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Chairman: Mr. Djalal ABDOH (Iran).

AGENDA ITEM 62

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

1. Mr. ARKHURST (Ghana) said that the question of West Irian had become an urgent one because it threatened to create a situation which might jeopardize peace and stability in South-East Asia. Reviewing the relevant terms of the Charter of the Transfer of Sovereignty (S/1417/Add.1, appendix VII) signed by the Netherlands and Indonesia in 1949, he pointed out that West Irian had not been included in that transfer and that the Charter had recognized the existence of a dispute between the parties regarding the status of the Territory, which was to be settled by negotiation. It had never been contended that there was no dispute, nor that solution of the dispute could be left to the unilateral action of the Netherlands. The ultimate political future of the Territory was to be decided through consultation and negotiation with Indonesia.

2. There could be no ambiguity regarding the interpretation of article 2 of the Charter of the Transfer of Sovereignty. While the article had conspicuously refrained from defining the nature of the dispute outstanding between the parties, it was not for the International Court of Justice to supply that definition. The Court would have to add an explanatory paragraph to a bilateral agreement, and that was certainly not its function.

3. He categorically rejected the argument that Indonesia had no claim to West Irian because the majority of the Territory's inhabitants were ethnically distinct from the Indonesians. Few modern States could meet the test of ethnic homogeneity, and ethnic differences were not sufficient justification for rejecting Indonesian appeals for negotiation. Moreover, the argument would also invalidate the Netherlands claim, for there were surely no ethnic ties between the people of West Irian and the people of the Netherlands.

4. As a residual problem of colonialism, the West Irian question necessarily evoked memories which embittered the relations between the parties. On the other hand, Article 73 of the United Nations Charter should not be construed as an invitation to States not directly concerned to become parties to a dispute involving the status of a territory. The West Irian dispute could not be argued out of existence. The United Nations should

discharge its function of assisting in the peaceful settlement of disputes by endorsing the eminently reasonable nineteen-Power draft resolution (A/C.1 L.193).

5. Mr. IVASCU (Romania) pointed out that in an era when all the peoples of South-East Asia were gradually winning independence from colonial bondage and entering the United Nations as sovereign States, the persistence of a dispute over West Irian as a result of the increasingly rigid Netherlands position was anachronistic. The Netherlands had been responsible for the deadlock in the negotiations provided for in the Charter of the Transfer of Sovereignty and, following further refusals to negotiate, had annexed West Irian outright in 1952. Although the only logical course for the parties was to continue to negotiate, the Netherlands Government was refusing to face realities and maintaining a false position which threatened peace in the area.

6. The whole of Indonesia had expressed its right of self-determination in 1945 when it had proclaimed its independence. That expression had extended to all its component parts, including West Irian, as recognized in the Netherlands Constitution at that time. There had been no separate plebiscite then, and there was no justification for one twelve years later. Application of the right of self-determination to any part of Indonesia, or of any sovereign State at the present time, for that matter, might destroy national unity. Moreover, history proved that West Irian was bound to Indonesia; it had participated in its national liberation and had fought the Japanese invaders. It was significant that the members of the Irian Party for the Independence of Indonesia had since been imprisoned or forced into exile. Finally, the backwardness of the West Irian people could not be invoked as an argument for maintaining their colonial status; on the contrary, it was a further argument for the rapid integration of the Territory into the Republic of Indonesia. For Indonesia was building a modern democratic State, had already made great strides in education and health and was in a position to assist the West Irian people in eradicating illiteracy and disease. No people had a better knowledge of conditions in West Irian than the Indonesians or would be better able effectively to raise the standards of living in the Territory.

7. The only way to promote the welfare of West Irian was to act in accordance with the provisions of the Charter of the Transfer of Sovereignty and with the principles of the United Nations Charter. The joint statement of 6 November 1957 by the Netherlands and Australia regarding the future development of the whole of the island of New Guinea indicated that their intention was to reverse the whole basis of the discussions between the parties in the United Nations and to put the question of West Irian on a basis totally unacceptable to Indonesia. The United Nations should act quickly to effect a resumption of negotiations between the parties.

8. Mr. OSMAN (Sudan) said that, while the representatives of the Netherlands and Australia had not replied conclusively to the question whether a dispute existed over West Irian, they had conceded that the matter which remained unresolved related solely to the future status of the Territory. In any case, the dispute could not be divorced from the Territory's historical background, and the issue of sovereignty could not be bypassed. The representatives of the Netherlands and Australia had never directly or indirectly denied that West Irian was a part of Indonesia; indeed, they had shifted the emphasis of their argument to the issue of self-determination. It should be noted that the principle of self-determination could be applied at the discretion of the parties to the dispute. The Sudanese delegation would have supported its application if the parties had been the Netherlands, on the one hand, and West Irian, on the other. However, the parties were two sovereign States and one of those parties, Indonesia, had the right to refuse to limit its sovereignty by accepting the application of the principle of self-determination to what it considered to be an integral part of its territory. It could, if it wished, enter into a treaty with the Netherlands by which it would agree to limit its sovereignty over West Irian, but it had not done so. Instead, it was requesting negotiations without prejudice to its sovereignty over the whole of its territory, including West Irian, for the Charter of the Transfer of Sovereignty had bestowed on Indonesia the international status of a sovereign and independent State. The Netherlands, for its part, for reasons which were not clear, appeared to be attempting to bring about a change in the terms of that Charter by claiming rights or privileges over the people of West Irian and to be disregarding the fact that sovereignty over the Territory naturally meant sovereignty over its inhabitants.

9. It was clear from the evidence that West Irian had always been part of Indonesia. Article 2 of the Charter of the Transfer of Sovereignty was an article of faith under which both parties had accepted negotiation as a means of deciding the Territory's future status. Under the Netherlands administration, West Irian had been neglected and had remained backward. Its primitive social structure and the ethnic origins of its population should not be used to justify continuance of that administration. Few States could withstand the test of homogeneity. Unquestionably, West Irian had historical and cultural ties with Indonesia. It was certainly not closer to the Netherlands. For the Indonesian people, the question of West Irian was a major issue and it was the duty of the United Nations to assist in settling the dispute over it in accordance with the principles of the Charter. Indonesia was not asking more than what had already been agreed to by the Netherlands in the Charter of the Transfer of Sovereignty. The nineteen-Power draft resolution deserved the Committee's full support.

10. Mr. WALKER (Australia), in reply to allegations made by the USSR and other representatives, flatly denied that the Netherlands New Guinea was being developed as a military base of the South-East Asia Treaty Organization (SEATO). He recalled the categorical statement of the Philippine representative, whose country was a member of SEATO, that no such plan had ever been mentioned in the organization (908th meeting). Moreover, as the same representative had said, it was far-fetched to connect SEATO with the

Netherlands because the Netherlands was not a member of SEATO, and arguments along those lines would not win the sympathy of countries which otherwise would be sympathetic regarding the situation in West Irian.

11. He further recalled Australia's support of Indonesia in its movement for independence, which had been endangered by the revolt of the Indonesian Communist Party in 1948. That revolt had had the blessing of the Soviet Union, which now set itself up as the friend of Indonesia.

12. The Australian delegation considered that Indonesia had not presented a convincing case for the association of the Papuan people of Netherlands New Guinea with the Republic of Indonesia. It had not established that there had been "centuries of living together" between Indonesia and the people of the Territory and that that had given rise to a feeling of common destiny. To follow to its logical conclusion the argument that because two areas were once under a common colonial administration they should form one State would call into question the right of a number of countries to be represented in the United Nations. Further, Indonesia was not legally justified in asserting that western New Guinea was already part of its territory. The Charter of the Transfer of Sovereignty and the related exchange of correspondence (S/1417/Add.1, appendix XXIV) showed that the Indonesian delegation at the Round Table Conference had specifically agreed that the continuance of the status quo in Netherlands New Guinea meant "continuing under the Government of the Netherlands". In any case, interpretation of those agreements was a matter for the International Court of Justice and not for the First Committee. Finally, Indonesia had adduced no new evidence of the desire of the people of western New Guinea for association with it. Only the people of the Territory could give evidence of such a desire. It would be a grave mistake to accept the Indonesian contention—a mistake which could not be corrected later since any incorporation of Netherlands New Guinea into Indonesia would be final and irrevocable.

13. There were no valid arguments to justify a call for negotiations. Indonesia, having unilaterally denounced the Round Table Conference agreements which provided for negotiations, could not now invoke them. Moreover, the negotiations to which it had referred had taken place and had failed because Indonesia had refused to consider anything less than the outright transfer of sovereignty over Netherlands New Guinea to Indonesia. It was clear from the statements of the Indonesian representative in the Committee that his country still insisted on the transfer of sovereignty as a prior condition for negotiations, notwithstanding the fact that the wishes of the people concerned had not been ascertained and that they would have no prospect of altering their relationship with Indonesia in future if they so desired. It was natural for the Netherlands to refuse negotiations on that basis.

14. The only new element in the Indonesia case was the vague threat of the Indonesian delegation that it would use means other than an appeal in the United Nations if the Netherlands maintained its position and the demand for negotiations was not met. That was obviously an attempt to put pressure on the Assembly. The Committee could be forgiven if it concluded that Indonesia had decided to strengthen its case in the

United Nations by the creation of a state of tension in Indonesia—tension which did not exist in New Guinea. Any weakening in the attitude which the United Nations had thus far taken on the question would be interpreted by some States as proof that the Organization was responsive to threats and would lead them to shape their policies accordingly.

15. Despite the references in the statements of Indonesian leaders to punitive action or the breaking-off of diplomatic relations with the Netherlands, the Australian Government would continue to assume that Indonesia had no intention of tolerating the use of armed force against Netherlands New Guinea. It deplored the use of such threats in connexion with a debate in the United Nations and hoped to obtain reassurance from the Indonesian delegation in respect of them. The General Assembly should not allow itself to be influenced by the assertion of a claimant Power arguing its case for sovereignty that the controversy involved questions of peace or war.

16. The joint statement issued by the Netherlands and Australian Governments on 6 November 1957 represented a constructive policy for the uninterrupted development of western New Guinea, in accordance with the principles to which the Netherlands was committed under the Charter, until the population was in a position to determine its own future. The Netherlands intended to end its control over the Territory as soon as the people of the Territory were ready to bear the responsibilities of self-government. Indonesia, in contrast, was proposing an irrevocable annexation of the Territory with no provision for consulting its inhabitants at any time. Indonesia was not asking for fuller investigation of matters requiring more research in Netherlands New Guinea through negotiations; the negotiations it was requesting were to be based on the outright surrender of jurisdiction over the Territory to Indonesia. Thus, adoption of the nineteen-Power draft resolution would be interpreted as endorsement of Indonesia's claim to sovereignty.

17. Summarizing the substance of his delegation's remarks, he stressed that it was for the International Court of Justice to interpret the relevant international agreements in connexion with the contention that Netherlands New Guinea was already legally part of Indonesia. The question was not one of colonialism, but of sovereignty over a particular territory; the choice was between annexation by Indonesia or self-determination by the inhabitants. The joint Australian-Netherlands statement offered a clear promise of eventual self-determination to the people of Netherlands New Guinea. The only conceivable threat to peace arose from statements by Indonesian leaders. Since Indonesia made an outright transfer of sovereignty a precondition for negotiations, pressure to bring about negotiations would only increase tension. Moreover, to involve the Secretary-General in such negotiations would be a disservice to that office and to the United Nations. Australia would therefore oppose the draft resolution.

18. Mr. KRAJEWSKI (Poland) said that in the opinion of his delegation a *prima facie* case had been established for the return of West Irian to Indonesia. From the legal point of view, Indonesia, formerly a colonial possession of the Netherlands, was now an independent State with full sovereign rights over its territory, which rightfully included West Irian. The

Charter of the Transfer of Sovereignty signed by Indonesia and the Netherlands in December 1949 provided that the question of West Irian was to be the subject of further negotiations between the two Governments. Those negotiations had, however, broken down. Whether or not that Charter was implemented, it constituted proof of the recognition by the Netherlands of the already existing rights of Indonesia in West Irian. The twelve-month period contemplated in the Charter for conducting negotiations could not be regarded as prescriptive and could not be construed as depriving a State of its basic right to territorial sovereignty. Beyond any doubt West Irian formed a part of Indonesia and that fact had been acknowledged by the Netherlands Government itself in reports submitted to the United Nations in 1948 and 1949.

19. In the light of those weighty legal considerations, arguments about ethnic differences were hardly convincing, particularly since very few States were ethnically homogeneous.

20. The suggestion by the Netherlands and its supporters that the question should be referred to the International Court of Justice was unacceptable because the problem of the independence of peoples, their sovereignty, or their right to self-determination could not be settled in courts.

21. The question of West Irian was an important element in the dynamic process of eliminating all vestiges of colonialism which had gained momentum since the end of the Second World War. The process of liberation from colonial dependency was inevitable and could not be stopped by force. Some States, recognizing the natural course of events, had withdrawn from some of the territories they occupied and transferred authority to the locally elected representatives of the populations. In other cases, people had gained their freedom through struggle. Certain States, however, sought to retard the process of liberation.

22. The argument of the Netherlands representative that the wishes of the inhabitants of West Irian were not known and their interests would best be safeguarded by continuation of their colonial dependence was contradicted by the growing partisan movement in West Irian.

23. West Irian, as a component part of Indonesia, had shared the fate of Indonesia as a Non-Self-Governing Territory within the meaning of Chapter XI of the United Nations Charter. When Indonesia had gained its independence, West Irian should rightfully have formed an integral part of the new sovereign State of Indonesia. An attempt was being made artificially to separate West Irian from Indonesia by applying a different criterion to one part of Indonesian territory. That fact, together with the undisputed links between West Irian and Indonesia, refuted the thesis that the Netherlands administration aimed at ensuring for the population of West Irian the expression of their will in the future.

24. His delegation could not subscribe to the contention that any State could make a claim against another State, and, in case of refusal, maintain that a dispute existed and request United Nations assistance. The authority of the United Nations was undoubtedly a sufficient guarantee against the submission of unwarranted demands. Clearly the question of West Irian was a very important political problem put for-

ward by a State which, in the short period of its independence, had given great proof of its attachment to the cause of peace and actively contributed to international co-operation, as evidenced by the African-Asian conference held at Bandung in 1955, which had given unequivocal support to the Indonesian case. Thus the dispute could not be considered as a local dispute between two States, but was definitely international in character. The United Nations must assume the task of finding a peaceful solution.

25. Although West Irian was a long way from Poland, his delegation was chiefly motivated by a sincere desire to prevent an increase in international tension. The dispute should not be left in abeyance but should be solved with the active help of the United Nations. The situation should not be allowed to deteriorate further, for any aggravation would endanger international peace.

26. The nineteen-Power draft resolution was very moderate and, in view of the undisputed right of Indonesia to West Irian, its very tenor testified to the sense of responsibility of the Indonesian Government. The Polish delegation would vote in favour of the draft resolution and hoped the Committee would support it overwhelmingly.

27. Mr. LOUFI (Egypt) said that Egypt had been one of the twenty-one Member States which had requested the inclusion in the agenda of the twelfth session of the General Assembly of the question of West Irian (A/3644). That move had been designed to seek a solution of the problem through negotiation, in accordance with the United Nations Charter, to reduce tension and clear the atmosphere.

28. He had doubts regarding the validity of the statement attributed to President Sukarno regarding the alleged use of force and he was certain that the Indonesian representative would clear up that point.

29. For four consecutive years the General Assembly had discussed the question of West Irian. His delegation would therefore stress only two points which it considered extremely important. First, West Irian had been an integral part of the former Netherlands Indies, and, inasmuch as the Netherlands Indies had become Indonesia and sovereignty had passed from the Netherlands to Indonesia, it followed that West Irian was a part of the territory of Indonesia. As other speakers had pointed out, that followed clearly from article 1 of the Charter of the Transfer of Sovereignty. Article 2 dealt only with the status of West Irian, a decision on which was to be taken within a period of one year. What was involved was the transfer of the administration of West Irian within the framework of the sovereignty of Indonesia to which the Netherlands had made the transfer. Accordingly, the negotiations requested in the nineteen-Power draft resolution, of which Egypt was a sponsor, were based on a contractual agreement which in fact had been implemented inasmuch as negotiations had been undertaken at various times without success and as in his delegation's opinion the transfer of sovereignty had already occurred. Moreover, even without contractual obligations, the United Nations Charter prescribed negotiations.

30. He could not concur in the opinion of the Netherlands representative regarding the provisions of Article 73 of the United Nations Charter relating to

Non-Self-Governing Territories. The section of the Charter in question had never been intended to determine the sovereignty of a given territory, which must be left to its legitimate holder, in the present instance Indonesia in accordance with the Charter of the Transfer of Sovereignty. Chapter XI of the United Nations Charter was not intended to transfer to a State sovereignty which did not rightfully belong to it or to recognize an occupation which was invalid to begin with. Chapter XI and its legal consequences could not suffice to exclude discussions of the sovereignty of West Irian. The previous question of who held sovereignty must be settled even before invoking Chapter XI of the United Nations Charter.

31. The question at issue was not a request for annexation but, as had been repeatedly pointed out, the resumption of negotiations. If any annexation had occurred, it had been done by the Netherlands.

32. The United Nations could not disregard its responsibility by failing to encourage the resumption of negotiations which would help to ensure co-operation and friendly relations between Indonesia and the Netherlands. His delegation could not agree with the Australian representative's view that resumption of negotiations might, if unsuccessful, increase tension. It often happened that diametrically opposed positions at the outset of negotiations had been modified in the course of negotiations and a solution achieved. Moreover on the very difficult question of disarmament, the First Committee had consistently adopted the position that the holding of negotiations could in itself reduce international tension.

33. He hoped that the Netherlands would not pursue its outdated colonial policy, but would agree to negotiation in order to find an equitable solution to the problem. He noted that the countries represented at the African-Asian Conference had unanimously supported Indonesia's claim to West Irian, despite the doubts expressed by the Australian representative.

34. The nineteen-Power draft resolution was very moderate and merely requested both parties to pursue their endeavours to find a solution of the dispute in conformity with the principles of the Charter of the United Nations. In his view it would be difficult to vote against such a draft. The attitude of certain Powers on the question was regrettable. Nevertheless, he hoped that the Committee would adopt the draft resolution.

35. Mr. GEBRE-EGZY (Ethiopia) said that his delegation was co-sponsoring the nineteen-Power draft resolution because study of all the documents involved showed that there was a dispute regarding the administration of West Irian and that that dispute was to be settled by negotiation. The attempt to disregard that fact by invoking the principle of self-determination should not be accepted by the General Assembly.

36. In that connexion, he noted that at its tenth session the General Assembly had refrained from considering the question of West Irian because the two States had agreed to negotiate on many matters, including the question of West Irian. That attempt had not been fruitful, but it did prove that the arguments against negotiation had no foundation.

37. The statements of most of the opponents of the draft resolution showed, beyond any doubt, that a dispute existed but, for varying reasons, they opposed

attempts at negotiation. That startling development must be vigorously opposed because it would mean the end of the United Nations as a forum to assist States in reconciling their differences. The fact that nineteen States from various parts of the world had co-sponsored the draft resolution was, in itself, a concrete indication of the seriousness of the question.

38. The draft resolution was simple in terms but was based on the very fundamental consideration that the United Nations should assist Member States to settle their differences peacefully by negotiation.

39. The fact that the Government of the Republic of Indonesia had submitted the question of West Irian to the United Nations four times was evidence of its faith in the Organization. It was the duty of all Member States to try to bring together the parties to a difference, as proposed in the draft resolution before the Committee.

40. The representative of Indonesia had convincingly stated his country's case and other speakers had dealt at length with the substance of the dispute. Appropriate action by the General Assembly at the current session was essential. He therefore sincerely hoped that Member States would do justice to the request of the Government of the Republic of Indonesia and vote in favour of the draft resolution.

41. Mr. TARABANOV (Bulgaria) said that the question of West Irian was one of the many distressing consequences of the policy of enslavement of backward peoples carried out for centuries by the colonial Powers. At the time of Indonesia's liberation from the colonial domination of the Netherlands, a part of its territory had been artificially detached and colonial slavery maintained there under pretext of separate consideration of its status. The Bulgarian Government and people fully sympathized with the efforts of the Indonesians to defend their national independence and their territorial integrity against the intrigues of imperialist and colonial groups.

42. Certain delegations, particularly the Netherlands, had tried to transform the purely political question of the liberation of West Irian from the colonial yoke into a legal controversy regarding the interpretation of the text of international agreements. An attempt was thus being made to transfer the question to the International Court of Justice, which, by virtue of its specific function, could not take into consideration all the interests of peoples and countries and must necessarily confine itself to the legal framework of the question. That manoeuvre was obviously designed to pave the way for a political solution consistent with the wishes and the intentions of the Dutch colonialists. It would hardly be fair to entrust the destiny of a population of almost 1 million and the territorial integrity of a Member of the United Nations to the arbitrary decision of colonialists who very recently had announced their determined intention to work out a solution which would leave that part of Indonesia under their permanent domination. Their conduct at the negotiations on Indonesian independence had provided convincing proof of their true intentions. Impelled by the movement for national liberation to make some concessions, they had attempted to defer the solution of some questions, particularly the question of West Irian, in anticipation of a change in the international situation in their favour.

43. In 1948, the movement for national liberation of dependent and colonial peoples had reached its climax.

The Chinese people had been rapidly approaching final victory over foreign occupants and agents, and Indonesia and other nations of Asia and Africa had been advancing towards independence. Faced with the inevitable, the colonialists had tried to take credit for the formation of the Indonesian nation. Whatever they might say, the nature of colonialists was such that they never voluntarily surrendered any privileges.

44. The Dutch colonialists' plan to sever West Irian from Indonesia had been unmasked completely by the publication of the joint declaration of the Governments of the Netherlands and Australia on 6 November 1957, which showed that West Irian was to remain under colonial domination.

45. Before the transfer of sovereignty to Indonesia, official Netherlands documents had considered the population of West Irian as part of the Indonesian nation. Now, as relations with Indonesia were not satisfactory to the Netherlands colonialists, the population of West Irian could not be permitted to belong to Indonesia. That could not and should not be countenanced by the United Nations.

46. Apart from its selfish interests, certain changes in the international situation had greatly influenced the Netherlands' position. At the end of 1949, the aggressive North Atlantic alliance had come into being with the Netherlands as one of the founders. That alliance had been primarily designed to safeguard the colonial privileges of its members and to establish new forms of subjugation and domination of colonial peoples. Since the formation of SEATO, the aggressive bloc of the principal imperialist powers which were once again attempting to dominate the peoples of South-East Asia, West Irian had assumed new importance as a possible military base. It was not very difficult to discover the link between the establishment of those military alliances and the Netherlands position on the question of West Irian.

47. The continuation of Netherlands colonial domination of West Irian constituted a real danger to peace in that important area of the world. The Indonesian people could not abandon its brothers to life under the colonial yoke. The appeals of responsible leaders of the Indonesian people did not represent threats of war, but were rather a call to justice and expressed their will to aid their brothers in distress.

48. The struggle of peoples for liberty and justice had never represented a danger of peace. A real danger to peace arose, however, whenever colonial and imperialist circles sought to maintain their privileges over colonial peoples through the use of armed force. In such a situation, the United Nations was in duty bound to intervene to encourage settlement of a problem which might constitute a real danger to peace in South-East Asia.

49. Many strange arguments had been advanced in favour of continuation of colonial domination by the Netherlands over West Irian. Despite the colonizers' assertion that they had a civilizing mission, they had to admit that the population of West Irian, after 150 years of civilizing efforts, was still in the primitive stage. It had been said that the interests of the indigenous population were paramount, but it was clear that population had been kept in a state of complete misery and backwardness for centuries. The real motive for the great interest of the Netherlands colonialists in

West Irian had been the enormous profits derived from exploitation of the natural resources and of the indigenous population.

50. The nineteen-Power draft resolution merely called for resumption of negotiations to settle the question. In the present situation the United Nations must intervene in defence of the principles of the Charter. It could not allow the population of West Irian to be kept in slavery in order that the interests and privileges of a small group of colonizers might be safeguarded.

51. His delegation wholeheartedly supported the nineteen-Power draft resolution and would vote in its favour.

52. Mr. CHARLONE (Uruguay) deplored the fact that the increasingly intransigent positions taken by the parties to the dispute seemed likely to thwart the efforts of the United Nations to settle it by peaceful means.

53. His delegation had voted in favour of the draft resolution (A/C.1/L.110) which the Committee had adopted during the ninth session and which the Assembly had failed to adopt. The draft had called on the parties to pursue their efforts to find a solution of the dispute. At the eleventh session, however, it had abstained on a draft resolution (A/C.1/L.173), which had likewise failed to achieve adoption by the Assembly, requesting the President of the General Assembly to appoint a Good Offices Committee with a view to assisting in the negotiations. His delegation's support of the first draft resolution and abstention on the second explained the attitude it would take towards the draft resolution now before the Committee.

54. The system for the peaceful settlement of disputes established by the Charter of the United Nations conferred on all parties to a dispute an initial obligation of endeavouring to seek a solution by peaceful means of their own choice. Although the peaceful settlement of disputes was within the province both of the General Assembly and of the Security Council, Article 11, paragraph 2 of the Charter expressly provided that the taking of action was a matter for the Security Council alone. The Assembly was thus not empowered to act, for example by setting up a commission of the kind suggested in the draft resolution on which his delegation had abstained. The draft resolution now before the Committee likewise implied the taking of positive action by the General Assembly. It requested the Secretary-General to assist the parties in their endeavours to find a solution of their dispute and was thus open to the juridical objection which he had outlined. Moreover, it was not certain how far the parties were in fact ready to negotiate, and to present the Secretary-General with an impossible task might well discredit the Organization in world public opinion.

55. Both Indonesia and the Netherlands appeared to believe in all good faith that their positions were sound, but in his delegation's view, those positions were not clearly enough defined in view of the complexity of the juridical and political problems at issue. The title assumed by Indonesia to the Territory was not clear, but the intransigence of the Netherlands attitude in refusing to hand over the Territory until the inhabitants could determine their future by their own free will ignored the fact that in the agreements signed between the Netherlands and Indonesian Governments, which were the basis of the present status,

the former had conceded that changes in the status of West Irian should take place by negotiation between fundamental right of self-determination, whereas the which had in fact subsequently occurred in the constitutional structure of Indonesia did not warrant the conclusion that the agreement to negotiate the future status of the Territory of West Irian was now void. It was nevertheless true that the state of development of the inhabitants of the Territory was not yet such that they could choose their own political future. However their right to do so was inalienable and not subject to limitation in time.

56. One possibility of compromise solution had been referred to in previous discussions of the matter, namely, that some kind of voluntary United Nations Trusteeship System might be set up as provided by Article 77, paragraph 1 c of the Charter. His only object in mentioning that possibility was to bring it to the attention of the parties in the hope that they might find in it some basis for a compromise solution.

57. Mr. GEORGES-PICOT (France) saw no reason to alter the view expressed by his delegation at previous sessions that the question of West New Guinea should never have been placed on the Assembly's agenda. That view rested, not on grounds of solidarity among Western European Powers, but on considerations of law, fact and reality.

58. The legal position was quite unambiguous. The matter was one of domestic jurisdiction within the meaning of Article 2, paragraph 7 of the United Nations Charter. Admittedly the Netherlands and Indonesia differed in their interpretation of article 2 of the Charter of the Transfer of Sovereignty, but it was clear that West New Guinea was not in fact included in that document, and Indonesia could hardly base its contention to the contrary on agreements which it had denounced.

59. In so far as the question was one of differences in the interpretation of an international agreement, it should be brought before the International Court of Justice, and it was difficult to understand why, although the Netherlands Government had indicated its readiness to submit the matter to the Court, the Indonesian Government had consistently refused to do so.

60. The dispute was thus not one within the meaning of the United Nations Charter, but an unjustified attempt by one State to annex part of the territory of another. It had been designated as a "colonial" question but, as had been pointed out by the Belgian representative (908th meeting), that term was now used to provoke stereotyped reactions, and the exploitation of the term during the course of the present session seemed to derive from the hostility of certain States towards the States of Western Europe.

61. The population of the Territory of West New Guinea was still incapable of self-government and in administering it the Netherlands Government had scrupulously observed its obligations under the Charter, especially those under Article 73. It had solemnly reaffirmed its undertaking to make it possible for the Papuan population to exercise at the proper time its fundamental right of self-determination, whereas the Indonesian Government had in mind no other solution than a total transfer of sovereignty with no previous consultation of the population. The argument that the people of West New Guinea had expressed their views

in 1945 was specious because in 1945 there had been no State of Indonesia and even had the population of West New Guinea been consulted on a transfer of sovereignty they were incapable, then as now, of expressing a reasoned opinion. The view that the Indonesian Government was better qualified than that of the Netherlands was equally unfounded, but be that as it may, the Netherlands Government was administering the Territory in full sovereignty and the General Assembly had no power to relieve it of that administration.

62. The question of prestige had also been invoked, but the Netherlands was not the complainant, so that its prestige could hardly be involved. The argument that the position of France and Belgium was dictated by economic considerations was not valid; their positions had been defined long before the European Common Market, to which reference had been made in the discussion, had come into being.

63. Turning to considerations of reality, he pointed out that the General Assembly had already failed to give a majority to one draft resolution on the subject. The Netherlands representative had said in his statement (905th meeting) that the Netherlands would not enter upon any negotiations concerning the future status of the Territory of West New Guinea without the inhabitants of the Territory having exercised their right, granted to them by the Netherlands, of deciding their own political future. The Indonesian Government's expressed desire to emphasize before the world its concern over the question of West New Guinea had surely been amply satisfied by the statement of its general policy made by its representative in the Assembly's general debate at each session.

64. For those reasons, his delegation would be unable to support the draft resolution, or indeed any other text which would give authority to United Nations intervention, no matter how limited, in the matter of West New Guinea.

65. Mr. AL HAMDANI (Yemen) said that the dispute was one between two States and might, if unresolved, prejudice the establishment of friendly relations between the Governments concerned. The issue moreover involved liberation from colonial rule and a situation which, if permitted to continue, might cause growing international friction in the Pacific area.

66. Indonesia's statement that West Irian was a part of Indonesia now wrongly held by the Netherlands, and that the Charter of the Transfer of Sovereignty recognized that fact, was clear and convincing. Historically, politically and legally, West Irian had always been part of Indonesia, and the Netherlands contention to the contrary was baseless.

67. The problem was fundamentally one of colonialism. Indonesia was now what used to be known as the Netherlands East Indies, and the Round Table Conference had stated that the transfer of sovereignty to the Indonesian Government was to be complete, unconditional and irrevocable.

68. Indonesia's claim had the support of more than two-thirds of the people of the world. It had been endorsed by international conferences such as the African-Asian conference.

69. The draft resolution, in inviting the parties to pursue their endeavours to find a solution, and requesting the Secretary-General to assist them, reflected

the fact that the United Nations was morally and legally bound to work for a peaceful settlement of the dispute which undoubtedly existed. He hoped that the Netherlands Government would not frustrate United Nations efforts in that direction. Adoption of the draft resolution would help the parties concerned to reach a just and peaceful solution.

70. Mr. ASTROM (Sweden) said the debate had shown that, however desirable a political solution of the problem through negotiation might be, the positions of the parties were such that the possibility of a political solution was remote indeed. Nevertheless, the emotions generated by the dispute were strong and if it was allowed to continue, it might well have wide and harmful political repercussions, particularly in Asia. For that reason, a negotiated peaceful settlement was highly desirable.

71. The provisions of the Charter of the United Nations which might limit the Assembly's competence to deal with the issue should not be interpreted narrowly, since to do so might harm United Nations prestige. His delegation's negative vote on the inclusion of the item in the agenda (682nd Plenary meeting) had been motivated solely by the fact that discussion on the premises put forward by the proposers of the item would serve no useful purpose at present, and also that the problem as it now appeared could not be regarded as one of the exercise by a people of its right of self-determination.

72. The Indonesian claim to the Territory rested on the assumption that the Netherlands had already renounced its sovereignty over West New Guinea and that, the negotiations having failed, it was illegally exercising such sovereignty. The Netherlands Government, on the other hand, contended that the Indonesian assertion was invalid and that the claim was a political move to acquire foreign territory.

73. Consequently, the phrase in the nineteen-Power draft resolution inviting the parties to pursue their endeavours to find a solution of the dispute could be interpreted as an appeal to the Netherlands Government to abandon what it regarded as its lawful title to a territory and to hand that territory over to the administration of another Power. His delegation felt that such action by the General Assembly might set an undesirable precedent, and it would therefore be unable to support the draft resolution. He pointed out that the position confronting the Assembly would have been different if the legal problems involved had been settled by the countries concerned through renewed negotiations or arbitration, or by an advisory opinion from the International Court of Justice.

74. Mr. NAJAR (Israel) recalled that West Irian formed part of a large administrative complex created, not by nature, but by the Kingdom of the Netherlands. Out of that entity the State of Indonesia had emerged; and the dispute arose from the claim of the new State to the Territory of West Irian, which the Netherlands had administered prior to the emergence of that State, and continued to administer.

75. The first question was whether at any time sovereignty over West Irian had been transferred by the Netherlands to Indonesia. It was difficult to contest the view that at the time of the proclamation of Indonesia's independence, the Territory of West Irian had not been part of the new State. Article 2 of the Charter of the

Transfer of Sovereignty expressly reserved its future status for negotiation between the Indonesian and Netherlands Governments, but the object of those negotiations was not defined, nor could it be concluded from that Charter that failure of the negotiations would do anything else that allow the status quo to continue.

76. The Round Table Conference agreements had also provided that the new State should have a federal structure and had envisaged the association of the Federation with the Netherlands in a union. Subsequently, the Indonesian State had adopted a unitary structure in preference to the federal system and had terminated its union with the Netherlands, declaring, moreover, that in its judgement, negotiations with the Netherlands Government on the political status of West Irian were to be designed only to transfer sovereignty over that Territory to Indonesia.

77. There was thus nothing in the records of the dispute to show that sovereignty over the Territory had at any time been transferred to Indonesia in any way. Furthermore, the incompatibility of the two Governments' views on the issue must be frankly recognized.

78. The fact that the 1949 agreements between Indonesia and the Netherlands had been concluded under United Nations auspices, together with the vagueness of the Charter of the Transfer of Sovereignty as to the scope of the negotiations to be undertaken between the two States concerned, made it expedient to consider the matter in the light of the United Nations Charter. Netherlands sovereignty over West Irian was not absolute; it was strictly covered by Chapter XI of the Charter and in pursuance of the provisions of that Chapter, the United Nations had the right to examine that sovereignty in a clearly defined way. On the other hand, the sovereignty claimed by Indonesia would, if granted, be absolute and irrevocable.

79. The question was therefore whether, the 1949 agreements being as they were, the United Nations was entitled to forgo the prerogatives conferred upon it by Chapter XI of the Charter with regard to West Irian, without first ascertaining whether the population of that Non-Self-Governing Territory had gone through stages of development called for in Article 73 of the Charter. His delegation did not believe that the United Nations was entitled to do so. The right of the people of West Irian to self-determination must take precedence over any claim such as that formulated by Indonesia.

80. It was not logical to dismiss a situation defined and covered by Chapter XI of the Charter as merely an expression of colonialism. The purposes of Chapters XI and XII of the Charter were noble and humane, and it was noticeable that even the so-called anti-colonial States had been known to insist, when an administering Power expressed the desire to terminate its responsibilities under the Charter, that the populations of Non-Self-Governing or Trust Territories should not prematurely forgo the protection of Chapter XI. The general interest required that the standard of living should be raised in the Territory, so that the populations now under Netherlands and Australian administration should be able to merge into one free people. That was the goal envisaged by the joint statement of 6 November 1957 by the Governments of the Netherlands and Australia. His delegation felt that such an evolution would best serve the interests both of world peace and the people of West Irian.

81. He pointed out that eighteen of the nineteen sponsors of the draft resolution had presented an explanatory memorandum (A/3644), implying that all that was required for a solution of the problem was for the Netherlands Government to return to Indonesia a territory which had once been Indonesian. It was difficult to dissociate the draft resolution from the intentions of its sponsors, and on those grounds he found it difficult to support it. Nor could he agree that the draft resolution was moderate. The second paragraph of the preamble, for example, implied that a non-peaceful solution might result from any delay in giving satisfaction to the utterly unconvincing claim of Indonesia. Operative paragraph 1 dealt with West Irian as though it were a mere chattel at the disposal of Indonesia and the Netherlands, without consultation of the wishes of the people. That view completely ignored the prerogatives of the United Nations expressed in Chapter XI of the Charter. Consequently, his delegation did not feel that the Secretary-General could be associated, as he was by the terms of operative paragraph 2, with an endeavour which ran counter to the Charter.

82. The automatic inclusion of the item in the agenda of the thirteenth session, likewise called for by operative paragraph 2, was a practice which should not be encouraged. His delegation would therefore vote against the draft resolution.

The meeting rose at 6.15 p.m.