concrete measures. The development of the situation provided the answer. Time had done nothing to improve relations between Indonesia and the Netherlands. A dispute could only become embittered if the parties to it refused to seek a solution and the international community did nothing to help them re-establish contact.
25. In the circumstances, the method proposed by Indonesia—the resumption of negotiations and active United Nations participation in seeking a solution—should be given careful consideration. If the two parties pursued their endeavour to settle the dispute with the assistance of the United Nations, enough common ground might be found for a peaceful settlement; otherwise, the situation could only deteriorate and might even become a threat to world peace.
26. In the view of the Yugoslav delegation, the action proposed in the nineteen-Power draft resolution would be a wise course in the United Nations.
27. Mr. CHAMPASSAK (Laos) said that, in his delegation's view, it was encouraging that the dispute over West Irian had come before the United Nations without threats or the clash of arms. Both sides were determined to respect one of the fundamental principles of the United Nations Charter: the peaceful settlement of disputes between Member States.
28. He did not wish to repeat the arguments advanced by the two parties and would merely state that he found the Indonesian delegation's case just and convincing. Historically and legally, West Irian had always been an integral part of Indonesia. In spite of the stipulation that the question of the political status of West New Guinea should be determined through negotiations, article 2 of the Charter of the Transfer of Sovereignty, by which the Netherlands had transferred full sovereignty over all the territories which made up Indonesia, implied no doubt that, historically, geographically and juridically, West Irian belonged to Indonesia.
29. Moreover, the subject of the proposed negotiations could only be the procedure for the transfer to Indonesia of the sovereignty formerly exercised by the Netherlands over that part of the Netherlands East Indies.
30. Indonesia was entitled to the support of the Laotian delegation, since for years it had always shown great patience, moderation and a spirit of co-operation. The nineteen-Power draft resolution was inspired by the same spirit of moderation and co-operation, and his delegation would accordingly vote for it.
31. Mr. KISELEV (Byelorussian Soviet Socialist Republic) said that, while the Government of the Republic of Indonesia was trying to find a peaceful solution to the West Irian question, the Netherlands Government was refusing to reopen negotiations. In his statement at the 905th meeting, the Indonesian representative had proved by facts and convincing arguments that West Irian had always been an integral part of Indonesia.
32. Even before the appearance of the Dutch East India Company in the region there had been political,

economic and cultural ties linking West Irian with the other islands of Indonesia. There was an ethnic affinity and a historical community between the two peoples. There was no historical or scientific basis for the statements by the representatives of the Netherlands (905th meeting) and Australia (907th meeting) that there was no link whatever between the population of West Irian and that of Indonesia. It would be even more difficult to agree with their claim that the population of West Irian had not asked to join Indonesia.

33. The joint Australian-Netherlands statement of 6 November 1957, attempting to legitimize the status of a Netherlands colony which had been imposed upon West Irian, should be examined with the greatest attention. That unilateral action by the Netherlands could not be justified by referring to political or legal considerations, to the United Nations Charter, or to an alleged ethnic and geographical affinity between the two parts of New Guinea.

34. Even if Indonesia and West Irian had nothing in common, the colonial domination of West Irian was still indefensible. There were numerous examples of free and sovereign States composed of different social and cultural groups. The same was true of Indonesia. Both administratively and economically West Irian had always been a part of the western zone of Indonesia, which included also the Moluccas. If that argument were pursued to its logical end, the absurd conclusion would be that Indonesia was practising colonialism in wishing to be united with the people of West Irian, with which it had no affinity.

35. In endeavouring to use the authority of the United Nations Charter to justify the decision they had taken on the fate of West Irian, Australia and the Netherlands were hoping to confront the United Nations with a *fait accompli* and to force it to recognize the Netherlands' right to exercise "trusteeship"—in fact colonial domination—over that Territory. United Nations sanction was indispensable to them, for without it their action would be too reminiscent of the demands and ultimatums of the nineteenth-century colonizers.

36. The Byelorussian delegation held that any attempts to use the United Nations in order to justify colonialism should be denounced, since they ran counter to the purposes and the spirit of the Charter.

37. The claims of the Australian and Netherlands Governments to be working for the political, economic, social and cultural development of the indigenous population did not correspond to their real intentions. Apart from motives of colonial exploitation, there were strategic objectives which governed the attitude of those countries.

38. The Australian representative had endeavoured to refute the arguments by which the USSR representative had demonstrated (906th meeting) that West Irian was being transformed into a base for the South-East Asia Treaty Organization (SEATO). His reasoning could deceive no one. An article in a British newspaper had stated that the Netherlands Government was continuing to increase its military forces in the area. The Netherlands Government had agreed to make the naval base near Sorong available to the SEATO forces. American military observers were accompanying the Netherlands forces in action against the patriots of West Irian. Moreover, in May 1957, Mr. Jan van Baal, the Governor of Netherlands New Guinea, had stressed

the vital importance of the Territory for the defence of the South Pacific. In the circumstances it was not surprising that the Netherlands Government had the support of the other colonial Powers.

39. The economic exploitation of West Irian was also one of the principal concerns of those Powers. According to an Antara Agency bulletin, most of the products sold in the Territory were brought in duty-free from the United States or Australia. It was understandable that the countries which, under the Common Market, had fixed the total of their respective investments in the colonies should frown upon the idea of an exploitable Territory being attached to Indonesia.

40. The Netherlands colonial régime was not very popular with the people of West Irian and in order to maintain it the Netherlands authorities were obliged to resort to terror and persecution.

41. Mr. PELAEZ (Philippines), replying to comments on the circumstances in which the Philippines had gained independence, said that the Philippines had become independent as the result of a plebiscite in which the people had freely expressed their desires. A plebiscite had rejected the first bill which the United States Congress had approved in 1934 and the Congress had been obliged to pass a revised version of the bill, which had met with the approval of the Philippine people. Only then had the United States recognized the independence of the Philippines. There had never been any question of granting independence to only one part of the territory of the Philippines.

42. The Soviet Union representative, basing himself on a newspaper article, had declared (906th meeting) that West Irian was being used as a special centre for subversive activity and that Australia and the Philippines were participating in those activities. The Philippine Government had no knowledge of any such plans and, had any such plan been proposed to it, would have rejected it outright. Nor had it ever heard of the visit that Mr. C. Staf, the Netherlands Minister of Defence, was alleged to have made to the Philippines for that purpose and it categorically denied those imputations.

43. The representative of the Byelorussian Soviet Socialist Republic had said that SEATO was trying to transform West Irian into a military base. He categorically denied those allegations; indeed, it was ridiculous to try to establish a connexion between the Netherlands and SEATO, since the Netherlands was not a member of SEATO.

44. Mr. CAÑAS (Costa Rica) said that the dispute which the Committee was examining was between two countries with which Costa Rica maintained excellent relations.

45. The question of West Irian should be considered with the utmost objectivity and should not be described as a colonial issue. It was not a case of a people fighting for independence, but of a dispute, an amicable one so far, between two nations to determine which of the two had better title to sovereignty over a certain territory.

46. It should be borne in mind that the dispute concerned the western part of an island which had been arbitrarily divided—cut in pieces, as it were, with a knife.

47. All kinds of political vicissitudes—conquests,

wars, international treaties—had culminated in the existence at present of three different political systems in New Guinea. Australia administered part of the island as a Non-Self-Governing Territory and another part as a Trust Territory, while the Netherlands administered the remaining part. The aboriginal tribes in the central part of the island were completely unaware of all that and were living in blissful ignorance.

48. In the three years that the General Assembly had been considering the question, it had given much attention to the dispute, but very little to the island itself. Yet the main concern of the United Nations should be to ensure that the indigenous inhabitants made such progress as to make it possible for them to exercise the right to self-determination. His delegation had no doubt that Australia, the Netherlands and Indonesia, either separately or jointly, were willing and able to ensure such progress. The most important thing for the United Nations to do was to see that the artificial division of the island, which dated from the time when colonialism had been rife, was brought to an end. The unification of the island might begin by the unification of the political system. Although the idea had never been put forward, the possibility of putting the entire island of New Guinea under United Nations trusteeship was worth considering. If, as had been stated, the people of the island were the most primitive inhabitants on earth, that system was no doubt the most suitable for them. Once the system had been unified, it would be necessary to consider the unification of the administration. Australia and the Netherlands had mentioned that question in their joint declaration of 6 November 1957, which could be said to be a step in the right direction, but which was exclusive in that it overlooked the fact that there was a third nation—Indonesia—which had interests in part of the island. There was some foundation for the claims of Indonesia.

49. There was no denying the fact that when the Indonesians had proclaimed their independence, their intention had been to make that independence applicable to all the administrative departments and residencies formerly included in the Netherlands Pacific empire. They had had no reason to exclude any part of that empire, just as the liberators of Latin America in the nineteenth century had not made any mental reservations with regard to any part of the Spanish Empire in America.

50. It was true that from the ethnic point of view the Papuans were somewhat removed from the Indonesians, but the Charter of the Transfer of Sovereignty had not taken those ethnic differences into account, because it had not excluded West Irian from that transfer. It had merely stipulated that the question of the political status of West New Guinea should be settled through negotiations. It could not be asserted, however, that the provision concerning West Irian in the Charter of Transfer obliged the Netherlands to transfer sovereignty over that part of New Guinea to Indonesia, since it did not embody any such commitment.

51. His delegation was of the opinion that the dispute under consideration was of a more juridical or administrative character than historical or political, and it considered that the Netherlands proposal that the question should be submitted to the International Court of Justice was quite apposite.

52. At the ninth and eleventh sessions, Costa Rica had been a co-sponsor of draft resolutions which the

General Assembly had failed to adopt. The draft resolution now before the Committee invited the two parties to resume negotiations. That did not mean that the discussion should centre round a single formula. The debate on the question of West Irian which the Committee had held at each session of the Assembly for the last few years might have the unexpected result of revealing the possibility of new formulas.

53. His delegation felt that United Nations trusteeship over the entire island of New Guinea might be one of those formulas. The parties concerned could examine it, together with any other solutions that might be suggested by other delegations, in the course of direct negotiations, free from preconceived ideas or pretensions which the experience of previous negotiations had shown to be sterile.

54. If that was the meaning of the draft resolution his delegation might be able to support it in the spirit of good will which it had always displayed towards the parties concerned.

55. Mr. NASE (Albania) said that he attached the greatest importance to the question of West Irian, the solution of which had been impeded by the negative attitude of the Netherlands.

56. A host of historical, legal and other arguments had made it incontestably clear that West Irian was an integral part of Indonesia, a fact which had, moreover, been confirmed in 1948 by the adoption of amendments to the Constitution of the Netherlands. In order to protect its interests, the Netherlands had adopted an arbitrary attitude and had refused to continue the negotiations that were to have settled the question. The statement of the Netherlands representative (905th meeting) had shown that his country had resolved to continue the colonial system in West Irian in defiance of the obligations it had assumed towards Indonesia and the obligations incumbent on a Member of the United Nations.

57. West Irian was very rich in raw materials, but instead of its resources being used to help improve the life of the people, they were exploited by the Netherlands and by American businessmen, who owned 60 per cent of the shares of N.V. Nederlandsche Nieuw-Guinee Petroleum Maatschappij, while the population, under-nourished and lacking educational facilities, lived in the hard conditions of colonial oppression. Moreover, the Netherlands was transforming the country, with the help of the United States and Australia, into a dangerous military base. Warships were patrolling between West Irian and Indonesia.

58. In submitting the question to the General Assembly, the Republic of Indonesia had only acted in accordance with the principles of the Charter and its right to defend its territorial integrity against colonialist designs. It deserved the whole-hearted support of the United Nations.

59. Mr. CRAW (New Zealand) said that his delegation had, in previous debates on the item, made known its doubts whether there could be any fruitful outcome to a discussion of the question and its fears that the reverse might be the case and that Assembly debates might indeed lead to a worsening of relations between the Netherlands and Indonesia. Unhappily those doubts and fears had both been confirmed by events: the dispute was no closer to solution, and relations between Indonesia and the Netherlands had continued to deteriorate.

60. Certain statements made by members of the Indonesian Government had caused New Zealand serious concern, and his delegation was glad to have the assurance of the Minister of Foreign Affairs of Indonesia that those statements were not intended as threats or as intimidation of the Assembly, but were used to convince the Netherlands and the Committee of Indonesia's seriousness in the question. But New Zealand needed no convincing about the seriousness of Indonesia's pursuit of its claim to Netherlands New Guinea. If it had taken that claim lightly, it would not have taken upon itself the distasteful task of repudiating Indonesia's case in the Committee's debates since 1954. New Zealand maintained very friendly relations with both parties to the dispute and was co-operating closely with Indonesia, particularly through the Colombo Plan.

61. His delegation would not enter into the legal merits of the question, but would merely say that, after careful consideration of the arguments on both sides, the Government of New Zealand had no doubt whatsoever that the Netherlands exercised full and complete sovereignty over Netherlands New Guinea. Moreover, his Government could not accept the view that any Territory which had once been linked administratively with another Territory should, *ipso facto*, share the same political destiny as that other Territory. Nor did his Government share the view that the inhabitants of Indonesia and Netherlands New Guinea bore so close an affinity that they must be regarded as inseparable. As far back as 1946, long before the present item first appeared on the Assembly's agenda, New Zealand had made a very clear distinction between the territory and inhabitants of what was now Indonesia and those of Netherlands New Guinea. When, at that time, Australia and New Zealand had sponsored the establishment of the South Pacific Commission with a view to promoting the advancement of territories in the South and South-West Pacific with common interests and common problems, they had reached the deliberate conclusion that the territories concerned were those which were part of Melanesia, Micronesia and Polynesia. For those reasons they had invited the Netherlands to participate in the work of the Commission on behalf of Netherlands New Guinea, but not of the other East Indies territories then under Netherlands administration. Similarly, the United Kingdom had been invited to participate in respect of its Pacific territories such as Fiji, the Solomon Islands Protectorate and the Gilbert and Ellice Islands Colony, but not in respect of its Borneo territories because they were not in the South Pacific region. On the other hand, the people of the two parts of New Guinea had marked affinities and for that reason New Zealand welcomed the statement of 6 November 1957 by Australia and the Netherlands regarding the future administration of the three territories in the island of New Guinea. That statement was, moreover, completely in accord with the provisions of Article 73 of the United Nations Charter.

62. Some delegations had not taken sufficient account of the responsibilities mentioned in Chapter XI of the Charter of the United Nations. The Netherlands Government had solemnly undertaken to fulfil those obligations and, in compliance with the Charter, it was transmitting information on conditions in Netherlands New Guinea. That Chapter also set forth the principle that the interests of the inhabitants of those territories were paramount. For the Netherlands Government to yield to the Indonesian demand would be to flout the

express provisions of the Charter. Nor could the New Zealand delegation accept the Indonesian claim that the incorporation of Netherlands New Guinea into Indonesia would be in the interests of its inhabitants, when more than half of them were not even aware of the existence of other peoples besides themselves and only a small minority were at present capable of expressing their political will. The interests of the inhabitants of Netherlands New Guinea required, rather, that they should be given an opportunity to express their wishes freely when they had attained the stage of development at which they were capable of so doing.

63. The representative of the Soviet Union had declared that SEATO was directed against the liberation movement of the Asian peoples. The Netherlands was not a member of SEATO; but as the representative of a country which was a member, he wished to refer to the fact that New Zealand and the other States which had adhered to the Pacific Charter, which had been signed at the same time as the South-East Asia Collective Defence Treaty, had solemnly proclaimed that, in accordance with the provisions of the United Nations Charter, they upheld the principle of equal rights and self-determination of peoples and that they would earnestly strive to promote self-government and to secure the independence of all countries whose peoples desired it and were able to undertake its responsibilities. How much more propitious would have been the fortunes of the peoples subjugated by the Soviet Union had their destinies been governed by the principles of that declaration.

64. In conclusion, he said that his delegation was not prepared to support any proposal which, directly or indirectly, endorsed the Indonesian claim. The draft resolution was couched in terms of moderation; it was, indeed, deceptively simple. But in the New Zealand view, it was meaningless to invite the parties to try to find a solution in conformity with the principles of the United Nations Charter when the only solution acceptable to Indonesia, i.e., the transfer of sovereignty, flew in the very face of the Charter itself. The New Zealand delegation felt that no useful purpose could be served by the resumption of negotiations on those terms and that the Secretary-General should not be asked to assist the implementation of a resolution which, of its very nature, appeared incapable of implementation. It would, therefore, vote against the draft resolution.

65. Mr. KISELEV (Byelorussian Soviet Socialist Republic) said that he had been glad to hear that the Philippines would never agree to participate in plans directed against Indonesia. On the other hand, he could not share the view of the Philippine representative that there was no constructive value in discussing the use of the territory of West Irian by military blocs. The Philippine representative appeared to forget that there were close ties between SEATO and the North Atlantic Treaty Organization (NATO) and that Australia was a member of SEATO and the Netherlands of NATO.

66. Mr. SASTROAMIDJOJO (Indonesia) said that several delegations had already adequately countered the arguments advanced by the representatives of the Netherlands and Australia, whose position was untenable not only from the legal point of view, but with respect to the essence of the dispute. The problem was essentially one of colonialism and the Australian-Netherlands statement of 6 November 1957 showed

clearly that the Netherlands wanted to maintain its hold over part of Indonesia. The representatives of Australia and the Netherlands had pictured the Indonesian request as a request for the transfer of a people and a territory to another country. That argument was fallacious, for the problem was not a territorial one but was closely related to the issue of Indonesian independence vis-à-vis the Netherlands and was connected with the liquidation of Netherlands colonial rule in Indonesia. As several representatives had pointed out, article 1 of the Charter of the Transfer of Sovereignty was clear and conclusive. Article 2 did not speak of sovereignty over West Irian or of the Territory or the people of West Irian, but only of the political status of West Irian, in other words of a Residency or unit of Indonesian administration.

67. West Irian was part and parcel of Indonesian territory. The question was not one of a transfer of territory or a change of boundaries. The people of West Irian were part of the Indonesian people, as the Netherlands Government itself had recognized. The residency of West Irian was now a province represented in the Indonesian Parliament like the other provinces of Indonesia. There was therefore no question of transferring a people without having ascertained its wishes. That was the basic difference between the points of

view of the Netherlands and of Indonesia. The Netherlands considered the people of West Irian to be a primitive, colonized people that it must educate. For Indonesia, the inhabitants of that region were free citizens of the Republic. It was also a mistake to think that the people of West Irian consisted of a single racial group: there were people from Amboina, the Celebes and even from Java in West Irian, while people of West Irian origin were to be found in all the islands of the Indonesian archipelago.

68. It was tragic that the Netherlands was not aware of the desire of the people of West Irian to be reunited with Indonesians, for it was the pressure of those people on the Indonesian Parliament and the feelings of the Indonesian nation as a whole which impelled the Indonesian Government to do everything in its power to free that part of its territory from Netherlands colonialism. The people of West Irian desired freedom; it would be a crime against humanity to deny them that freedom.

69. The CHAIRMAN proposed that the list of speakers should be closed at 3 p.m. on 22 November 1957.

It was so decided.

The meeting rose at 6 p.m.