

GENERAL ASSEMBLY

TWELFTH SESSION

Official Records



Monday, 25 November 1957,
at 10.50 a. m.

NEW YORK

CONTENTS

	Page
Agenda item 62: The question of West Irian (West New Guinea) (<u>con- tinued</u>)	223

Chairman: Mr. Djatal ABDUH (Iran).

AGENDA ITEM 62

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

1. The CHAIRMAN reminded the Committee that, in accordance with the decision taken at the 908th meeting, the list of speakers had been closed at 3 p.m. on 22 November 1957. In view of the length of the list, on which there were thirty-one speakers, he urged delegations to be punctual so as to enable the Committee to begin its meetings on time and to complete its agenda within the set time limit.
2. Mr. DE LEQUERICA (Spain) recalled that at the eleventh session the Spanish delegation had refrained from speaking on the item in the debate and from voting on the draft resolution that had been submitted. It had also voted against the inclusion of the item in the agenda of the present session of the Assembly.
3. It seemed obvious, from the abundant documentation on the question, that until the Round Table Conference of 1949, West New Guinea, or West Irian, had been considered a part of the Netherlands colony consisting of the large islands and the territories then called the Netherlands East Indies and now Indonesia. But, in 1949, an event of the utmost importance occurred: when the Netherlands had formally and finally transferred those possessions to the State of Indonesia, West New Guinea had not been included. As the Cuban representative had pointed out (905th meeting) quite rightly, West New Guinea had not been transferred to the new Republic of Indonesia and the latter's claim was, therefore, without any legal basis. By allowing, at such a decisive moment of its history, West New Guinea to be excluded from the new country as then constituted, Indonesia itself had recognized the very special situation of the island and had placed it outside what was to be the new nation. But, as the representative of Haiti had pointed out (906th meeting), article 2 of the Charter of the Transfer of Sovereignty (S/1417/Add.1, appendix VII), which had placed West New Guinea in a special position, was a two-edged sword. The Netherlands Government had recognized at that time that Indonesia might have a right to the Territory; otherwise it would have refused to give a formal undertaking to open negotiations on the question within a year.
4. However, upon mature reflection, the Spanish delegation's view was that the Netherlands had a better case, both politically and legally.
5. It was clear from the Charter of the Transfer of Sovereignty that the status quo was to be maintained if the proposed negotiations were not successful; there was no other solution than the continuation of Netherlands authority over West New Guinea.
6. The Spanish delegation felt that that was the crux of the question; that was why it would be obliged to vote against the nineteen-Power draft resolution (A/C.1/L.193), although it trusted that negotiations would take place and would be successful. It greatly hoped that a friendly agreement would be reached between two countries for which it had so much esteem, whose interests must be the same.
7. In forming an opinion, the Spanish delegation had not been mainly influenced by the statements of the Netherlands or the Australian representatives. In its view, the problem was a territorial one, a problem of historical and political geography which should be solved in the same way as a frontier problem between two territories.
8. The eloquent statements on the situation of the people of New Guinea, the progress of the Papuans and the pygmies and the organization of a plebiscite in some very distant future were none of them to the point and left the Spanish delegation quite unmoved. Although it did not wish to belittle the civilizing influence of the Netherlands in New Guinea, it had not been convinced that it was necessary for the Netherlands to continue its supervisory work in West New Guinea merely so that it could send reports to the United Nations. The scope of those reports was not such as to explain a territorial position of such importance.
9. On the other hand, the fact that Indonesia predicated its argument on independence did not make negotiation impossible. In any negotiations, the views held by the opposing parties always differed widely, yet a reasonable agreement was often reached in the end.
10. Neither had the Spanish delegation been convinced by the much used argument that, after it had become a nation, after it had formulated its reservation concerning West Irian and after it had transformed its federal Constitution into a unitary Constitution, Indonesia had denounced the Round Table Conference agreements.^{1/} He endorsed the statement on that point made by the representative of Colombia at the 905th meeting.
11. For the Spanish delegation, the vital and undisputed fact that Indonesia had not claimed West New Guinea when it had become a nation was enough. There had been a year's respite and then it had left the door

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

open for endless negotiations to settle the legal status of the Territory. As negotiation had achieved no results and as a different legal situation had been created, there were no grounds on which the United Nations could base a decision.

12. If one looked no further than the 1949 agreements, right appeared to be on the side of the Netherlands. On the other hand, the decision to incorporate New Guinea in the Netherlands possessions which the Netherlands Parliament had taken in 1956, after the failure of the negotiations, did not disturb the Spanish delegation. The Netherlands had taken that decision after being a Member of the United Nations for several years and the General Assembly could intervene if it was entitled to do so, which was not the case. As several speakers had said, the purpose of the United Nations was not to decide territorial claims by one country against another. There was no Article in the United Nations Charter which would allow the Spanish delegation to support Indonesia's claim to a territory belonging to the Netherlands. If the formal provisions of Article 2, paragraph 7 of the Charter were not enough to put an end to such designs, the United Nations would cease to exist.

13. The Spanish delegation would not discuss general questions, such as colonialism or anti-colonialism, in connexion with West New Guinea. It did not defend colonialism; it paid a tribute to the political good sense of the United Kingdom which, in recent years, had made its former possessions and colonies members of a free Commonwealth. The presence of Australia in part of New Guinea and the agreement between Australia and the Netherlands were very important factors which might well weigh against the Indonesian claim.

14. It should not be forgotten that New Guinea was a strategic point. The world was already divided into well-defined camps. Positions of neutrality caused well-founded anxiety. It was difficult to imagine that any country could renounce privileged positions, of great strategic importance for its defence against attack, without carefully weighing all the consequences.

15. Spain welcomed the birth of new nations which, having inherited the civilization left behind them by the former occupying Powers, were now contributing to world progress. It was precisely because Spain had great esteem for those new countries that it wished to avoid generalizations or ideological arguments when dealing with specific disputes. It did not wish to confuse legitimate aspirations and debatable questions of geography and history when discussing the problem of the emergence of former colonies as States. That would only be another form of despotism, as dangerous as those which had been abolished.

16. The Indonesian people should not be discouraged if their claims were not successful for the time being. Spain hoped soon to be able to establish close links with that great nation, whose civilization and way of life it found most attractive and prayed that God would grant it a future of understanding and concord.

17. Mr. SHUKAIRY (Saudi Arabia) said that the Committee had devoted a great many meetings to the question under discussion, which the Assembly was taking up for the fourth time, but that it must none the less patiently pursue its study until a satisfactory settlement was reached. The problem was a vestige of an already liquidated colonial issue. The sole link between West Irian and the Netherlands was the one imposed by

the Netherlands settlers, whereas the territory had for centuries had very close ties with the other islands that made up Indonesia.

18. It was paradoxical that the Netherlands, which was in the unpleasant position of being a colonial power at a time when colonialism was collapsing everywhere, should invoke the principle of self-determination of peoples in order to justify the maintenance of its domination over a territory, although it had opposed the application of the same principle when Indonesia had begun its struggle for independence. The Indonesian people, including the inhabitants of West Irian, had in fact expressed a wish to live in a united Indonesia. There was overwhelming evidence to that effect.

19. The Netherlands Government had repeatedly recognized that West Irian was an integral part of Indonesia. He supported that assertion with many quotations from statements made by the Netherlands in various United Nations bodies before 1949 and from other instruments signed by that country, such as the Linggadjati Agreement, and said that it was also confirmed by the Asian Prime Ministers' Conference, held at Colombo in 1954, and the African-Asian Conference, held at Bandung in 1955.

20. It was unfortunate that at previous sessions the Assembly had rejected certain very moderate draft resolutions, although the problem was one which aroused concern throughout the world.

21. The Indonesian people had had to resort to force to gain their independence; the Saudi Arabian delegation hoped that the people of West Irian would not have to do likewise. The Netherlands had an opportunity to win the friendship of Indonesia and all the Asian and African States which, at Bandung, had expressed a strong desire to see West Irian become a part of Indonesia.

22. West Irian might be compared to a drifting mine threatening to explode in the Far East unless anchored in a safe harbour and rendered harmless. Acting with wisdom, patience and restraint, the Republic of Indonesia was trying to resolve the dispute through negotiation. It had confined itself to proposals on methods and procedures. The measures proposed in the nineteen-Power draft resolution represented the minimum action the Assembly could take in regard to a problem of such importance.

23. The rejection of that draft resolution by the United Nations might have extremely serious consequences, as was apparent from the statement made on 7 November 1957 by the President of Indonesia, Mr. Sukarno. The Indonesian Government had established an "action committee for the liberation of West Irian". A resolution, adopted by acclamation at a mass rally of half a million people at Jakarta, had urged the Indonesian Government to take certain specific steps if negotiations were not resumed, such as abrogating the Round Table Conference agreements, nationalizing Netherlands-owned enterprises, repatriating Netherlands nationals who were of no use to Indonesia, preventing Netherlands nationals from entering Indonesia, speeding up the "indonesianization" of Netherlands enterprises established in Indonesia, obliging Netherlands enterprises to become corporate bodies subject to Indonesian law, withdrawing permits to practice the liberal professions from Netherlands nationals, cancelling the work permits of Netherlands nationals who could be replaced by Indonesians, and so forth. The resolution further proposed that a West Irian recon-

struction brigade and a West Irian liberation fund should be set up as soon as possible.

24. The United Nations could not take lightly the representative of Indonesia's statement that Indonesia might be laying the question before the United Nations for the last time (905th meeting). The question of West Irian was particularly well suited to negotiation. If it was not settled by that means, the world would perhaps witness a liberation movement in West Irian, a movement which would receive the support of all Indonesian people, including Indonesian citizens of European origin.

25. The Saudi Arabian delegation hoped that the people of West Irian would not be obliged to realize their national aspirations outside the confines of the United Nations.

26. Mr. VITETTI (Italy) said that, despite all its emotional, legal, political, economic, historical or even ideological implications, the controversy dividing the Netherlands and Indonesia essentially turned on the basic question of who held title to sovereignty over West Irian. That was the crux of the problem. The United Nations was justifiably concerned over the dispute, not only because it was a source of tension between two Member States but because it threatened to hinder the stabilization of relations between Europe and Asia.

27. The representative of Indonesia had said (905th meeting) that, by the Charter of the Transfer of Sovereignty, the Netherlands had unconditionally and irrevocably transferred its sovereignty over West Irian in 1949 and had agreed to the settlement of the political status of that Territory by peaceful means within the year 1950. No matter how valid the arguments invoked by the Indonesian representative—arguments in whose support he had quoted a number of international instruments—they were all based on the idea that Indonesia had full and complete sovereignty over the Territory. The Netherlands Government in turn, without denying the existence or validity of the instruments on which the Indonesian Government based its claims or questioning the validity of its own international obligations, rejected the Indonesian Government's interpretation of those instruments, in particular of the Charter of the Transfer of Sovereignty. The Netherlands Government maintained that the Charter of Transfer had not transferred sovereignty over West Irian to Indonesia and that the question was one that still had to be settled through the negotiations provided for in article 2 of the Charter of Transfer. It did not therefore exclude the possibility of an ultimate transfer of sovereignty, but considered that the question had not been settled in 1949. The Indonesian Government's view was that the negotiations mentioned in article 2 of the Charter of Transfer referred only to discussions relating to the transfer of powers to the Indonesian administration. Basing its position on that interpretation, the Indonesian Government had said that it would not enter into negotiations with the Netherlands unless its sovereignty over West Irian were recognized in advance. The Indonesian Government was of course entitled to place its own interpretation on a legal instrument, but the fact remained that it was refusing to negotiate unless its interpretation was admitted *a priori* by the other party. Article 2, which related to the political status of the Territory, provided that that status was to be determined through

future negotiations. If the essential element in the political status of a country was sovereignty, it would be very difficult to admit that the provisions of article 2 should be interpreted to mean that the question of the sovereignty over West New Guinea should be excluded from the negotiations.

28. Without considering that the Indonesian interpretation was necessarily indefensible, the Italian delegation believed that the Indonesian Government could not reasonably expect that its interpretation would not be opposed by valid arguments. As the representative of Haiti had stated (906th meeting), it followed from article 2 that the Netherlands Government had recognized that Indonesia might have certain rights over West Irian. Conversely, it was logical to deduce that the Indonesian Government had recognized that the Netherlands might have certain rights over the same Territory. The assumption was that the parties concerned had been referring to those rights when they had stated that the question of West New Guinea remained in dispute and it was those rights which were to be determined by the negotiations in question. The negotiations that had been started in 1950 had unfortunately failed, not because the parties had refused to negotiate, but because they were unable to agree on the actual object of the negotiations. If those negotiations were to succeed, the first essential step must be to settle the question of the interpretation of the relevant provisions of the Charter of Transfer. Whatever the nature or political importance of the dispute, it was based on a legal problem which must be solved. The appropriate body for that purpose was not the General Assembly, but the International Court of Justice. It was not a question of referring the settlement of the question of West Irian to the Court, but of requesting it to interpret article 2 of the Charter of Transfer. If the two parties, or one of them, refused to go to the Court, it would be impossible for them to come to an agreement, since there was no way to reconcile the divergent interpretations they placed on that article.

29. The controversy before the Assembly was a controversy over rights, and any controversy over rights was necessarily a legal dispute. Therefore it would be fruitless to enter into negotiations until that prior question had been settled. Furthermore, the Court's decision would in no way affect the rights of the parties or the validity of any arguments they might wish to adduce, whether political, economic, cultural or ethnic. Neither would it prevent them from taking into account the rights and interests of the inhabitants of the Territory. As the representative of Costa Rica had emphasized (908th meeting), that point was of the highest importance. Whatever the political status of the Territory might be, the two parties had an obligation to ensure that it met the requirements of the inhabitants. The Netherlands and Indonesia could not determine the political status of West Irian merely from the point of view of their own rights; the rights of the inhabitants ought to be the decisive factor in any decision affecting that Territory. If that factor were disregarded, the two countries would have failed to comply with the obligations they had assumed under the 1949 agreements.

30. Turning to the text of the draft resolution, he said he found it both disappointing and obscure. It eluded the first problem which had to be solved, namely, that of defining the object of the dispute. Instead of inviting the parties to refer the question to the International

Court of Justice, the text spoke of a "political dispute". That was an expression which might be misleading. Though the controversy between Indonesia and the Netherlands had implications which were definitely political, it was not in itself political, but was founded on the Round Table Conference agreements of 1949. It was important to note, in that connexion, that the representatives of the twenty-nine States which had taken Indonesia's side at the African-Asian Conference—and that had been a political decision—had been careful to reaffirm that the position of Indonesia was based on the agreements with the Netherlands; and they had further urged the reopening of negotiations to implement the obligations existing under those agreements.

31. As the agreements had been denounced by Indonesia, the present text might convey the idea that the General Assembly, at least implicitly, considered that, since Indonesia had denounced those agreements, there was no longer a legal, but merely a political, question at issue. But the fact that Indonesia had denounced the agreements had certainly not put an end to them. No bilateral agreement could be terminated by the decision of only one of the two parties. The United Nations could never accept a theory constituting a definite violation of the principles, set forth in its Charter, of respect for the obligations arising from treaties and other sources of international law. The denunciation of the 1949 agreements might have weakened Indonesia's position, but it gave no ground for asserting that the controversy had changed its character: that would amount to depriving both parties of the legal foundation of their claims and, in particular, depriving the Netherlands of the right of legal defence. The text might also be open to interpretations which could set a dangerous precedent.

32. The dispute before the Assembly had a legal foundation which could not be veiled or put in doubt by the use of an expression so obscure and ambiguous as "political dispute".

33. Paragraph 1 of the operative part referred to the principles of the Charter of the United Nations. At least two of those principles were particularly relevant: respect for international obligations and for the principle of self-determination of peoples. But in the present circumstances it would be quite misleading not to mention the international obligations contracted by the two parties. That again might make it appear that the dispute had changed in character and that a solution had to be sought, no longer in the framework of the Round Table Conference agreements, but merely in the more general framework of the principles of the Charter. Whatever resolution the General Assembly might adopt, it should be made clear that international agreements could not be terminated by unilateral denunciation.

34. Paragraph 2 seemed pointless. No practical results could come from asking for the Secretary-General's assistance, since the assistance the parties needed could only be given by the International Court of Justice. But again, in its context, that paragraph might give the impression that the dispute had to be settled merely in the framework of the principles of the United Nations Charter. It was true that the sponsors of the draft resolution had not given it such an interpretation; not had any of them said that the 1949 agreements had ceased to exist. But the text, as it stood, was open to a dangerous interpretation. The

draft resolution was not only vague and ambiguous in its wording, but also ineffectual in its provisions. Far from enabling the parties to reach a solution, it would only add to the existing confusion.

35. In conclusion, he stated his view that the only method of solving the problem was to decide first the legal question of the interpretation of article 2 of the Charter of the Transfer of Sovereignty. The Italian delegation did not represent a colonial Power, and its attitude was not dictated by any political reasons. Its sole desire was that the parties should reach a peaceful solution at an early date. That was why it would vote against the draft resolution.

36. U THANT (Burma) said that, in order to see the question in its true perspective, it was necessary to view it from its historical, geographical, political, and emotional aspects. Mere legal hair-splitting would lead nowhere. Many previous speakers had already shown that the Netherlands had never considered West Irian as a separate territory of the Netherlands East Indies, which had become Indonesia. West Irian had always been under the jurisdiction of Batavia, on the same footing as the rest of Indonesia.

37. At the 905th meeting, the Netherlands representative had been at pains to prove that there was no dispute between the Republic of Indonesia and the Netherlands so far as West Irian was concerned, and to draw a distinction between the existing status of West Irian and its future status. The delegation of Burma was convinced that a dispute existed and that it was only proper that it had been referred to the United Nations, whose mission it was to ensure that such disputes did not degenerate into armed conflicts.

38. According to the Netherlands representative, the problem should be solved by reference to the principle of self-determination. But, logically, the principle of self-determination should be applied to all regions of Indonesia, which would result in the disintegration of the existing Republic of Indonesia. In actual fact, the population of one quarter of the eighty-two Members of the United Nations had never exercised the right to self-determination, and yet no one had questioned the legitimacy of those States.

39. The political and emotional aspects of the problem were more significant than all the others. They were linked to the mergence of Asia, which, after a long period of subjugation and quiescence, had become a force to reckon with. The countries of Asia and Africa saw the West Irian issue as a purely colonial issue. That was the position which they had defined at the Bandung Conference. The Burmese delegation fervently appealed to the metropolitan Powers and to the other Members of the United Nations to view the question with foresight and magnanimity and to support the nineteen-Power draft resolution.

40. Mr. LUNS (Netherlands) remarked that, of the theses and arguments propounded during the debate, some had given evidence of a novel approach to certain aspects of the matter, to which less attention had previously been paid.

41. One aspect that had aroused greater interest than before was the question of the General Assembly's competence to take action in regard to the Indonesian claim. The reason why that side of the problem had been less thoroughly examined during previous sessions might perhaps be found in the deliberately or

unintentionally confused manner in which Indonesia had presented its demand. Indonesia had asked that the Netherlands should continue to negotiate with it on Netherlands New Guinea; and in support of that demand, it had asserted, and continued to assert, that Netherlands New Guinea was part of Indonesia. What might have escaped the notice of some delegations was that the demand and the arguments supporting it concerned two totally different questions: the argument related to sovereignty over Netherlands New Guinea; the demand, taken at its face value, was for a resumption of negotiations about the future status of that Territory. The representative of Italy had rightly pointed out the importance of that distinction.

42. If Indonesia's argument were correct, i.e., if it were true that Netherlands New Guinea was part of Indonesia and that the Netherlands was illegally occupying the territory, then there would be no room for negotiations about the Territory's future status. The Netherlands would have to hand over the Territory to Indonesia, and negotiations could only concern the transfer of administration.

43. He wished to ask the representative of Haiti, who had said (906th meeting) that the positions of the parties should be judged by their attitudes in limine litis, whether he really believed that the Netherlands would have agreed to the terms of the Charter of the Transfer of Sovereignty in 1949, if the terms of that Charter were to have been interpreted to mean that the Netherlands was occupying Territory which lawfully belonged to Indonesia.

44. If, on the other hand, Indonesia's demand were to be considered by itself, in other words, apart from the argument that Indonesia had propounded, then the negotiations could only bear upon the future status of Netherlands New Guinea and the parties would then be free to decide, either upon its continuance as a Non-Self-Governing Territory administered by the Netherlands, or upon cession to Indonesia, or upon some other status. But on that premise the negotiations could never have for their object a recognition by the Netherlands that Netherlands New Guinea was part of Indonesia.

45. It was highly important to make that distinction because the Indonesian argument about sovereignty over Netherlands New Guinea was a purely legal question with which the General Assembly was clearly not competent to deal, as the representative of Italy had just pointed out; whereas the Indonesian demand for a resumption of negotiations on the future status of the Territory—again, if taken merely at its face value—was a political question falling within the competence of the Assembly.

46. If Indonesia's case was that the Netherlands was unlawfully occupying part of Indonesian territory, then the General Assembly would have to refuse to deal with it, because it implied a judicial decision; and, as stated in Article 92 of the United Nations Charter, the International Court of Justice was the principal judicial organ of the United Nations. The Netherlands delegation had repeated that point over and over again in the past four years.

47. If Indonesia's case was that it would be expedient for the two countries to see if they could work out some future status for Netherlands New Guinea to which they could both agree and which would take into account the right of self-determination of its inhabitants, negotia-

tions were only possible on condition that Indonesia relinquished its claim to sovereignty over Netherlands New Guinea and declared itself willing to accept an outcome of the negotiations other than transfer of the Territory to Indonesia.

48. He quoted passages from a statement made by the Colombian representative at the 905th meeting in which that representative had said that he believed the problem was a legal one involving a situation, which often occurred in international relations and which was known in Roman law as vindicatio rei. The Colombian representative had added that the General Assembly was not competent to hand down a decision on a legal question.

49. He also wished to mention the statement made by the representative of Afghanistan (907th meeting), who had spoken in support of the draft resolution to which the Netherlands delegation was opposed, but had done so in a manner which was notable for its courtesy and moderation. Unfortunately, not all the supporters of Indonesia had displayed the same courtesy and moderation. One representative had even gone so far as to accuse the Netherlands of "a breach of faith". He would not reply to that representative's remarks.

50. He would like to pay particular attention to the statement by the representative of the Federation of Malaya (907th meeting), who had pointed out that when his country had become independent, the United Kingdom had transferred to the Federation sovereignty not only over the nine Malay States, but also over the former Crown Colonies of Penang and Malacca. The representative of the Federation of Malaya had not mentioned the most important Crown Colony in Malaya, namely, Singapore, which, as everyone knew, had not been included in the transfer of sovereignty and was still a Crown Colony. Penang and Malacca formed part of the Malay peninsula and were inhabited by the same people as the rest of Malaya; in addition, they had been given the status of Federal States within the Federation of Malaya, which was itself linked to the United Kingdom in the British Commonwealth of Nations.

51. He reiterated that, when his country had transferred its sovereignty over Indonesia, the transfer had been made to the Republic of the United States of Indonesia on the basis of its Constitution, which had been a federal one. One of the reasons why the Netherlands had believed at that time that a just and equitable arrangement might have been devised and why it had agreed to negotiate was precisely that Indonesia had then had a federal structure and had been linked to the Netherlands in the Netherlands-Indonesian Union. It was certainly not the fault of the Netherlands that that framework, within which a settlement could have been reached, had been destroyed.

52. The representative of the Federation of Malaya had also remarked that, although the Netherlands had made a solemn promise to permit the inhabitants of Netherlands New Guinea to exercise the right of self-determination, such promises rang hollow in the ears of a colonial people. If the representative of the Federation of Malaya had any doubts about the sincerity of the Netherlands, he (Mr. Luns) suggested that that representative should discuss the matter with the Governments of Surinam and the Netherlands Antilles. The records of the United Nations containing those Governments' unequivocal statements on the matter were

there for the representative of the Federation of Malaya to inspect.

53. The representative of Saudi Arabia had referred to the negotiations held between the Netherlands and Indonesia in 1955 and 1956 and especially to the item of the agenda concerning Netherlands New Guinea. He appeared to be under the misapprehension that that item had related to a discussion of sovereignty over the Territory. In fact, the two Governments had expressly agreed not to discuss the question of sovereignty, and it had been laid down in the agenda that each Government fully maintained its own position on that question. The talks had broken down, not on the question of Netherlands New Guinea, but on the problem of a mutually acceptable arbitration formula concerning other questions. Netherlands New Guinea had not in fact been discussed at all. As he (Mr. Luns) had been leading the Netherlands delegation at those talks, he knew exactly what had taken place.

54. Finally, the representative of Indonesia, dealing with the threats to the Netherlands that he himself and many of his countrymen had uttered, had stated (906th meeting) that, if there was no compromise from the Netherlands side, he thought that Indonesia was now able to take other action short of war. That representative had added that he was not trying to intimidate the Assembly, but only wanted to say that Indonesia was able to take action which might harm Netherlands interests.

55. He (Mr. Luns) did not feel that those words were very reassuring or indicative of peaceful intent. His Government had also read with misgivings a report in the Indonesian News Bulletin of 12 October 1957 that Colonel J. F. Warouw, Indonesian military attaché in Peking, had declared over Radio Peking that it had always been the firm determination of the Indonesian armed forces to "liberate West Irian from the colonialist and imperialist rule of the Dutch".

56. The misgivings of the Netherlands delegation had not been dispelled by reading a report in The New York Times of 19 November 1957 that President Sukarno had threatened force if the United Nations again refused to recommend negotiations on Indonesia's claim to West New Guinea.

57. The Netherlands stand was well known to be that it could not negotiate with Indonesia about the future of Netherlands New Guinea because that future must be decided in due course by the inhabitants of the Territory themselves. He repeated that, if they opted to join Indonesia, the Netherlands would fully respect their wish.

58. In order to discredit that stand, the Minister of Foreign Affairs of Indonesia had said at the 905th

meeting that it was the Netherlands which had recently invented the term "self-determination" and introduced it into the question of West New Guinea. He would remind the Indonesian delegation that the right of self-determination for various territories was ensured not only by article 43 of the Draft Constitution of the Republic of the United States of Indonesia (S/1417/Add.1, appendix VI) and by article 2 of the Agreement on Transitional Measures (S/1417/Add.1, appendix XI), both dating from 1949, but also by article 3 of the Linggadjati Agreement of 25 March 1947, by article 6 of the Renville Agreement, called the Twelve Principles, of 17 January 1948 (S/649/Rev.1, appendix XIII), and by point 4 of the van Royen-Roem statement of 7 May 1949 (S/1320). In brief, it was a recurrent theme of all the agreements that had preceded the Round Table Conference of 1949.

59. He wished to add that there was no truth whatever in the allegations made about the military implications of the joint statement issued by the Governments of Australia and the Netherlands on 6 November 1957. Those allegations were malicious inventions.

60. The draft resolution before the Committee was unacceptable to his Government, and he would vote against it. As the Australian representative had proved, it was incompatible with the provisions of the United Nations Charter.

61. The Indonesian representative had said that the question was a serious one for Indonesia. It was no less serious for the Netherlands. An effort was being made to violate the territorial integrity of the Kingdom of the Netherlands by the use of threats and the misuse of the General Assembly, and to brush aside as irrelevant the principle of equal rights and self-determination of peoples. The question was serious because some delegations seemed to take the view that respect for the obligations arising from treaties and other sources of international law could be disregarded and that a State which had taken the unprecedented step of announcing to the world that it would no longer be bound by any of the agreements entered into with the Netherlands could do so with impunity and at the same time demand negotiations on claims based on the very agreements it had repudiated. Finally, it was serious because the Indonesian Government had allowed foreign nationals, who were living in Indonesia and for whose safety and well-being it bore full responsibility, to be molested and had even incited the population to commit those outrages.

62. It must be obvious to everyone that the Netherlands Government could not view with equanimity developments so subversive of the most important principles of the United Nations Charter.

The meeting rose at 1.10 p.m.