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President: **Mr. Eelco N. VAN KLEFFENS (Netherlands).**

AGENDA ITEM 72

Complaint of detention and imprisonment of United Nations military personnel in violation of the Korean Armistice Agreement (*continued*)

1. Mr. LALL (India): I wish to explain very briefly my delegation's position in regard to the matter before us and on the vote which will shortly be cast.

2. First, may I say that my delegation shares the anxiety for a solution of this and other similar problems. Second, my delegation yields to none in its zeal for the upholding of the rights and the dignity of the United Nations. Third, my delegation is quite clear about and stands firm on the basic principle of the repatriation of prisoners of war.

3. While all this is so, we find ourselves very much in agreement with the representative of Sweden who spoke [*505th meeting*] of our being rushed into taking action, a course which did not seem to his delegation to be an appropriate way to proceed. These are words of wisdom on which we would do well to reflect in sober quietness. Then again, the representative of Sweden said [*para. 269*]:

> "I cannot refrain from stating that, in my view and in the view of my delegation, the procedure followed in this case can hardly be said to be satisfactory . . ."

and again, making the assumption that the case fell within the terms of the Korean Armistice Agreement [*S/3079, Appendix A*] and referring to the procedure described in that agreement, he said [*para. 266*]:

> "My delegation finds it difficult to understand why no reference has been made in the memorandum to the first-mentioned procedure, in view of the fact that it is prescribed by the Armistice Agreement and the machinery has been set up for the purpose."

4. What will be the likely consequences of this rush and the adoption of somewhat unusual procedures and, indeed, of the proposal in terms of the draft resolution [*A/L.182*] which is now before us? We feel that all this might seriously aggravate an already very delicate situation, and thereby defeat not only the specific purpose which the sponsors have in view but also the larger purposes of the Charter.

5. In all seriousness, then, we ask ourselves whether we are promoting or diminishing those larger purposes. The strong feelings which have been expressed here can be an inspiring basis for action in a united world or on those issues on which agreement has been achieved, but in the present less happy state of affairs they are much more likely to produce a clash of actions.

6. Furthermore, is it not an elementary and universally accepted principle that there can be no condemnation without a full and fair hearing? Have we done that in this case? Unfortunately not. Unfortunately, and in other matters that concern that same area of the world, we are trying to function without the major participant being in our midst, without a country that constitutes no less than a quarter of the world. We have here the form of a debate, but in fact we cannot have a real debate in the absence of one of the principal parties. And that this is so is borne out by the over-abundance of surmise, speculation, scientific and pseudo-scientific theorizing and even guess-work—at times intelligent, at times perhaps not even that—as to the precise character of many of the crucial facts germane to this matter.

7. In these circumstances my delegation cannot but refrain from attempting to discuss the substantive factors involved. In other circumstances it would have and could have done otherwise, but in the circumstances that surround this debate, like the representative of Syria from whose statement I now quote [*506th meeting, para. 74*]: "We are unable to pronounce ourselves on either side of the case."

8. We believe that the People's Republic of China has a right to be heard on this matter. If, as a result of limitations imposed on itself by the Assembly China is not heard, then a different approach to this problem from the one which we are now considering would be wiser and more in accordance with the realities which we must face, and also much more likely to result in the resolving of the issue.

9. For these reasons, though we do subscribe to many of the basic principles that are invoked in this case, we shall abstain in the vote on the draft resolution before us.

10. Mr. DERESSA (Ethiopia): My delegation co-sponsored the draft resolution contained in document A/L.182, not only as representatives of a nation which answered the call of the United Nations to repel aggression in Korea, but also because, in this particular instance, we felt sure that an international treaty had been violated.

11. At this stage of our debate, I shall not embark upon an examination of the facts and the relevant points of law, since those matters have been adequately dealt with by previous speakers, principally the representatives of the United States and the United Kingdom.

12. The allegation that the eleven American airmen were imprisoned because they were spies has not been corroborated by substantial evidence. In the absence of concrete proof, this Assembly cannot accept the charge brought against these prisoners of war. Indeed, the time and circumstances of the capture of these men leave no doubt as to the nature of their mission at the time their aircraft was shot down. For its part, my delegation is satisfied that the eleven fliers were carrying out normal military duties by order of the United Nations Command. We are totally unable to accept the charge of espionage or subversion.

13. We maintain that these eleven American fliers are entitled to their release. They are entitled to their freedom under the terms of the Armistice Agreement which ended the Korean conflict. They are also entitled to their freedom under the provisions of the Geneva Convention relative to the treatment of prisoners of war. Justice as well as ordinary norms of international conduct demand the release of these eleven prisoners of war, who were captured while they were in the service of the United Nations and acting in defence of the principles of the Charter.

14. Furthermore, there is no justification for holding prisoners of war in bondage many months after the signing of the armistice—an armistice which contains specific clauses for the release or handing over of prisoners who participated in the armed forces of both sides of the conflict. To continue to hold them in custody or to condemn them to terms of imprisonment is a clear violation of the terms of the armistice and a breach of the Geneva Convention—and this, despite the position taken by the authorities in Peking.

15. In conclusion, my delegation joins with the other fifteen sponsors in requesting the Assembly to adopt the draft resolution before us.

16. Mr. HANIFAH (Indonesia): I should like to make a very brief statement on the matter now before the Assembly.

17. The question under discussion is indeed a very serious one, and we have the deepest sympathy for the tragic human side of this unfortunate case. It has been the consistent attitude of my delegation that, unless they desire otherwise, all prisoners of war should be repatriated to their homeland. My own experience as a prisoner of war during the revolution which led to our independence is still in my memory, and that is the reason why I have the greatest sympathy for every prisoner of war: they are only men who carry out the duties imposed on them by war, which no one exactly likes.

18. However, my delegation has had some doubts from the beginning as to whether the return of the eleven airmen can be more easily achieved by this debate in the Assembly. It was on the grounds of these doubts that we abstained in the vote on the inclusion of this item in the agenda, as recommended by the General Committee.

19. We agree with the representative of Sweden and others that another procedure for the solution of this question might have better served the interests of the men involved. It is now, indeed, a fact that this Assembly debate has developed into an acrimonious exchange between the parties concerned; that, from the start, seemed inevitable. I am afraid it may make the solution of this question—the release of these unfortunate men—more difficult. National sentiments may not permit loss of face on either side, with all the consequences thereof.

20. As regards the draft resolution itself, while it is to a large extent agreeable to my delegation, we nevertheless feel that certain passages therein may make the attainment of practical results more difficult rather than bring a solution nearer.

21. For all these reasons, my delegation, while not opposing the draft resolution, or even its intent, nevertheless feels constrained to abstain in the vote thereon.

22. I wish to stress again, however, that my delegation has the fullest sympathy for the fate of these eleven men and that it shares the common anxiety for a swift solution of this painful problem.

23. Mr. DE LA COLINA (Mexico) (*translated from Spanish*): There is very little that I could add to what has been said with such eloquence and with such a wealth of argument by various representatives here in support of the draft resolution of the sixteen Powers [*A/L.182*] that sent troops to Korea to repel, on behalf of the United Nations, a flagrant act of aggression. I shall therefore be very brief in explaining my vote in favour of the draft.

24. My delegation believes that the whole crux of our debate is to ascertain whether the Korean Armistice Agreement clearly specifies the obligation to return each and every one of the prisoners in the custody of either party on the date when the agreement was signed.

25. A mere perusal of paragraphs 51 and 54 of article III of that Agreement which provided for the freeing and repatriation of each and every one of the prisoners, irrespective of any offences of which they may have been accused, is sufficient to convince even the most obstinate that the complaint against the Communist authorities of China is well-founded and that those authorities, by trying and sentencing members of the United Nations armed forces who ought to have been set free long ago, have disregarded the agreement which they solemnly undertook to observe.

26. What is more, the statement made by the Korean and Chinese representatives in the Military Armistice Commission at its meeting on 31 August 1953 in Panmunjom confirms the foregoing interpretation of the article in question, under which no provision is made for any exception whatsoever.

27. Since the ordinary procedures for securing the return of the prisoners of war who are still in the hands of the Communist authorities had been exhausted, no other avenue remained open except the United Nations. And how could this Organization wash its hands of this serious matter without repudiating its own resolutions and ignoring its inescapable obligations?

28. For that reason our condemnation is justified, and for that reason too we are going to entrust to the skill, initiative and prestige of this Organization's highest officer the difficult mission of obtaining the release of the prisoners. Let us fervently hope that the Secretary-General will have the greatest possible success in his difficult and merciful task.

29. Mr. Yakov MALIK (Union of Soveit Socialist Republics (*translated from Russian*): I did not intend

to speak again, but the statement of the United States representative [*506th meeting*], who went out of his way to impute to me a number of assertions which I did not make, has compelled me to ask for the floor. While I am about it, I think I should also briefly reply to the remarks of the United Kingdom representative [*507th meeting*] lest he should take offence at my failure to comment on his statement.

30. Our debate is drawing to a close and certain conclusions have now emerged. What are the main results of the discussion of the question of the thirteen United States spies in plenary meetings of the General Assembly? The facts and evidence adduced in the judgment of the military tribunal of the People's Supreme Court of the People's Republic of China which found the thirteen United States spies guilty of committing crimes against the People's Republic of China have not been refuted either by the United States representative or by those who support him.

31. Instead of undertaking a serious and businesslike examination of these facts and evidence, a number of representatives who have spoken in support of the United States proposal have simply set those facts aside under a variety of far-fetched and sometimes purely fictitious pretexts. Disregarding the facts and evidence, some supporters of the United States proposal have tried to make up for their dearth of arguments by loud oratory and an abundance of gesture better suited to another kind of platform than that of the General Assembly. A number of speakers have simply confined themselves to denying the obvious facts, and have passed over in silence what it was not to their advantage to mention.

32. The United States representative took a different line. He claims the Soviet representative asserted that Downey and Fecteau who were convicted in the People's Republic of China, were in the same aircraft as the eleven men of Arnold's crew. That is not in accordance with the facts. No such assertion was made and, on the contrary, a number of representatives besides me have emphasized that the thirteen convicted United States spies were in two aircrafts, Downey and Fecteau being on one and Arnold and the men with him on the other. It was also pointed out that they had violated the Chinese frontier and invaded Chinese air space at different times.

33. A further point was made, namely, that all these thirteen spies were carrying out assignments of the United States intelligence service, that they were captured on Chinese territory, brought before a military tribunal and convicted as United States spies. It was emphasized in this connexion that the United States delegation had no grounds for dividing the spies into two groups, one composed of Downey and Fecteau and the other of Arnold and those with him.

34. It is quite obvious from the facts and evidence set out in the military tribunal's judgment that such a division is in fact quite unwarranted. All the men were carrying out the instructions of the United States Central Intelligence Agency; they were engaging in espionage, dispatching agents of the United States intelligence service to the territory of the People's Republic of China, supplying them, maintaining liaison with them, evacuating American agents to Japan, and so on. The United States representative said nothing about either Downey or Fecteau, although the facts exposed during the investigation and in the jugment are so striking that they cannot be passed over in silence if a serious approach is to be made to the study of the question. It is, however, not in the interest of the United States delegation to touch on this question; it prefers to separate the spies Downey and Fecteau from the other eleven and to take the line that the eleven were United Nations military personnel and the two unknown private individuals.

35. Mr. Lodge has attempted to dispute the Soviet delegation's statement about the glaring contradiction between the four official versions of the area in which the aircraft of Downey and Fecteau and that of the Arnold crew were flying, the point at which these aircraft were attacked and shot down, and the assignments they were carrying out, particularly in the case of Arnold's aircraft. He went so far as to refer to what a visitor from Mars would think, but even a witness carrying so much weight for Mr. Lodge as visitors from Mars would be unable to agree with his assertion, if he were in possession of the facts.

36. And the facts are as follows. According to one official American version, Downey and Fecteau were passengers on a routine flight from Seoul to Japan and were lost in the course of this flight. Nothing was known about how they came into the hands of the Chinese Communists. Another official report states that Downey and Fecteau were in an aircraft attacked over a recognized combat zone in Korea or over international waters.

37. Mr. Lodge apparently sees no contradictions here. It is doubtful whether a visitor from Mars would agree with Mr. Lodge on this point, but no inhabitant of the Earth in his right senses could do so. An inhabitant of the Earth would undoubtedly ask Mr. Lodge how these two men, in making a routine flight from Seoul to Japan, came to be in so unusual a position some hundreds of miles from the combat zone in Korea, namely in the territory of China—in northeast China. Mr. Lodge did not answer that question.

38. The four official versions of the area in which Arnold's aircraft was flying are equally contradictory. I have already quoted these reports and see no need to repeat them. Mr. Lodge evaded all reference to this matter too. Here again, an inhabitant of Mars would certainly be sceptical of Mr. Lodge's statement that there are no contradictions between the official versions.

39. It was on account of these contradictions that a geographical map had to be produced, distributed among the representatives by Mr. Lodge, purporting to show the flight plan of Arnold's aircraft, allegedly determined by radar. With his usual eloquence, the United Kingdom representative declared from this rostrum that the map constituted convincing scientific proof. But that is his point of view. There is another point of view, namely, that this map is a poor and unconvincing forgery, not worth discussing. What proof is there that it is in fact the flight plan of Arnold's aircraft which is shown on this map? This forgery could be accepted only by those who unreservedly believe everything the United States representative tells or shows them.

40. Attention must be drawn to the following fact—Mr. Lodge stated that dropping leaflets is a military operation. This is an extremely important admission on the part of the United States representative. United States leaflets containing hostile statements and provoca-

tive declarations are being systematically dropped in a number of East European States, particularly in Czechoslovakia, as the Czechoslovak representative has told us here. It follows therefore from Mr. Lodge's admission that, in dropping leaflets from military aircraft, the United States is conducting military operations in East Europe. The General Assembly cannot let this fact pass. It must take note of this official admission by the United States representative.

41. Yet another particularly important fact has been established in this debate. The United States representative admitted and later confirmed that the United States aircraft piloted by First Lieutenant Parks violated the Chinese frontier and flew over Manchuria, near Dairen. Mr. Lodge was clearly trying to detract from the significance of this fact, when he pointed out that Parks was young and inexperienced, that the instruments on his aircraft were out of order, that he might have lost his bearings and that that was why he was over Chinese territory. What is the point of all these excuses? Obviously to justify the illegal invasion of Chinese air space by a United States military aircraft.

42. Mr. Lodge attempted to represent matters as if this was a pure accident, an isolated case, the result of faulty equipment on the aircraft and also of the youth and inexperience of the United States military pilot. Mr. Lodge failed, however, to mention another fact. In the period between June 1950 and February 1954, United States aircraft violated the frontier of the People's Republic of China and invaded Chinese air space on over 7,000 occasions. Mr. Lodge did not touch on this question and passed it over in silence.

43. But how does the United States representative explain these facts? Again by reference to defective equipment or to the youth and inexperience of the United States pilots? Does he seriously suggest that the 7,000 United States military aircraft which have violated the frontiers of China also lost their bearings? How does he explain the very peculiar fact that in all these cases United States pilots got lost over foreign territory and found themselves in the air space of China but did not stray in the opposite direction, say, over the Pacific Ocean? In the light of these facts it is not difficult to realize the weakness of Mr. Lodge's attempts to justify the violation of the Chinese frontier by United States aircraft and their incursion into the Chinese air space.

44. The trouble is not that the United States military pilots were young and inexperienced or that their instruments were out of order, but that, as is generally known, systematic acts of aggression have been committed against the People's Republic of China, both through the Chiang Kai-chek group and directly by the United States air and naval forces. The inexperience and youth of the airmen and the breakdown of the instruments of United States military craft are being invented precisely to cover up and to justify these acts of aggression.

45. At the same time, attempts are made to justify the intrusion into Chinese air space by the airmen on the ground that they were after all in uniform. Mr. Lodge says that these persons who have violated the frontier—and worse still, have been engaging in espionage—may not be tried because they were in uniform; they may not be charged with violating foreign frontiers, the law cannot be applied to them, and they may not be accused of espionage because they were in uniform. This is Mr. Lodge's line of reasoning. At the end of the discussion he reduced the whole question to the wearing of the uniform. He based all his arguments on this point, and even pronounced, in his broken Russian, the words "in the uniform of military personnel." I am very glad to note that Mr. Lodge is making some progress in his Russian studies. I shall help him as much as I can in that regard.

46. According to Mr. Lodge, it would seem that even though a United States serviceman in uniform may have violated the frontier of a foreign State, intruded into its air space and been tried and convicted of espionage on the strength of documentary evidence, of incontrovertible facts and proofs, he may not be regarded as criminal, but must be regarded as a prisoner of war—more than that, as a soldier of the United Nations. Such an argument falls by itself and there is no need for me to refute it.

47. It was established in the judgment of the military tribunal that Arnold and his group as well as Downey and Fecteau had violated the Chinese frontier and intruded into the air space over China in carrying out assignments for the United States intelligence service. They are all spies. The fact that Arnold and his group were in military service and wearing military uniform at the time they were arrested by Chinese security forces does not change the question basically. They came to China on a United States intelligence mission for criminal purposes. They were accused and convicted of espionage.

48. Moreover, it is a fact that the United States and the People's Republic of China were not in a state of war at the time when Arnold's plane was shot down and his group seized by the Chinese forces. Mr. Lodge and those who support him carefully gloss over this fact. Chinese territory was not a field of military operation. In the circumstances, the fact that these spies and violators of foreign frontiers were wearing the American uniform is of no importance whatsoever. They are spies, not prisoners of war. That is the main point.

49. The Geneva Convention provides explicitly and it is a rule of international law that military personnel who illegally penetrate the territory of another State and are seized there may be regarded as prisoners of war only if the two States are at war with each other.

50. Arnold and his group, as United States military personnel who, moreover, wore military uniform, committed two crimes: they violated the Chinese frontier, and they engaged in espionage against the People's Republic of China. For these crimes they were convicted under Chinese law as spies and there is absolutely no reason for regarding them as prisoners of war in general or as United Nations prisoners of war in particular, inasmuch as the People's Republic of China was not in a state of war with the United States or with the United Nations.

51. This demonstrates the invalidity of the arguments which formed the basis for the United States representative's false accusations against the People's Republic of China in this matter and for the false accusations in the draft resolution [*A/L.182*] submitted by him on behalf of the sixteen countries which took part in the intervention in Korea. In the circumstances, the conviction of the thirteen United States spies in China has nothing to do with the Geneva Convention relative to the treatment of prisoners of war and the Korean Armistice Agreement.

52. I should now like to say a few words in reply to Mr. Nutting. Yesterday, he spoke, somewhat irritably, about repatriation. It was evident that he had taken offence at my failure to refer to his speech in my statement. I am very sorry about that, but I did not refer to his speech because he added nothing new to what Mr. Lodge had said. I answered Mr. Lodge because I considered that his position was essentially the same as Mr. Nutting's. What is more, Mr. Nutting so passionately supported the United States view, both in the General Committee and in the General Assembly, that I felt I could very well answer them both together on the repatriation question also.

53. Mr. Nutting, replying, said [*507th meeting, para. 58*]: "We, the United Nations Command . . .". It follows that Mr. Lodge and Mr. Nutting are both representatives of the United Nations Command. Hence responsibility for failing to comply with the repatriation provisions of the Armistice Agreement is shared equally by all who consider themselves as representing the United Nations Command. I was referring to Mr. Lodge's statement [*505th meeting, para. 226*] in which he quoted the representative of the United Nations Command as stating, on 8 October: "We will repatriate all prisoners of war exactly in conformity with the provisions of the Armistice Agreement . . .".

54. Mr. Nutting seized upon my reference to him in connexion with the word "all", and devoted half of his speech to an attempt to prove that the United Nations Command as he calls it, or the United States command, as I call it, did not repatriate all the prisoners of war. This is perfectly true. Nobody has ever questioned this point. This is precisely what I said—that notwithstanding Mr. Lodge's statement that all prisoners of war were repatriated by the command in strict compliance with the provisions of the Armistice Agreement, the United States command actually violated the agreement by keeping back many thousands of prisoners of war.

55. Mr. Lodge tried to justify this violation. He said that many prisoners of war had run away from the camps. Yet who is going to believe in this helplessness of the United States command which presumably became so weakened in South Korea that it was not able to guard the prisoner-of-war camps. And these prisoners of war ran away almost on the very eve of the day when steps were to have been taken for their repatriation. Their escape seems odd, to say the least. Much has been said and written about it, and everybody knows the story of the escape of the prisoners of war from the South Korean prison camps.

56. We have the report of the Neutral Nations Repatriation Commission, published on 20 February 1954. Paragraphs 76 and 77 of this report describe the conditions created by the United States military command in the prisoner-of-war camps. The report states as follows [*A/2641, p. 126, para. 76*]:

> "Any prisoner of war who desired repatriation had to do so clandestinely, and in fear of his life, or under the protection offered by the guards of the Custodial Force, India. The Commission must frankly state its conviction, founded on its experience, that in the absence of fuller and further implementation of the Terms of Reference it would be a bare assertion unsupported by any evidence that the prisoners had voluntarily sought non-repatriation."

57. These documents are evidence that the United States command violated the conditions of the Armistice Agreement as regards the repatriation of prisoners of war. Its actions cannot be justified by any statements that the prisoners of war ran away. It is clear from these facts who has actually been violating the Armistice Agreement.

58. We have been discussing, both here and in the General Committee, the Burmese representative's suggestion of utilizing the machinery set up by the Armistice Agreement. This machinery includes the Military Armistice Commission which Mr. Nutting discussed in detail when he explained the provisions regarding the competence of the Commission (I thank him for his explanations, but I know them quite well and there was no need for him to take the trouble), the Neutral Nations Repatriation Commission and the Neutral Nations Supervisory Commission.

59. Mr. Nutting took an uncorrected text of the speech and said that it referred to the Repatriation Commission. But what the Burmese representative and I had in mind, in the General Committee [*99th meeting*], was the Military Armistice Commission which, under paragraph 24 of the Armistice Agreement is responsible for settling all disputes that may arise over the implementation of the Armistice Agreement. This is the Commission I meant when I mentioned the Repatriation Commission by mistake here in the plenary meeting. But I have already stated in the General Committee, and I may repeat again, that nothing terrible would happen if the United States took any claims it might have in connexion with the fulfilment of the Armistice Agreement to the States which are members of the Repatriation Commission. These States and their Governments are there, and the United States can bring any question it may have in connexion with repatriation before these Governments.

60. There is one basic conclusion to be drawn, which is that the machinery provided for in the Korean Armistice Agreement was not put to use. Instead, as soon as the Arnold group was sentenced, the United States decided in a tearing haste to bring the matter before the General Assembly. If the purpose of the United States had really been to settle the question, it could have found ways and means of doing so through the organs and the machinery set up under the Armistice Agreement, through the Military Armistice Commission, through the Governments members of the Repatriation Commission, or some other way. Instead of any of these, the United States hurriedly introduced the question for discussion by the General Assembly thereby endeavouring to use the United Nations for its own political purposes. These are the facts.

61. Mr. Nutting reproached me for not dealing with Mr. Vyshinsky's remarks. These remarks are on record, but I would advise Mr. Nutting to consider the document, rather than the remarks. As I stated in the General Committee, the Armistice Agreement was signed by three persons: by the Commander of the Korean People's Army, by the Commander of the Chinese People's Volunteers and, on behalf of the United Nations Command, by General Clark of the United States Army. I would draw your attention to the document rather than to what was said in a particular speech. I think I have now dealt with that point.

62. In conclusion, we should again note the following facts. In all, thirteen American spies were caught

and tried. Yet the United States is raising a hue and cry over eleven out of the thirteen and the reason is obvious. The reason is that the evidence against two of the spies is so weighty and certain, and the United States has become so hopelessly confused in its official versions on them that the United States delegation now prefers to say nothing about them.

63. The Soviet delegation, on the basis of the facts and data established in the judgement of the military tribunal, considers that there is absolutely no reason for calling the condemned American spies prisoners of war. All thirteen convicted persons were found guilty of spying for the United States and have suffered the proper punishment under the laws of the country where they were found and exposed.

64. The spies themselves when caught confessed to their subversive and espionage activities against the People's Republic of China. The United States representative and those who side with him have expressed their indignation at the conviction of the thirteen spies who were caught in the act. Yet they carefully evaded the facts cited by the USSR and other representatives, according to which the Chinese people has much greater reason to be indignant over the seizure by the United States, after the signing of the Armistice Agreement, of many thousands of Chinese who were truly prisoners of wars and not spies.

65. The matter of the Chinese prisoners of war is not yet closed. The General Assembly must consider it. The General Assembly must also consider the agreement of 2 December 1954 concluded between the United States and the Kuomintang.

66. The United States delegation and those delegations which support it passed this question over in silence, although the Soviet delegation drew the General Assembly's attention to it. I am referring to the military agreement of 2 December 1954 which the United States concluded with the Kuomintang clique. Such an act of provocation has aroused still greater indignation not only among the Chinese people but among all those who loathe war and want peace and the development of friendly relations between nations.

67. Lastly, if the United States did not try to exploit the case of the thirteen United States spies convicted in China and to raise a political outcry at home and abroad, it would not divert the General Assembly's attention to this private matter which is of no concern to the United Nations. Other ways of solving the problem could be found.

68. In view of this factual and documentary evidence which a number of representatives referred to in their statements and which is cited in the judgement of the military tribunal, it is quite obvious that the United States had no grounds for raising a hue and cry over the conviction of the spies and for bringing the question before the United Nations. It has done this exclusively for the sake of foreign propaganda and for reasons of domestic policy. The main purpose is to intensify the propaganda of slander, hostility and hate against the People's Republic of China and its great people and thus to obstruct further relaxation of international tension.

69. In view of the above considerations the Soviet delegation will vote against the draft resolution submitted by the United States delegation on behalf of the countries which participated in the intervention in Korea because it contains utterly unfounded accusations against the People's Republic of China. There is no justification at all for adopting such a draft resolution.

70. The PRESIDENT: There are no further speakers on this item. However, before requesting the Assembly to proceed to the vote, I shall call on the representative of Yugoslavia who has asked to explain his vote prior to the vote being taken.

71. Mr. KOS (Yugoslavia): I should like to make a few remarks in order to explain the vote of the Yugoslav delegation. The Yugoslav delegation did not participate in the debate on this question and will abstain when the draft resolution is put to the vote. I wish to emphasize that my delegation is not entering into the substance of the problem and that, by abstaining, it merely wishes to underline that the principle of peaceful coexistence is, according to the general consensus of opinion, particularly important in the present circumstances. It is in the same spirit that we express our desire and hope that the arrested and sentenced Americans should be set free.

72. I deem it necessary to point out that the Yugoslav delegation views all other questions of a similar character now under consideration in the *Ad Hoc* Political Committee in the same light and that it will, therefore, adopt the same attitude regarding those questions that it has adopted in the present case. The Yugoslav delegation considers it essential that, under the present conditions, everything should be done to set aside all obstacles that could in one way or another hamper the constructive efforts which have been exerted for the purpose of promoting a favourable climate capable of making possible the solution of controversial problems. Undoubtedly this would greatly contribute to the improvement of international relations and the strengthening of world peace.

73. The PRESIDENT: The representative of the United States of America has requested that the vote on his draft resolution be taken by roll-call. As there is no objection, we shall put the draft resolution as a whole to the vote.

A vote was taken by roll-call.

Saudi Arabia, having been drawn by lot by the President, was called upon to vote first.

In favour: Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines.

Against: Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland.

Abstaining: Yemen, Yugoslavia, Afghanistan, Burma, India, Indonesia.

The draft resolution was adopted by 45 votes to 5, with 6 abstentions.[1]

[1] In view of the statements by the President and the representative of Syria (see paras. 304-306, inclusive), the final result of the vote should read as follows: *"The draft resolution was adopted by 47 votes to 5, with 7 abstentions".*

74. The PRESIDENT: I shall now call on the representatives who desire to give explanations of vote.

75. Mr. PEREZ PEREZ (Venezuela) (*translated from Spanish*): My delegation voted for the sixteen-Power draft resolution because it endorsed and supported the collective action of the United Nations to re-establish peace in Korea. In this specific case, it considered it its duty to support the draft resolution which condemns the detention and imprisonment of the airmen who were carrying out a mission in that zone on the instructions of the United Nations Command. The Venezuelan delegation feels that, in view of the nature of their mission, the captured airmen ought to be repatriated in accordance with the Armistice Agreement.

76. My delegation trusts that the action which the resolution requests the Secretary-General to take will be successful and that the airmen will soon be able to return to their homes.

77. Mr. DE LA GUARDIA (Panama) (*translated from Spanish*): The delegation of Panama has followed with great interest the debate on the prisoners of war incident. In our view, what the General Assembly was discussing in this case was the sanctity of public treaties, justice, law, human rights and the principles of decency.

78. The detention and imprisonment of United Nations airmen in violation of the Korean Armistice Agreement brought before the opinion of the civilized world such vital questions as whether one party can of its own accord set itself up as the sole interpreter of international commitments, whether the irreverent will of those who recognize no limitations to the exercise of their will is alone to prevail, and whether human misery and suffering count for nothing in the development of policy.

79. In such a situation, there was no doubt regarding our position or the side on which we would stand. We did not participate in the debate solely and exclusively because we did not wish to prolong it unduly. Let the vote which we cast for the draft resolution just adopted bear witness to our position in this connexion.

80. Mr. MONTERO DE VARGAS (Paraguay) (*translated from Spanish*): The delegation of Paraguay voted for the draft resolution that has been adopted because we felt that it was our duty as a Member of the United Nations to do so. We could not be in favour of repelling aggression in Korea and yet fail to defend those who fought so valiantly on the specific instructions of this international organization. The airmen are soldiers of the United Nations and, although they are certainly sons of the United States of America, they went into battle under the international flag.

81. We firmly and whole-heartedly believe that we cannot abandon our own soldiers. That is why the proper course was to adopt the resolution.

82. Paraguay is proud to belong to the United Nations which has acted today as its prestige and honour required.

83. The PRESIDENT: I now call on the Secretary-General, who desires to make a statement.

84. The SECRETARY-GENERAL: At the end of this debate I would like to state that as Secretary-General I assume the responsibilities imposed on my office, in the resolution just adopted, with a deep sense of the importance of the issue. I need not assure you that I will do everything within my power to serve the interests of this Organization.

85. In paragraph 4 of the resolution the Secretary-General is requested to make continuing and unremitting efforts for the release of the persons concerned "by the means most appropriate in his judgment". I interpret this qualification as applying generally, including also the mandate set forth in paragraph 3.

86. Several speakers, especially the representative of France, have made statements supporting me in that view. Paragraph 4 of the resolution also requests a progress report "on or before 31 December 1954". I am sure that I interpret this demand correctly if I do not see in the date mentioned a deadline, and if, in meeting my obligation to report, I do so in the way which in my judgment is most in harmony with the interests of the task pursued. Here again I can base myself on what has been stated in this debate, and with special clarity by the representative of France.

AGENDA ITEM 61

The question of West Irian (West New Guinea)

REPORT OF THE FIRST COMMITTEE (A/2831)

Mr. Thorsing (Sweden), Rapporteur of the First Committee, presented the report of that Committee and then spoke as follows:

87. Mr. THORSING (Sweden), Rapporteur of the First Committee: The present report, document A/2831, indicates, as the members will notice, that the question of West Irian, or West New Guinea, has been exhaustively discussed in the First Committee. The fact that unanimity could not be reached, therefore, is not due to hasty treatment in the Committee. The outcome, on the contrary, reflects a clear division of opinion both of a political character and as regards matters of law and interpretation of law.

88. The majority of the members held the view that the United Nations was competent to debate the question and to make recommendations to the parties to the dispute.

89. Other delegations, on the other hand, found that legal considerations prevented the United Nations from dealing with the question.

90. Still another group of States felt that for practical political reasons, the question should not be discussed in the United Nations. Some of these delegations thus stated, in explanation of their attitude, that the real issue at hand was not that of upholding the right of a people to self-determination, but rather the transfer of sovereignty from one Member State to another.

91. On behalf of the First Committee, I submit the draft resolution contained in the report [*A/2831*], to the wise decision of the General Assemblby.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the First Committee.

92. The PRESIDENT: I shall call on the representatives who may wish to explain their votes with respect to the draft resolution recommended by the First Committee, recalling, as in the past, that explanations of votes should be limited to approximately seven minutes.

93. Mr. VON BALLUSECK (The Netherlands): The question of West New Guinea, brought before this Assembly by the Indonesian Government, has been fully examined in the First Committee from various angles. Especially, attention has been paid to the political, legal

and security aspects, as well as to the obligations arising from the Charter of the United Nations with regard to Non-Self-Governing Territories, the paramount interests of the inhabitants of such a territory, and finally the respect for the principle of self-determination which is mentioned in Article 1, paragraph 2, of the Charter.

94. It seems to me that in order to sum up our position in a clear-cut manner, against the background of these complicated and many-sided considerations, it would be appropriate for us to take the draft resolution submitted by the Committee in its report [*A/2831*] as a starting point, and develop our motives for opposing it, as we consider the main paragraphs of the draft resolution.

95. Let me begin with the preamble. On the surface it contains an impartial statement of fact; it reads as follows:

> "Recalling that by the agreements reached at The Hague in 1949 between Indonesia and the Netherlands a new relationship as between the two countries, as sovereign independent States, was established but that it was not then possible to reconcile the views of the parties on West Irian (West New Guinea) which therefore remained in dispute."

96. Indeed, this is true so far as it goes, but it only goes half way. A new relationship was established between the two countries as sovereign independent States, but the Round Table agreements [*S/1417/Add.1*] established two other things as well, which were of far greater importance to the West New Guinea question. In the first place, the new relationship which found expression was a union between the Netherlands and Indonesia, and it was with Indonesia as its partner in that union that the Netherlands agreed to negotiate concerning the future status of West New Guinea. In the second place, Indonesia undertook, in one of the agreements of the Round Table Conference which I read out in the First Committee, to grant to its component parts the right, if they so wished, to enter into a special relationship either with Indonesia or with the Netherlands—in other words, the right of self-determination. And it was on the basis of that legal provision, laid down in an international treaty, that the Netherlands undertook to seek agreement, through negotiation, with Indonesia on the future status of West New Guinea.

97. These two fundamental provisions of the Round Table agreements are not mentioned in the preamble of the draft resolution now before us, nor does the draft resolution mention the fact that Indonesia has unilaterally set aside the provision for self-determination to which it had agreed, and has proclaimed a unitary state. Neither does the draft resolution mention the fact that the Netherlands has, at Indonesia's request, agreed to abolish the Netherlands-Indonesian Union. These were important happenings which have had a decisive influence on the provisions concerning West New Guinea in the Charter of transfer of sovereignty [*S/1417/Add.1, appendix VII*]. To leave them out creates, I submit, a wholly misleading impression.

98. I turn now to the operative part of the draft resolution. In operative paragraph 1 it expresses the hope that the Governments of Indonesia and the Netherlands will pursue their endeavours in respect of the dispute that now exists between them, to find a solution in conformity with the principles of the Charter; in operative paragraph 2, it requests the parties to report progress to the General Assembly at its tenth regular session.

99. Now what is this dispute referred to in operative paragraph 1? In the Indonesian view, the dispute concerns the question whether the sovereignty over West New Guinea has or has not been transferred to Indonesia. In the Netherlands view, however, the question which remained in dispute at the time when the Charter of transfer of sovereignty was signed in 1949, was not who was and who remained sovereign over West New Guinea, but what the future political status of West New Guinea would be, if and when the parties should agree to change the existing political status.

100. The Charter of transfer of sovereignty and the letters exchanged between the parties annexed thereto, as well as the other official documents which I mentioned in my interventions in the First Committee, made it clear beyond any shadow of doubt that West New Guinea was under Netherlands sovereignty and would remain under Netherlands sovereignty, but that the Netherlands undertook the obligation to discuss with Indonesia, during one year, the possibility of a change of this status.

101. We know that the Indonesian Government puts a different interpretation on the meaning of the Charter of transfer of sovereignty.

102. The interpretation of an international treaty is, however, a legal question and it was for that reason that, when in 1951 the Indonesian Government for the first time claimed that the *de jure* sovereignty over West New Guinea had already been transferred to Indonesia under the terms of the Charter of transfer of sovereignty, the Netherlands Government suggested to the Indonesian Government that the latter should seek a decision on this legal issue from the obvious organ to decide such a juridical question, namely, the International Court of Justice. This, however, as has been admitted by my Indonesian colleague, was turned down by the Indonesian Government.

103. Several delegations, during the debate in the First Committee, have given it as their considered opinion that the General Assembly is not competent to express an opinion concerning the interpretation of international treaties. The General Assembly, as the Indonesian delegate has repeatedly admitted, is not a court of law, and the settlement of legal disputes is not part of its task or competence.

104. We realize that in the opinion of some delegations, the General Assembly, by adopting the draft resolution, would avoid this pitfall, would not take sides in any manner as regards the substance of the juridical claims of the parties, and would leave their legal positions unprejudiced.

105. Let us see whether this conforms to the facts. We hold that it does not and I shall endeavour to explain why. The draft resolution which we are now discussing expresses the hope that the two Governments will pursue their endeavours to find a solution. Now, Indonesia has consistently stated that the only possible solution is the recognition by the Netherlands of Indonesian sovereignty over West New Guinea. This stand has been taken, not only by the Indonesian Government in the long series of Government statements and by the Indonesian delegation during the negotiations with the Netherlands which took place in 1952, but it has been maintained with the greatest possible em-

phasis by the representative of Indonesia, both in his explanatory memorandum [*A/2694*] and in all his interventions during the previous discussions in this Assembly. Even as recently as 30 November of this year, this attitude was confirmed in Djakarta by the Director of the Indonesian Government's Irian Bureau, when he said, as quoted by The *New York Times* of 1 December 1954 on page 13: "Under no circumstances will Indonesia accept a compromise such as trusteeship or some other kind of joint administration for Irian". The Indonesian Government has, therefore, not left the slightest doubts concerning its decision never to accept any other solution than the recognition by the Netherlands of Indonesian sovereignty over West New Guinea and consequently the transfer of the territory to Indonesia.

106. What then is the meaning of the word "solution", as used in operative paragraph 1 of the draft resolution now before us? There are only two alternatives—a solution as indicated by Indonesia or some other solution. If it means a solution in the Indonesian sense—recognition by the Netherlands of Indonesian sovereignty over West New Guinea and transfer of that territory to Indonesia—then the draft resolution implies a decision of the legal question in favour of Indonesia. As I said before, the General Assembly is not competent to make such a decision. Moreover, if the word "solution" in operative paragraph 1 is taken in this Indonesian sense, this would mean that the draft resolution contains an interpretation of the relevant international treaty, namely, the Charter of transfer of sovereignty. This again would fall outside the scope of the competence of the General Assembly.

107. Now, let us examine the second alternative. If as is more likely, the word "solution" in the draft resolution is not intended to prejudice the rights of the parties, and therefore does not mean recognition by the Netherlands of Indonesian sovereignty over West New Guinea and transfer of the territory to Indonesia, then it must necessarily mean some other solution. And the Indonesian delegation has maintained throughout, and still maintains, that it will not accept any other solution.

108. Therefore, operative paragraph 1 of the draft resolution means either an opinion on the interpretation of a treaty, which the General Assembly is not entitled to express, or a recommendation which one of the parties concerned, namely, Indonesia, has already declared that it will never accept. The draft resolution, notwithstanding the seemingly harmless and impartial terms in which it has been couched, is in effect either an inadmissible prejudgment of a legal question, or the expression of a pious hope which cannot be fulfilled.

109. I have referred just now to the various Indonesian statements which make it clear that if the solution envisaged in the draft is other than the recognition by the Netherlands of Indonesian sovereignty over West New Guinea and transfer of the territory to Indonesia, then this solution will not be accepted by Indonesia. I should now like to explain why, if the hope of the Assembly as expressed in the draft resolution, is to be interpreted as a desire for recognition by the Netherlands of Indonesian sovereignty over West New Guinea and transfer of the territory to Indonesia, such a desire would be equally incapable of fulfilment, even apart from the fact that the General Assembly is as I said before—not competent to interpret an international treaty.

110. Why is such a desire incapable of fulfilment? Because in the first place, it would be contrary to the legal conviction held by the Netherlands Government to recognize that Indonesia has any sovereignty over West New Guinea. The only body which in theory might have competence to deny the validity of this legal contention would be the International Court of Justice. And when in 1952 it was challenged by the Netherlands Government to seek a decision from the International Court, the Indonesian Government refused to put its arguments to the legal test.

111. In the second place, a course of action as contemplated by Indonesia would be contrary to the Netherlands obligations under the Charter of the United Nations with respect to the Non-Self-Governing Territory of West New Guinea, which falls within the provisions of Chapter XI of the Charter. Under the provisions of this Chapter we have recognized the principle that the interests of the inhabitants of West New Guinea are paramount and we have also recognized our duty to develop, *inter alia,* self-government. It would be an obvious violation of these provisions and of our duties thereunder to hand over the territory and the inhabitants of West New Guinea to another Power, without even consulting these inhabitants in a matter so vital to their own future.

112. The Indonesian view that such consultation is completely unnecessary was decisively evidenced by the answer of the Indonesian Government to a question asked by a member of the provisional Indonesian Parliament, Mr. Burhanudin, on 2 September 1953. The text of this reply, which I have already quoted in the First Committee, was as follows:

> "The Government does not agree with the remark made by the member Burhanudin, that the Republic of Indonesia should previously consult the population of West Irian as to whether it is really prepared to accept association with Indonesia."

113. This Indonesian view, with its curious contempt for the principle of self-determination, is one which my Government cannot share. On the contrary, the Netherlands Government, in the case of West New Guinea, has repeatedly declared its intention to go even further than its specific obligations under the Charter by undertaking to grant to the inhabitants of West New Guinea the opportunity to determine their own future. These declarations, of which I read out the exact texts in the First Committee, in my intervention of 23 November 1954, were solemnly made in the speech from the Throne to both Houses of the Netherlands Parliament on 16 September 1952—that is, long before the question of West New Guinea came before the General Assembly. My Government intends to stand by this solemn undertaking and is not prepared to shirk its duty towards the inhabitants of West New Guinea in this respect.

114. It was therefore with amazement that we witnessed the rejection in the First Committee of the Colombian amendment to the joint draft resolution which would have introduced into the latter the principle that any solution concerning the future of West New Guinea would have to be in conformity with the principles of the Charter of the United Nations, and especially with the interests and rights of the inhabitants of West New Guinea. The fact that the inclusion of this all-important principle was voted down in the First Committee is an additional reason for my Government to consider opera-

tive paragraph 1 of the draft resolution now before us completely unacceptable.

115. I should like now to say a few words about operative paragraph 2 of that draft resolution. It will be remembered that the draft resolution proposed in the First Committee by the delegation of Indonesia would have had the General Assembly call upon the Governments of Indonesia and the Netherlands to resume negotiations without delay, as provided for by the Round Table Conference agreements, with a view to achieving an early agreement on the political status of West New Guinea.

116. In the course of the debate it became obvious that the necessary majority for the adoption of that draft resolution could not be found, and the representative of Indonesia, therefore, wisely did not press for a vote on it.

117. The present draft resolution has tactfully omitted any mention of "negotiations", and, instead of "calling upon the parties", it merely "expresses a hope". This in itself is an improvement. In drafting operative paragraph 2, however, the sponsors seem to have forgotten their own good intentions because, in that paragraph, the parties are requested to report progress to the General Assembly at its tenth regular session. This provision reintroduces into the draft resolution the elements of compulsion and urgency which had been so carefully omitted from operative paragraph 1.

118. In view of the fact that, as I have explained, a solution, as mentioned in operative paragraph 1, cannot possibly be found, this final request in the draft resolution cannot lead to any satisfactory result. Our conclusion, therefore, is that this whole draft resolution should be rejected.

119. Coincidence sometimes creates curious analogies. It so happens that only a few days ago, on 1 December, a debate took place in the First Committee on the subject of Korea. In that debate the representative of the United States made a statement which, if we change the word "Communist" into "Indonesian", and "Korea" into "West New Guinea", appears like a summary of our own position in the present debate. I know, of course, that the cases of Korea and West New Guinea differ, but the aptness of the statement is nevertheless striking. With the two afore-mentioned substitutions, that statement reads as follows: "To undertake further negotiations, in the absence of a change in the Indonesian position, is to court a new failure. The result of a new failure would be a damaging blow to the prestige and authority of the United Nations . . ."

120. And further on we read. with the substitution of the words "West New Guinea" for "Korea", the following sentence, with which I shall conclude my statement: "There cannot be a settlement of the West New Guinea question which is not responsive to the freely expressed will of the West New Guinea people".

121. Mr. FOUCHE (Haiti) (*translated from French*): Except for some jarring notes which, in our desire for peace, we mean to regard simply as appeals for a compromise, it must be agreed that the international atmosphere has become a little calmer. Through their efforts, men of goodwill have succeeded in putting an end to conflicts which seemed likely, at any moment, to endanger the peace and security of the world.

122. To be sure, it is regrettable that no formula has been found which would have enabled the United Nations, even as the final authority, to give its approval to treaties entered into for this purpose, which would certainly have enhanced its prestige. Nevertheless, one cannot but admire the tenacity, clear-sightedness and devotion which made it possible to achieve such results in an amazingly short time. It is a well-known fact that these qualities have had a favourable effect on the work of our various Committees.

123. The First Committee encouragingly voted unanimously in favour of the draft resolution on the disarmament plan which up to then seemed utopian; but now the agreement on the line along which the plan should be implemented is a hopeful sign that a final solution will be reached. It is true that the many issues dividing the great Powers have to be settled first, for it would be idle to hope for disarmament until, by means of reciprocal concessions, agreed methods have been devised whereby the security of each will be guaranted by that of his neighbour. We should remember that this is the first objective.

124. Similarly, and also as a step towards peace, the United States of America deserves every praise for having, together with some other countries, taken the initiative of placing on our agenda the question of the peaceful uses of atomic energy. Deeds speak louder than words. All the statements made, some of a technical nature and others constituting enthusiastic hymns to peace, were characterized by the same need to ward off the hideous spectre of war. This is clearly shown by the unanimity of the vote on this second resolution as a whole—the second unanimous decision.

125. Today, the question of West Irian is before the Assembly, and we would like to explain our position on this item. Haiti, as a Member of the United Nations, is keenly interested in everything that affects this Organization. If, in some cases, my delegation confines itself to voting for or against draft resolutions, merely adding an explanation of its vote, the reason is that it considers the debates sufficiently clear both to the Members of the Assembly and to the news-hungry public. But this does not mean that my delegation is ever indifferent.

126. It will not, however, be thought surprising that some matters touch us particularly closely. Not, to be sure, because of the parties involved. We endeavour, in all circumstances, to leave out of our discussions all considerations irrelevant to our aims and to take into account only the principles of the Charter and the ultimate goal of our efforts—the maintenance of peace. Moreover, since my country is far removed from the place where these questions arise, we are privileged in being able to view them in a completely impartial light and to judge with complete independence. This may lend weight to our words.

127. But today, and before explaining our vote, we think it necessary, in view of the unshakable position adopted by the Netherlands delegation, to consider the Assembly's competence under the Charter to deal with the question of West Irian. This enquiry into its competence applies not only to the problem under review, but equally to some other problems such as that of Tunisia and Morocco, the question of racial segregation in the Union of South Africa, and will probably play a part in the debate on the question of Cyprus.

128. In fact, the plea of no competence is spreading progressively to all matters of any importance and is becoming, as has been noted, as redoubtable a form of

veto as the other. If it could prevent our discussions from bearing on so many problems which are clearly linked with the general principles of the Charter, I do not see what is to prevent any nation which happens to find itself in a delicate situation from taking refuge behind this new kind of curtain. Such a hostile attitude to discussion would reduce to naught any hope of a compromise between opposing or simply diverging interests. As a result the United Nations would be deprived of most of its meaning and it would not be surprising if, in the course of time, it would become anaemic and appear to the world as a bulky but pitifully soulless body, for it only has a soul if all questions involving the restoration of a violated right or human dignity or the righting of an injustice can be raised and discussed objectively. A possibility which may have such deadly consequences may warrant some further remarks on the competence of the United Nations.

129. It would no doubt be easy to contend that when our Organization agrees to the inclusion of an item on its agenda it regards itself as competent to consider it. Such an argument may be and no doubt is valid elsewhere. But, in the case of an association of sovereign States, instead of the normal simple majority, what is required in the United Nations and in important circumstances is unanimity.

130. The members of the First Committee seem increasingly convinced of this, since during the debates on disarmament and the peaceful use of atomic energy they showed extreme moderation in order to achieve unanimity, probably not so much in order to make an impression, as some have alleged, as to ensure the application of the measures agreed upon.

131. We shall not reproduce in detail the arguments we have advanced here against those who are in favour of the unlimited competence of the United Nations both as to form and substance and those who, invoking Article 2 of the Charter, wish to extend inordinately the scope of "matters which are essentially within the domestic jurisdiction of any State". It seems to us that we have already disposed of these views, both of which are based on apparently contradictory provisions of the Charter.

132. We, personally, have contended that apart from the cases in which special competence is expressly vested in the Assembly, it has a general competence. This means that any question connected with the maintenance of international peace and security may be raised here; indeed, it is undoubtedly in the interest of peace and security that the platform of the United Nations should be thrown wide open to those who think they have a right to claim and a complaint to make. To restrict this competence would be sometimes to risk sacrificing some just causes and driving underground (where they would be more dangerous) certain legitimate aspirations which sooner or later will burst into the open and disturb the peace we have to safeguard. Hence, this competence must be unlimited. We have already stressed that the existence of this competence will not surprise anyone; the smallest and the greatest Powers have the right to draw the Assembly's attention to anything affecting that competence.

133. Needless to say, this competence cannot be translated into a formula involving enforcement. Any resolution relating to such competence must do no more than express wishes and hopes which, if they are to be favourably received, must primarily call for goodwill, a search for peace and agreement, provided, naturally, that the question raised is fit to be discussed. A vote in favour of the inclusion of an item does not, of course, necessarily imply a favourable judgment on its substance.

134. We agree that no complaint can be barred in advance and that it is preferable by far to provide an outlet for everyone's complaints; but clearly the exercise of this power must not be allowed to degenerate into malpractice. While our main task, as Members of the United Nations, is the maintenance of peace and understanding among nations, we must safeguard the United Nations from any damage it might sustain if we presented world public opinion with certain stipulations devoid of the seriousness which alone can justify our competence. Even if a case could be made out, its hasty submission to the United Nations would in certain cases tend to be less conducive to a favourable decision than to a stiffening of attitudes which would prejudice that solution. A nation is as sensitive where its pride is concerned as an individual, perhaps even more so. Clearly, much skill is required fully to justify the competence of which I have spoken. Now, we venture to emphasize that it is not enough to avoid the improper use of this competence, its use in the absence of sufficient evidence or hasty recourse thereto.

135. We believe that in the absence of any definite urgency, allowance must also be made for the whole set of the conditions required to ensure the balance of power in the world, for this balance is the sole guarantee of the collective order. We have the right to demand the solution of some particular problem which affects us closely and it would be unwise to ascribe hidden intentions to persons who believe themselves justified in asserting their claims. Every violated right calls for redress; men whose dignity has been offended and nations whose essential rights have been brutally restricted cannot be asked to wait indefinitely for their dignity to be respected or their rights to be restored. But does this mean that we must disregard our higher duty to preserve and even defend, for the sake of peace and security generally, the order to which we belong? The situation is such that, given the present distribution of might in the world, no one can claim to stand aloof.

136. Much has been said lately about peaceful coexistence. Some well-intentioned people have proclaimed the need for an understanding broad enough to enable the opposing philosophies to develop independently, while yet opportunities for contacts in certain spheres, without prejudice to principle, should not be stifled. Such an experiment would be nothing new in the history of the world; we have seen how political or religious ideologies, wihch at first collided violently, succeeded ultimately, by a long and difficult process, in finding a practical formula for coexistence.

137. To enquire into the chances of success or failure of such evperiments would mean studying the very substance of the rival doctrines. Such considerations would of course go beyond the scope of my statement. Suffice it to say that if there is a desire for such coexistence it would be folly to expect concessions only of those who, while fully alive to the necessity of adjustments in outmoded ways of thinking, are deeply attached to the respect of the human person and his essential rights, freedom of speech, religious freedom and freedom of opinion. More attention should be given to the impossible demands of the other side whose avowed or con-

cealed aim is to impose on the whole world the inflexible laws of its ideology.

138. If we are determined to see to it that the free world shall preserve its rights, we must discipline our actions, unless to delay would be dangerous, and we must not weaken the position of all those who wish to join the common cause. To act differently would merely be to play into the hands of the other side.

139. It would be hyprocritical to say that everything on our side is perfect. I recall a former United States Secretary of State who said in this very room that we have many dark corners still to be tidied up which we should eliminate in the interest of our cause. But as compared with these blemishes, the one or other of which does after all disappear from time to time, on the other side, there are so many known or suspected injustices, enslaved communities, voices reduced to silence and resigned victims for whom no one has yet lifted a finger, as if that were an accepted situation.

140. We must continue to settle our accounts on our side, but we must never forget the demands made on us by the obligation to work for the defence of a common ideal of peace and security, not for one section of humanity but for humanity as a whole.

141. Does this mean that the principles of the United Nations must be sacrificed? We have tried to show how much harm would result from such a sacrifice. It seems to us that in the discussion of the questions referred to the First Committee the world political picture as a whole was being overlooked. While other Committees may be concerned with isolated solutions, the discussions in the First Committee must be raised to a level from which the chessboard as a whole may be viewed so that certain pawns may be moved only at given points, in the light of all the conditions required for maintaining collective security.

142. We have heard with much interest the various statements made on the question of West Irian. Nor are we unaware of its ethical and legal aspects. We cannot but praise the delegations, who, faithful to a tradition from which we ourselves have for good reason never departed, have only wished to consider its colonial aspects. It is not our intention to contest the ethnic links between the Papuans of New Guinea with the inhabitants of Java or Sumatra. Even less do we wish to refer to the provisions of the Round Table Agreement or to consider the circumstances which, when the independence of Indonesia was recognized in 1949, caused that country and the Netherlands to postpone discussion on the difficulties of the status of West Irian.

143. To be sure, it would be interesting before coming to any conclusion and taking a considered decision, to scrutinize the provisions of the United Nations Charter and, by eliminating any sentimental factor, to consider how far they support the draft resolution of the First Committee. New Guinea is at present one of the Non-Self-Governing Territories and the Netherlands reports on its administration to the Trusteeship Council. If it is proposed that New Guinea should form part of Indonesia, should not its inhabitants, who are those most directly affected, be consulted?

144. We are willing to believe that the examination of these various angles of the problem would not catch the Indonesian delegation unawares. But today, and without in any way prejudging the justice of its claims, we wish to confine ourselves to the general aspect of international policy and, at the present stage, we shall abstain from voting on the draft resolution submitted to the Assembly.

145. Sir Percy SPENDER (Australia): I do not intend to take up much of the Assembly's time; indeed, I shall be very brief.

146. As I have so often stressed, the Australian Government tried by all means in its power to dissuade its friend and neighbour, Indonesia, from bringing this matter—this claim to sovereignty over West New Guinea—before the United Nations. We were, regrettably, unable to dissuade Indonesia from a course of action which we were convinced—and we now feel confirmed in our conviction—could only lead to misunderstanding and friction which otherwise could have been avoided.

147. The case was argued most fully in the First Committee, and it fell to me to put Australia's case in the Committee as forcefully and fully as I could. Now the matter is before the Assembly, and we have one last opportunity of reconsidering the situation, looking at this draft resolution for what it is and judging it for what it sets out to do.

148. As I have said, I do not wish to repeat here my arguments against the Indonesian claim. I do not have to establish Australia's interest in this matter. These arguments have been put by me before, and I think they are well within the knowledge of representatives here.

149. I now wish to appeal to the Assembly not to push this matter further by adopting this draft resolution. For this is not just another draft resolution dealing with a colonial issue, as some would suggest. Indeed, it is one which involves the implication of a transfer of territory. But the adoption of this draft resolution would not bring about this transfer; this I know, and I think it is known to all of us. The adoption of this draft resolution would merely start, it seems to me, an agitation which could not and would not achieve its primary purpose, but which would most assuredly bring with it unfortunate consequences not only for the principal parties, the Netherlands and Indonesia, but for my country, Australia, as well.

150. In conclusion, therefore, I ask the Assembly to think again before it embarks on such a course. The situation in New Guinea and in Indonesia is what it is. So far as New Guinea is concerned, the *status quo* under the sovereignty of the Netherlands will be maintained.

151. The United Nations will create further trouble, I believe—and trouble between three of its Members of good reputation and good intentions—if it encourages Indonesia to pursue its claim. I therefore appeal to the Assembly not to adopt this draft resolution and, by not adopting it, to take the heat out of this matter. We must avoid adding West New Guinea to the list of unsolved and insoluble disagreements which can only be encouraged to fester repeated discussions in the Assembly by means of recurring consideration here.

152. Mr. MAZA (Chile) (*translated from Spanish*): When the draft resolution now being considered by the General Assembly was put to the vote in the First Committee my delegation abstained. I should now like to explain briefly why I now propose to vote against the draft resolution.

153. I do not propose to enter into a discussion that has been full of contradictions, has been the occasion for an exposition of the most conflicting doctrines and has, morever, been characterized by the wide discrep-

ancy between the actual debate and the draft resolution recommended by the First Committee.

154. When the United Nations was established, Indonesia, although it was already claiming its independence, was still being administered by the Netherlands; it was, however, subject to the new system established by the United Nations Charter. That system, which is mainly defined in Article 73, "recognized the principle that the interests of the inhabitants of these territories are paramount"; in addition, the Administering Powers must "transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible".

155. After the system provided in the Charter had been established, the independence movement continued in Indonesia, and a Federal State, the United States of Indonesia, was set up with the assistance of the United Nations. Since then, no one has been under an obligation to report periodically to the United Nations on the continued progress of the inhabitants of those territories, particularly with reference to respect for human rights, the attainment of a higher level of culture and the enjoyment of the benefits of civilization.

156. During the 1949 negotiations no agreement was reached on the western part of the enormous island of New Guinea, now also known as Irian. Since the conclusion of the 1949 agreements—which, I repeat, were concluded with the participation of the United Nations—the new sovereign State has revised its constitution and has been converted from a federal State into a unitary State under the new name of the Republic of Indonesia.

157. As the United Nations receives no periodic reports, we cannot judge how these changes have affected the inhabitants of the Indonesian archipelago. All we have is reports—which are not official—regarding protests in the Moluccas about the change in the system of government and the manner in which the new system of government is being put into effect; it is also alleged that the change is not in accordance with what was agreed to in 1949.

158. Furthermore, the Round Table agreement of 1949 explicitly excluded the transfer of the western part of the island of New Guinea to the United States of Indonesia. The matter was to be the subject of later negotiations. Negotiations took place in 1950 and 1951 but did not result in agreement between the Netherlands and Indonesia. One of these two States has requested the United Nations to persuade the other to resume negotiations with a view to achieving an early agreement on the political status of West Irian. In the draft resolution, the Secretary-General was also asked to assist, and to submit a report to the next session of the General Assembly. Nothing was said about the wishes of the inhabitants of the territories.

159. The First Committee has modified that suggestion and is proposing to the Assembly that it should "express the hope" that the endeavours to find a solution between Indonesia and the Netherlands will be pursued. It also requests the parties to report progress to the General Assembly at its next session. Nothing whatsoever is said about the fundamental requirement of Article 73 of the Charter that the interests of the inhabitants shall be regarded as paramount.

160. After this brief recital of the history of the case, I wish to say that my Government reiterates its position that in its view the principle of the self-determination of peoples is not involved in the matter in question, as there seems to be no movement in favour of self-determination among the inhabitants of New Guinea or West Irian; nor, according to the information available to my Government, would the inhabitants appear to have reached a sufficiently advanced stage of civilization to be able to express their will freely. Moreover, there is no racial unity between the inhabitants of New Guinea or West Irian and those of Indonesia that would *a priori* justify a desire for union.

161. We must therefore conclude that what is involved is merely a political controversy between two Governments concerning the sovereignty of a particular territory in which, under the treaties in force, the *status quo* is expressly maintained pending settlement of the question by negotiations.

162. For these reasons my Government feels that at the present stage the purposes of the United Nations would not be served if the organization followed the dangerous course of requiring Member States to negotiate on a matter that does not affect international peace or security, especially when, as in the case under discussion, a dangerous precedent would be established if pressure were brought to bear on one Member State at the exclusive request of another.

163. My Government has instructed me to state that it sincerely hopes that the dispute between Indonesia and the Netherlands on this matter may be settled through friendly negotiations freely undertaken; I repeat, freely undertaken. These are the reasons for which my delegation is unable to vote for the draft resolution proposed by the First Committee.

164. Mr. JOHNSON (Canada): The Canadian delegation wishes briefly to explain its vote on the draft resolution now under consideration.

165. Representatives will remember the circumstances in which that draft resolution came to a vote in the First Committee on 30 November. On the morning of that day, members of the Committee had before them only one draft resolution, sponsored by the delegation of Indonesia. Shortly before the vote was to be taken, a new draft resolution was submitted, sponsored by eight Powers. Speaking on behalf of the Canadian delegation, I said in the First Committee that we would vote against the draft resolution sponsored by Indonesia. At the same time, I urged that the eight-Power draft resolution should not be put to a vote that day, because representatives had not had an opportunity to consider it adequately or to receive instructions from their governments. I also said that, if the eight-Power draft resolution were put to a vote that day, the Canadian delegation, for lack of instructions, would abstain from the vote.

166. Representatives will recall that the eight-Power draft resolution was put to a vote on the same day and that the Canadian delegation abstained from the vote on the draft resolution as a whole. Representatives will also recall that the Indonesian draft resolution was not put to a vote.

167. The Canadian Government has now had an opportunity to study the draft resolution before the Assembly and finds that, though the text is couched in more modern language than the Indonesian draft resolution, it

seeks to accomplish substantially the same result. The draft resolution, it seems to us, in effect calls for negotiations between the Netherlands and Indonesia concerning the sovereignty of the territory of West New Guinea, before the fundamental legal questions involved have been resolved and without reference to the wishes of the inhabitants. Hence, we oppose the draft resolution recommended by the First Committee for substantially the same reasons as we gave in the First Committee for opposing the draft resolution sponsored by Indonesia.

168. Mr. BOROOAH (India): The General Assembly now has before it for consideration the draft resolution on the question of West Irian adopted by the First Committee. Members of the Assemby know that the Committee adopted the draft resolution, sponsored by eight delegations, including my own, after a fairly long and detailed discussion of the subject. I therefore do not propose to take up the Assembly's time in discussing the question again *in extenso*. All that I do wish to point out is that the draft resolution before us embodies the collective wisdom and moderation of the delegations represented in the First Committee and, as such, deserves the General Assembly's full support.

169. The problem of West Irian, which some prefer to call by another name—West New Guinea—is basically simple, although attempts were made by certain representatives to introduce matters which were hardly useful in finding a peaceful solution of the problem. To my delegation, as well as to the representatives of those countries having the experience of colonial rule, the question of West Irian is that of the elimination of the last vestiges of colonialism in Asia, so that all old animosities and bitterness between East and West could be removed from that part of the world. As my delegation observed in the First Committee, the purpose and justification of our intervention in that debate was to expand this area of genuine co-operation between Westerners and Asians; that holds good so far as this debate is concerned also.

170. Our support of the Indonesian claim to West Irian is based not only on our opposition to the continuation of colonialism in Asia, on however small a scale it may be, but also on the close historical, geographical and political association between Indonesia and West Irian.

171. It is an irony of history that colonial Powers who start and continue their rule with the help of the policy of "divide and rule" ultimately end by uniting those whom they wanted to divide thereby creating conditions for their own elimination. The British rule in India originated in the disunity of India after the fall of the Mogul Empire, and its continuation was based on the age-old imperial policy of all empire buiders—"divide and rule". But resentment, and later resistance to foreign rule recreated the unity which my country had lost for some time, and resulted in a unanimous demand for national freedom. It is fortunate, not only for us or for the British, but also for the world at large, that the British had the wisdom to learn this great lesson of history and leave India for the Indians.

172. The Dutch, with all their great achievements in the fields of art, letters and industry, failed to observe the inexorable forces of history which have made colonial rule an outdated system. And that is why Indonesian freedom had to be won at the cost of a good deal of bitterness and not a little bloodshed, and that is why the problem of West Irian remains unsolved today.

173. It is the earnest desire of my delegation that the Netherlands Government, as well as the people of the Netherlands, will learn from their mistakes and endeavour to come to a peaceful settlement with their former colony and present-day friends, the Indonesians. My delegation has no doubt that the people and the Government of Indonesia will sincerely reciprocate their feelings and co-operate with them in finding a solution of the differences between them.

174. I can assure the General Assembly that our support of the Indonesian point of view and our opposition to the Dutch claim is not based on any rancour or bitterness. True, the colonial Powers exhibited a great lack of humanity in their treatment of our forefathers, but we do not hold that against the peoples of former colonial Powers, as we do not believe that bitterness of one generation should be handed over to the succeeding generations. That chapter of colonial rule, with unhappy memories for us, had better be closed as its continuation would only foment hatred and bitterness amongst nations and peoples which we, at this critical time of world history, can ill afford.

175. My delegation therefore wholeheartedly supports this draft resolution, which only urges a peaceful solution of the dispute between Indonesia and the Netherlands regarding West Irian.

176. Mr. ENGEN (Norway): I should like to explain briefly my delegation's attitude regarding the draft resolution now before the General Assembly.

177. The provisions of this draft may seem to be justifiable, reasonable and in harmony with the attitude which the United Nations would be expected to take in disputes of this kind between two Member States. On the face of it, therefore, the General Assembly is not asked to do more than it has done on numerous previous occasions when it has called upon parties to settle their differences by negotiations. However, my delegation cannot endorse an appeal such as is contained in this draft resolution without first taking into consideration the attitudes of the parties in this dispute. This means that before we ask the parties to resume negotiations, because this is what the draft resolution amounts to, we have to consider why the negotiations have not been resumed, why they were broken off, or why they have been futile.

178. In this case, we are the more compelled to take these reasons into account since it is the declared desire of one of the parties that the General Assembly call upon the other party to resume negotiations. I want to stress this point, because it seems to us rather meaningless to take a stand on a text of a draft resolution calling, in effect, for negotiations, without taking into consideration the history of the negotiations which have been already carried out. In other words, the draft resolution before us must be viewed within the context of the actual dispute between the two parties.

179. For this reason, we have listened very attentively and objectively to the presentation of their cases by the Indonesian and Netherlands delegations. There are, in our opinion, two main considerations which have been brought out very clearly and which have been for us decisive. Let me mention them in this order.

180. The Indonesian delegation, so far as we have been able to understand, has propounded the thesis that the

sovereignty over West Irian actually was transferred to the Indonesian Government by the signing of the Charter of transfer of sovereignty in 1949, or, at least, that the Charter of transfer conferred upon the Indonesian Government an irrevocable legal right to the subsequent transfer of the sovereignty over this territory.

181. I do not want to express any opinion as to the validity of this thesis for the following reason. This is a question which deals with the rights and obligations conferred upon the parties by the Chapter of transfer of 1949. To answer it, we would have to engage in an interpretation of the treaty and an evaluation of the negotiations which led to the conclusion of the treaty. This, however, would be an endeavour of a purely juridical nature and there is general agreement among all of us that a question of this character could not, and should not, be examined and decided in a political assembly like the United Nations. The representative of Indonesia himself stated this very clearly during the debate in the First Committee.

182. If an answer to this question should be sought, it would have to come from the International Court of Justice. The Government of the Netherlands for its part has declared its willingness to submit this question to the Court. The Government of Indonesia has not accepted such a procedure, and we must confess that we have not been quite able to comprehend the reasons advanced by the Indonesian Government for its refusal. Whatever the correct understanding of them, they do have a certain significance when viewed in the light of the request that the United Nations General Assembly use its influence in an appeal to the Netherlands Government to resume negotiations.

183. At this point, the question arises: what would be the implications of the resumption of the negotiations? The draft resolution before us is silent on this point. We have to seek the answer somewhere else, namely, in the attitude taken by the parties during the previous negotiations and in the statements made by them during the debate. And here I come to the second consideration which the representative of Indonesia brought out very clearly and which has had a determining influence on my delegation's attitude towards this draft resolution.

184. During the negotiations which have taken place, the Indonesian Government has firmly maintained its demands which would result in giving Indonesia the maximum it can possibly ask for, that is, full sovereignty and unqualified control over West Irian. Such a solution would leave the other party considerably less than a minimum—nothing. Indonesia claimed the maximum in 1949, but could not achieve it. It has claimed the same ever since but has not been able to obtain it. Today this is still the situation, as we see it. Now a resumption of negotiations is requested. This does not mean negotiations on the substance of the problem, which is the question of sovereignty over West Irian. If so, this must necessarily mean that the Indonesian Government is really willing to seek a solution somewhere between the two extreme standpoints.

185. We listened very carefully to the Indonesian representative during the debate in the First Committee in order to find an indication that the Indonesian Government actually considered the possibility of treating the question of sovereignty as a negotiable issue. I am sorry to say that we have found no such indication. On the contrary, the substance of all the statements which we have heard from the Indonesian delegation can, I believe, be expressed in one sentence which we find in one of Mr. Sudjarwo's speeches in the First Committee [*726th meeting*]. He said[2]:

> "The boundaries of this State [Indonesia] can therefore only be the boundaries of the former Dutch East Indies, neither more nor less."

186. The situation now is that one party is asking for negotiations, while firmly maintaining that it will not accept less than the maximum, and the other party holding that it is not willing to resume negotiations, presumably because it is not prepared to give up everything, then what would be the implications of an appeal from the General Assembly to the parties to resume negotiations? Under these circumstances, realistically speaking, the Assembly's appeal would be tantamount to an endorsement of the claims of one of the parties to the dispute. This purpose of the present resolution was brought out very clearly by several of its sponsors during the debate in the First Committee. With all respect to the parties concerned, and with the friendliest feelings towards the Indonesian Government, my Government is unable to endorse its claim and we shall have to vote against the resolution.

187. May I say in conclusion that the situation would have been different if the General Assembly had contemplated asserting its influence with the parties in a manner which would not prejudice the future status of this Territory. In our opinion, the General Assembly, in the action it now intends to take, will fail to take into consideration the rights and interests of one party which is principally concerned—and that, of course, is the population of the area itself. A course of action to this end was proposed by the representative of Colombia in the First Committee, but it failed to gain enough support to become a recommendation to the Assembly. My delegation voted in favour of this amendment in the Committee because we are convinced that this is the only course that the United Nations should follow in a case like this where the Organization has taken upon itself, under its Charter, to protect the interests and rights of peoples who are not yet able to exercise control over their own destinies.

188. Mr. DE LA COLINA (Mexico) (*translated from Spanish*): When my delegation took part in the debate on this subject in the First Committee, we expressed the hope that we might adopt a constructive and conciliatory resolution, so drafted that the parties chiefly concerned could, at best, abstain, affirming the General Assembly's interest in the well-being and advancement of the people of New Guinea, on the basis of Article 1, paragraph 2, of the Charter, which proclaims the principle of self-determination of peoples.

189. Unfortunately, my delegation's efforts did not produce the desired result. Nevertheless, the Committee did approve a draft resolution of a somewhat milder tone than that originally submitted for its consideration and one which, generally speaking, is designed to bring about a most satisfactory *rapprochement* between the parties, in conformity with the purpose and principles of the Charter, which we have all undertaken to honour. I therefore voted in favour of the draft resolution as a whole, but abstained in the separate vote which was taken on paragraph 2 of the operative part, because its

[2] Quotation taken from the provisional verbatim record; the printed record exists only in summary form.

wording was inconsistent with the simple expression of hope in paragraph 1.

190. The appeal to the parties would have been easier to understand if some such word as "requests" or "urges" had been used in the preceding paragraph, although in that case my delegation would have been obliged to abstain from voting altogether.

191. For the foregoing reasons, I shall abstain from voting in paragraph 2 of the operative part, in the hope that, with that paragraph deleted, I shall be able to give my enthusiastic support to the draft resolution. I request now that, when the time comes, a separate vote be taken on that paragraph.

192. Mr. SUDJARWO (Indonesia): This item, the question of West Irian or West New Guinea, has been discussed fully in the First Committee and a very mild compromise draft resolution giving the greatest consideration to the point of view of the parties to the dispute—the Indonesian and the Netherlands Governments—has been adopted. By a large majority, the First Committee adopted a draft resolution sponsored by eight Powers, Argentina, Costa Rica, Cuba, Ecuador, El Salvador, India, Syria and Yugoslavia. This draft resolution is in the most conciliatory spirit, conciliatory to such a degree that it contains only an appeal couched in the most general and vague terms for the peaceful solution of the problem. In fact, it expressed only the hope "that the Governments of Indonesia and the Netherlands will pursue their endeavours in respect of the dispute that now exists between them to find a solution in conformity with the principles of the Charter of the United Nations".

193. The President will certainly agree with me that this is indeed the very least the General Assembly could do in a deteriorating dispute—a dispute about the political status of West Irian—between my Government and the wording of the draft resolution, but my delegation certainly has the greatest respect and appreciation for the spirit of conciliation and goodwill for both parties which animated its sponsors to pave the way for a peaceful solution of the dispute and which has, indeed, won the support of the great majority of the First Committee. Therefore, it will be deeply regretted that the representative of the Netherlands and some others in this plenary meeting not only oppose this goodwill or compromise draft resolution, which makes no decision whatsoever with regard to the substance of the dispute, but, what is more, are again attempting to distort the item under discussion, seeking once more to oppose the competence of the General Assembly to find a peaceful solution to a serious dispute between two Member nations and to divert the question to one apparently designed to perpetuate the illegitimate Dutch colonial rule over part of Indonesia.

194. I do not want to reopen the general debate on this question although the representative of the Netherlands has tried again to bring matters before this Assembly which my delegation has already disposed of in the First Committee. Members of this Assembly are, in fact, fully aware that the Indonesian Government is not seeking a decision by the General Assembly with regard to the dispute itself and is not seeking to revise any international treaty; it is only seeking, through the principle of peaceful settlement of disputes under the Charter, the way for that peaceful settlement of an existing dispute by negotiations with the Dutch Government. Nobody, and certainly not the United Nations, can deny the right of my Government to seek a peaceful settlement without denouncing the very principles and purposes of the Charter.

195. That there is a dispute is clear. It is explicitly mentioned in the Charter of the transfer of sovereignty between Indonesia and the Netherlands in 1949 [*S/1417/Add. 1, appendix VII*], which agreement still exists; and it is also clearly provided that this dispute—the dispute over the political status of West Irian—should be solved by negotations between the two parties. Furthermore, the Agreement also explicitly states, in article 2, that the two parties should dedicate themselves "to the principle of resolving by peaceful and reasonable means any differences that may hereafter exist or arise between them".

196. A Dutch profssor in Amsterdam, Dr. van Raalte, only recently wrote in a Dutch newspaper, *Het Parool*, on 14 September 1954, that, however you look at the Charter of transfer of sovereignty of 1949, however unsatisfactory or imperfect its wording on the question of West New Guinea might be, it cannot be denied from the point of view of international law that the dispute still exists and that this dispute, according to the provisions of that very treaty, should be resolved by negotiations between the two parties, even after that so-called time-limit of one year. This Dutch professor on international organizations even suggested in this regard that "it might be advisable that on the Dutch side again the willingness could be shown—as was in fact the meaning of the, though imperfect or even unfortunate, article 2 of the Charter of transfer of sovereignty—to eliminate this conflict".

197. As you know, article 2 of that Charter mentions this dispute on West Irian and also provides that this dispute should be settled by negotiations between the two Governments. The representative of Brazil, Mr. Leme, pointed out [*507th meeting*] that an international treaty is not just a scrap of paper.

198. It is therefore regrettable that the Netherlands Government finds it possible to adopt only a negative and unco-operative attitude in this matter contrary to the provisions of the Charter of the transfer of sovereignty both with regard to the transfer of sovereignty over Indonesia, as was provided in article 1 of the Charter of transfer, and particularly with regard to article 2 of that Charter, which binds the two parties to negotiate a settlement of the dispute over the political status of West Irian and, indeed—as the treaty says—over any "differences that may hereafter exist or arise between them". The Netherlands Government has refused to negotiate the dispute, an attitude which has clearly had a detrimental effect on the peaceful relations between our two countries. They have tried to justify the perpetuation of their colonial rule over part of Indonesia, contrary to the provisions of the Charter of transfer of sovereignty, by seeking refuge in Chapter XI, Article 73, of the United Nations Charter in clear violation of the very spirit of that Chapter and Article.

199. Chapter XI, Article 73, of the Charter is meant to abolish colonial rule, though gradually, and not to perpetuate the subjection of peoples, as is now the case in the Indonesian territory of West Irian. Moreover, they are now even piously talking of the paramount interests of the peoples of West Irian, after having entirely neglected that very territory and its people for more than a century. No, indeed. Such pious talk and

belated consideration for the interests of peoples subjected to colonial rule and repression sounds rather false and hollow coming from the mouth of the representative of the Netherlands. As the representative of India pointed out in the First Committee, this enthusiasm for and concern about the interests, and so on, of subjected peoples is not very ancient. It does not have a very great antiquity or respectable tradition behind it. Indeed, while talking about the interests of the people of Indonesia, while talking about *missions sacrées* and so on, during the colonial days in my country, the Dutch colonial Government, after three hundred years of *missions sacrées,* was not able to give more than 7 per cent literacy to the Indonesian people, of which West Irians were, indeed, the least fortunate. It is therefore not surprising that Dutch colonial domination has always met with the strongest resistance by the people, including those of West Irian.

200. After the proclamation of our independence at the end of the Second World War on 17 August 1945, our people in West Irian, together with all their brothers in the rest of Indonesia, were actively engaged in the national struggle to defend that independence and freedom against the return of Dutch colonial rule. Resistance, or actual revolts against the reimposition of that colonial and military rule in West Irian, broke out there—in West Irian—in 1945, 1946, 1947 and 1948, and indeed the resistance has gone on until the present time. I have described that resistance during the debates in the First Committee. Many of their leaders and their adherents have been jailed and even sent to the notorious prison camp of Boven Digul, in West Irian itself. This resistance is only normal and natural in a colonial territory, especially in this territory which belongs to a free and independent country, Indonesia. Consequently, there is no peace in West Irian and there cannot be peace, so long as this illegitimate colonial rule is perpetuated in that territory against the provision of a valid international agreement and so long as this dispute is unsolved.

201. Despite all the unctuous talk by the Dutch of the interests of the people and their right to self-determination, such talk is in fact a mockery with regard to this territory whose people already exercised their right to self-determination, together with the whole Indonesian people, in 1945, and whose freedom is now repressed. Moreover, as I have pointed out during the debate in the First Committee, this unfortunate remnant of Dutch colonial rule in our country constitutes a sore spot in that part of new Asia, a sore spot certainly not conducive to the promotion of better relations between Asia and the West. To eliminate, or assuage, the sore spots of the remaining colonial system, as the *New York Times* warned on 29 July last, is indeed a duty for all of us, namely, to promote peace in Asia and peaceful relations in the world at large.

202. This sore spot is the last relic of Dutch imperial prestige, which is only a false prestige in the light of the new relations between Asia and the West. Having due regard to the paramount interests of our people in West Irian and having regard to the freedom which they deserve, we brought this unsolved dispute before the General Assembly, this unfortunate dispute between Indonesia and the Netherlands, so that we may find here the best ways and means, under the Charter, to bring the parties on the road to a negotiated and peaceful solution.

203. Sentiments run high among the people of Indonesia on this burning question, but it is the duty of my Government to seek the road to a peaceful solution. Consequently, my delegation, while having abstained on the draft resolution contained in the report of the First Committee [*A/2831*] because we then had our own draft resolution, will now vote in favour of this draft resolution of the First Committee. We will do so because we not only have the greatest appreciation for the motives of goodwill and conciliation which engendered it, but also because we feel that this mild compromise solution may still constitute a moral support, a moral encouragement, by this Assembly for efforts to find the peaceful avenue to the solution of the problem, the avenue of negotiations which we have sought and will continue to seek.

204. May I recall that Mr. Belaúnde, the representative of Peru, said in the First Committee that the General Assembly must do, and can do, something in this dispute. Indeed with his support the First Committee could and did produce this "something", namely the peaceful draft resolution, the very least that the General Assembly can do for the parties concerned. But we must be grateful for it, grateful to those who have tried to have the General Assembly do something, and grateful for the peaceful way in which the General Assembly has been called upon to deal with the problem. This is in fact what the draft resolution of the First Committee means—no more than that. Is it conceivable that such a peaceful draft resolution, such an expression of hope—and it is only an expression of hope—would meet with any opposition? Let us be reasonable and let us have the courage to express the hope that a dispute, however difficult it may seem, should and can be settled by peaceful means.

205. Allegations of all sorts, and even insinuations, against my Government have been used to confuse the issue. But the issue now before us is clear: Is the General Assembly going to be allowed to express its hope for a peaceful solution of the problem? Is the General Assembly going to be allowed to encourage the peaceful solution of this dispute? If one is willing to see the issue in all fairness, in all objectivity, I cannot imagine that one would seek to prevent such an encouragement, such a peaceful appeal.

206. As to the suggestion of the representative of the Netherlands that negotiations will not serve any purpose, I would like to read part of my statement on this matter in the First Committee. At that time I said [*734th meeting*][3]:

> "It is certainly not true, as some speakers suggested,"—and repeated by the representative of the Netherlands today—"that the Indonesian Government would be only willing to negotiate if its sovereignty over West Irian is recognized in advance. As a matter of fact, in the recent Dutch-Indonesian Conference at The Hague last summer, the Indonesian delegation proposed only to place the question of West Irian on the agenda of the Conference without pre-conditions. But the Dutch refused this proposal. That the negotiations will come to the question of sovereignty is of course understandable, but that is a matter of negotiation, not a pre-condition.

[3] Quotation taken from the provisional verbatim record; the printed record exists only in summary form.

"It was the Dutch Government which pre-conditioned negotiations in fact, with the recognition of their sovereignty over West New Guinea, which of course we cannot accept. Sovereignty is indeed involved in the dispute but there is no reason to suggest that if both parties are sincere to resume negotiations patiently and with perseverance, especially in a new light with the good offices of the United Nations, no solution could be arrived at on the political status of West Irian as envisaged by article 2 of the Charter of transfer of sovereignty.

"I state again that there is no foundation at all to suggest that, because both parties have the same claim on the same sovereignty, negotiations on the political status of West Irian will serve no useful purpose or even could not arrive at a solution in the future agreeable to both. If we look at the past, the Indonesian question itself, which was tackled by the United Nations Security Council eight years ago, was proof that no matter how diametrically opposed the stands of the opposing parties were, a solution was eventually found by consistent and persevering negotiations with the assistance of the United Nations.

"At that time, the legal question of sovereignty was also involved. Both the Republic of Indonesia, proclaimed 17 August 1945, and the Dutch Government claimed to have sovereignty over Indonesia. There was even a war. Was it because there was war, because there was armed conflict between the parties, that negotiations were considered necessary and as serving the purpose? Is it because of the absence of armed conflict, of war—God save us from this again—that now negotiations are considered unnecessary and as being able to serve no useful purpose? This, if true, is really a sad proposition."

207. Since it is a political dispute, my Government still thinks that patience and sincere negotiations can still lead to a peaceful solution, that is, by agreement between the two parties in the future on the problem.

208. I just read a rather alarming news item from the Netherlands. It was reported by a Dutch daily, *Telegraaf*, two days ago, that an organization has been set up in the Netherlands called "New Guinea Front", headed by the notorious former Dutch Captain Westerling of the colonial forces in Indonesia, who was responsible for atrocities in South Celebes in 1947, and who was an organizer of an abortive *coup d'état* in West Java against the republican government after the transfer of sovereignty in 1950. How this well-known fascistic anti-Indonesian troublemaker would like to solve the New Guinea problem is, I am afraid, only too apparent. It certainly will not bring any peaceful solution nearer.

209. It is therefore all the more important that the General Assembly should indeed endorse and support this appeal to both parties. It is my earnest hope that the Assembly will do so, that it will endorse this draft resolution of appeal which, while rendering no decision or judgment whatsoever on the dispute itself, can still serve the purpose of bringing about the pacific settlement of the dispute under the Charter. For the Assembly to fail to adopt such a draft resolution containing this peaceful appeal, would indeed place on its shoulders a grave responsibility with regard to its duty to uphold the principle of peaceful settlements of disputes. In fact, it would mean that the Assembly had closed the door to a peaceful solution by negotiation, which the Indonesian Government is still seeking. This would be a serious proposition indeed. Let us be clear on this point, and let the General Assembly sincerely ponder it.

210. I am therefore confident that, for the Netherlands Government, which now finds it necessary to show a negative attitude, this peaceful appeal will also finally provide wise counsel with regard to this dispute in the interests of friendly relations between our two countries, in the interests of peace and the peaceful development of the area and the peoples concerned, and, last but not least, in the interests of better relations between Asia and the West in general.

211. Mr. QUIROGA GALDO (Bolivia) (*translated from Spanish*) : I should first like to repeat that Bolivia's position on the problem of West Irian is unchanged, and will remain so. Moreover, I see no reason why we should change, or consider the possibility of changing, the vote which we have cast. So far as we know, no important events have occurred in South-East Asia, nor have the Papuans revolted. They continue to lead their stone age existence in the midst of the atomic age. We must not be alarmed at the doings of the bold fascist adventurer, Westerling, the monstrous cactus which has arisen from the swamp of oppression of the Indonesian people.

212. We shall vote here as we voted in the First Committee. This dispute between the Netherlands and Indonesia is purely political in character and colonial in origin. My country, which has no material interest in the matter, is anxious only to defend the principle of anti-colonialism, as is natural since we attained our own freedom over a century ago after a long and bloody struggle against colonialism.

213. I take the liberty of repeating some points which I made in defence of the Indonesian argument in the First Committee. It was clearly demonstrated that West Irian did not, during the colonial period, come under the administrative jurisdiction of the Indonesian archipelago. However, we are all familiar with the report submitted to the United Nations in 1949,[4] which states that "Indonesia consists of a series of islands in the region of the equator, extending from the mainland of Asia to Australia. The principal groups of islands are the Greater Sunda Islands (. . .), the Lesser Sunda Islands (. . .), the Moluccas, and New Guinea, west of 141° East longitude. This is the statement of an administrative fact which has existed for centuries.

214. Now article 1 of the Charter of the transfer of sovereignty signed by the Netherlands and the new republic states the following [*S/1417/Add.1, appendix VII*] :

"The Kingdom of the Netherlands unconditionally and irrevocably transfers complete sovereignty over Indonesia to the Republic of the United States of Indonesia and thereby recognizes said Republic of the United States of Indonesia as an independent and sovereign State."

The transfer of sovereignty is complete and total. It does not make an exception for any particular territory and, with reference to New Guinea, article 2 states specifically that the *status quo* of the Residency shall be maintained with the stipulation that within a year from

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

the date of transfer of sovereignty to the Republic of the United States of Indonesia the question of the political status of New Guinea shall be determined through negotiations between Indonesia and the Netherlands.

215. Similarly, the agreements signed between the two countries prior to the transfer of sovereignty confirm this point. This is clearly set forth in article 3 of the Linggadjati Agreement of 1946, in the statement of the Lieutenant Governor of the Netherlands East Indies, made at Den Pasar the same year, and above all in the 1948 amendment to the Netherlands Constitution which states that the Kingdom of the Netherlands consists of the territories of Holland, Indonesia, Surinam and the Netherlands Antilles.

216. In Latin America, as I already said in the First Committee, we are fully aware of the meaning of the terms *uti possidetis juris* and *uti possidetis de facto*. The *uti possidetis juris* of 1810 is a principle of American origin, embodied in the international law of the American continent, and it was used to settle territorial disputes between the States liberated from the Spanish Crown and constituted in accordance with the boundaries set by Spain or with the administrative divisions laid down by Spain in its boundary treaties.

217. This doctrine was effective so long as the States concerned respected law and justice and adhered to the principle, which is a Latin abbreviation of the saying "As you possessed, continue to possess" with reference to the administrative situation in 1810. Whenever the validity of the principle *uti possidetis juris* was ignored, force stepped in and the right of conquest was imposed, which led to the other antagonistic concept which we in Latin America call *uti possidetis de facto*.

218. Although what occurred in Latin America refers to administrative acts deriving from Spanish sovereignty, the territorial dispute between the Netherlands and Indonesia can be better understood if we examine it in the light of the American principle which I have mentioned.

219. In point of fact the Indonesian Government wishes, on the basis of very clear claims, among which we may mention the agreements reached at the Round Table Conference of 1949, to apply the principle of *uti possidetis juris* to the year of the transfer of sovereignty, thus trying to recover part of its territory. On the other hand, the Netherlands seem to follow the principle of *uti possidetis de facto*, because, in refusing to proceed with the negotiations laid down in the Charter of the transfer of sovereignty, it gives us the impression that it wishes to remain indefinitely in West Irian, confident that *de facto* possession will enable it to exploit the island's oil deposits for the benefit of the metropolitan territory.

220. One of the representatives of a country concerned in this question declared his conviction that the Republic of Indonesia has no right to West New Guinea and expressed the opinion that we must not allow the indigenous peoples of this territory to be handed over to any particular nation; he asked that they should be given the opportunity of deciding their own fate, in accordance with the letter and spirit of the United Nations Charter.

221. If I recollect correctly, prior to the defeat of Germany in the First World War, the Kaiser's subjects took upon themselves the sacred duty of civilizing the Papuans of New Guinea. They were followed by other European peoples, but, as we know, neither the former nor the latter have succeeded in the last fifty years in creating the conditions necessary for the attainment of self-government, as laid down in the United Nations Charter.

222. Hence, I take the liberty of considering the sacred mission of the Europeans in this part of the world to be a failure. It is therefore only fair that West Irian should be transferred to the Indonesians, who can certainly promote the economic and social progress of their compatriots on a basis of equality so far as the enjoyment of political rights is concerned. I trust that the Papuans, once reunited with the Indonesian mother country, will cease to be representatives of the stone age in this atomic age, as a French writer states in a book in which he gives his impressions of this part of the world.

223. Similarly one representative finds that the security and future of New Guinea are linked to the security and future of his own country and that it is in the interest of the latter for this entire region to remain stable and secure, both at the present time and when its inhabitants are able to determine their own destiny.

224. In this connexion I feel that it would be beneficial to give some thought to the great lesson which can be learned from the international policy of the Communist Powers, whose propaganda stresses the *leit-motiv* that the national aspirations of the peoples of South-East Asia can be fulfilled only when Marxism triumphs in those countries where the Western colonizer still rules.

225. Hence the idea of making a bulwark of West New Guinea by prolonging the colonial régime on this island seems to us illogical. In our humble opinion, the strategic and political problems which exist in that area require a defensive chain of free nations to protect the free world. A West Irian reintegrated into democratic Indonesia would certainly be a more effective safeguard in this respect than a New Guinea administered by foreigners more interested, perhaps, in the exploitation of raw materials than in the happiness of the Papuans.

226. For all these reasons the Bolivian delegation will vote as it did in the First Committee.

227. Mr. AL-JAMALI (Iraq): One of the best results of the last war was the liberation of so many Asiatic countries, India, Pakistan, Burma, Ceylon and Indonesia, which have all become independent States. This is certainly of great credit to the wisdom and sagacity of the statesmen of such countries as the United Kingdom and the Netherlands, as well as to the nationalists in those countries which became independent. Instead of conflict, instead of confusion, we now have an atmosphere of friendship between the colonizing Powers and the new independent States. This happy relationship we wish to see promoted and maintained.

228. In the relationship between the Netherlands and the Indonesians there is a thorny issue. We wish, as the United Nations, to see to it that this issue is dealt with in the best possible way, in conformity with the spirit of the United Nations and its Charter. That is why we believe that a draft resolution as mild and as reasonable as the one we have before us is quite proper and that we should support it. We believe that to hope that the two sides shall come together to negotiate is not committing either party to any conclusion. We believe that this is a very reasonable approach. Therefore, we believe that this draft resolution deserves

unanimous support or at least an overwhelming majority.

229. Those of us who expressed fears about the wishes of the population and their interests must be assured that we are not committing ourselves here to the final destiny of the population. If the two parties will agree, and I hope they will, that this is going to be part of Indonesia, then West Irian will be a part of Indonesia and the Indonesians will then express themselves through representative governments. If, on the other hand, they agree that it should remain with the Netherlands, then the United Nations is always ready to get reports about the wishes of the population. Therefore, the question of the wishes of the population is not involved now. What is involved is the happy relationship between Indonesia and the Netherlands. We all hope that this happy relationship will be strengthened and maintained by resumed negotiations. That is why we support wholeheartedly the draft resolution before us.

230. Mr. FRANCO Y FRANCO (Dominican Republic) (*translated from Spanish*): I shall be very brief. In the First Committee, the delegation of the Dominican Republic had the opportunity of referring to the particularly cordial relations which, happily, exist between our country and Indonesia and the Netherlands. We also had the opportunity to express, at length and on two separate occasions, the clear opinion we had formed in relation to this item.

231. At that time, we pointed out, as we do again here, that the question under discussion is primarily juridical in character. We accordingly declared that not only would it be impossible for the United Nations to settle the question but that it could not prejudge the question or prejudice the position in which that pre-eminently legal character places the parties.

232. For this reason, we announced our opposition to any draft resolution which contained more than a clear expression of the hope that agreement would be freely reached on a basis of conciliation and as a result of friendly and cordial relations.

233. Furthermore, our delegation did not forget to point out that if a draft resolution of that type were adopted, it would be necessary to take into very special consideration the interests of the population of West New Guinea, or West Irian. On the basis of this last consideration, we voted in favour of the amendment submitted by the delegation of Colombia, which unfortunately was rejected by a majority of the First Committee.

234. With regard to the draft resolution now before the General Assembly, our delegation, having voted against the operative part, which it considered unacceptable, abstained from voting on the text as a whole, in the desire and hope that when the draft resolution was submitted to the General Assembly the comments which we had so firmly, precisely and clearly formulated in the First Committee would be taken into account.

235. Unfortunately, nothing of the kind has happened and the text now before the Assembly not only contains no reference to the interests of the people of New Guinea but includes provisions which imply coercion with regard to one of the parties.

236. That being so, the delegation of the Dominican Republic has been obliged to reconsider its position and to revert to its original way of thinking.

237. For these reasons, our delegation will vote against the draft resolution that is before the Assembly.

238. Mr. BARRINGTON (Burma): As in the First Committee, my delegation will vote in favour of the draft resolution which is now before us. Our reasons for voting for this draft resolution may be summarized as follows: first, there exists a dispute between two sovereign independent States; second, the continuance of this dispute is likely to endanger the maintenance of international peace and security; third, there is nothing in the Charter which debars the General Assembly from exercising its good offices to bring about a peaceful solution of this dispute. I shall deal with each of these in turn.

239. So far as the existence of a dispute is concerned, I do not think that it is necessary for me to say too much. I need only refer to the Charter of the transfer of sovereignty. In that Charter both parties agreed that a dispute existed in regard to the political status of New Guinea. It was further agreed that this dispute should be resolved within a period of one year by means of negotiations between the two parties. The question of sovereignty over New Guinea during the interim period—that is, until its political status was determined—was not too clearly defined, with the result that it has been the subject of different interpretations. The Netherlands claims that sovereignty over West New Guinea remained with it throughout; Indonesia, that sovereignty actually passed to it under the provisions of article 1 of the Charter of the transfer of sovereignty, but that the Netherlands was permitted, as a matter of expediency and pending the final solution of the question, to continue its administration of what was referred to as the Residency of New Guinea.

240. The position now is that the one year stipulated in article 2 has elapsed without agreement being reached. The negotiations were continued over an additional two-year period, with similar results. Now the Netherlands Government says that it is no longer prepared to negotiate with regard to West Irian since, according to it, negotiations cannot lead to any practical results; in other words, it says, in effect, that the dispute no longer exists.

241. What was it that made the Netherlands Government willing to negotiate on this issue until nearly the end of 1952 and unwilling to negotiate today? The answer is provided by the representative of the Netherlands. First, the Indonesians changed their federal constitution for one of a unitary type; second, they broke away from the Netherlands-Indonesia Union. It seems clear that these two developments had the effect of stiffening the Netherlands attitude on the West Irian issue.

242. But, I should like to ask, is this really relevant? In making the changes mentioned, Indonesia was merely exercising its right as a sovereign State. We can understand that the Netherlands might not be too pleased at this display of independence on the part of its former colonial subjects, but does it justify this unilateral termination of the negotiations? The dispute and the agreement to negotiate were between an independent Indonesia and an independent Netherlands. The fact that both belonged to the Netherlands-Indonesia Union at the time the agreement was reached, and that the Union has since been dissolved, does not, in our view, affect the validity of the agreement to negotiate. Nor does it remove the dispute.

243. The Republic of Indonesia has brought this question before the General Assembly under the provisions of Article 35, read with Article 34 and Articles 10 and 14 of the United Nations Charter. Now, it is maintained by some of those representatives who have participated in this debate in the First Committee that Article 34 does not apply to this question since, according to these representatives, everything in West Irian is now peaceful and tranquil. Even if this were so—and the representative of Indonesia challenged its factual accuracy—it seems to my delegation that these representatives overlook the most important aspect of this dispute: it is that this dispute has inevitably resulted in tensions between the Kingdom of the Netherlands and the Republic of Indonesia. Furthermore, we heard from the representative of Australia also that his Government and people have strong feelings on this question. How, then, can it be seriously contended that this dispute does not come within the purview of Articles 34 and 35 of the Charter? The answer seems to be that Articles 34 and 35 would not apply if the Indonesians would not press their case. But that is begging the question. If, in every international dispute, one side or the other agreed not to press its view of the case, then this would be a happy world indeed and we could do away immediately with all the peace and security provisions of the Charter.

244. The representative of Indonesia has told us how his people, regardless of political party, affiliations and station in life, feel about this issue. Obviously it is a national issue in Indonesia. In view of this, it would be highly improper and even dangerous to try to treat this as a non-existent issue or, at best, as an issue which the United Nations should not be considering at all. After all, let us remember that this dispute has been simmering for the past five years. It is not as though it had ceased to exist and the Indonesian Government had suddenly revived it by placing it before the General Assembly. It is a source of friction, and who can doubt that its continuance is likely to endanger the maintenance of international peace and security?

245. I now turn briefly to the question of competence. The claim that the General Assembly has no competence whatsoever is based on Article 2, paragraph 7 of the Charter. The Netherlands delegation claims that the Netherlands exercises full and complete sovereignty over West New Guinea. In other words, its contention is that Netherlands sovereignty over West New Guinea has not only not been extinguished, but has not even been diminished, despite the provisions of article 2 of the Charter of the transfer of sovereignty which emerged from the Round Table Conference; and, since the Netherlands exercises full and complete sovereignty over West New Guinea, the Netherlands claims that any discussion in the United Nations regarding the future politcal status of that territory represents an intervention in a matter which falls essentially within its domestic jurisdiction.

246. But this is contrary to the express provisions of article 2 of the Charter of transfer of sovereignty. Article 20 of that Charter, read with its operative part, makes it clear that the Netherlands Government itself accepted the position that there existed a dispute between itself and the Government of Indonesia over the political status of West New Guinea; in fact, it agreed that this dispute should be resolved within a year from the date of transfer of sovereignty.

247. As we all know, it was not possible to resolve this dispute within the stipulated period of one year. But this does not mean that the dispute had ceased to exist. The continuing nature of the dispute is amply demonstrated by what the representative of the Netherlands told us. He said that discussions on this matter continued between the two Governments, without success, until well into 1952. In other words, the dispute continues to this very day. And since it is a dispute between two sovereign States, it is difficult to see how the Netherlands Government can seriously claim that this is a matter falling essentially within its domestic jurisdiction.

248. As for the contention that Article 12, paragraph 1 of the Charter precludes the making of any recommendation by the General Assembly on this dispute, I do not propose to go into the matter. The issue was dealt with thoroughly in the General Committee [*92nd meeting*] and the General Assembly [*477th meeting*] when the question of inscription of this item on the agenda was being considered. We believe that a careful perusal of the records will show quite conclusively that this is not a case to which Article 12, paragraph 1, applies.

249. I turn now to the merits of the problem. The Indonesian Government claims that this question of West Irian is essentially a colonial question since it is part and parcel of the struggle of the people of what used to be the Netherlands East Indies for freedom from colonial domination.

250. The Netherlands delegation, supported by the delegation of Australia, maintains that this is not a colonial issue at all, but that it is instead merely a matter of one State trying to annex the territory of another without even taking into consideration the wishes and feelings of the people concerned.

251. In all fairness to Indonesia, we have to say that we consider the latter to be an unfair description of the Indonesian claim and case, and I think that a brief look at the historical record will bear me out.

252. It seems to be admitted by all those concerned that there existed some kind of political link between what is now Indonesia and West Irian even before the Dutch appeared on the scene. In fact, the Netherlands Government seems to have relied, at least in part, on the existence of this link to justify its annexation of West New Guinea. Having annexed it, the Netherlands Government in effect confirmed the existence of this link by placing West New Guinea under the administrative control of Batavia. This was no temporary expedient. It lasted right up to the time when Indonesia obtained its independence. It was then, and only then, that it seems suddenly to have dawned on the Dutch that West New Guinea was not, after all, a part of Indonesia.

253. In his statement in the First Committee the representative of the Netherlands said that the only historical connexion between Indonesia and West New Guinea was that both were nominally administered from Batavia, just as India, Pakistan and Burma were at one time administered by the British from New Delhi.

254. It is interesting, I think, to follow through on this parallel. In the first place, the placing of Burma under New Delhi by the British was a temporary expedient. The Britsh themselves realized that Burma was not logically a part of India, and they removed Burma from the control of New Delhi in 1937, at a time when the

independence of Burma, or for that matter of India, seemed a long way off. Secondly, Burma, India and Pakistan all obtained their independence at approximately the same time. In this matter of synchronization the fact that these three countries had all at one time been administered through New Delhi undoubtedly played a part. Although Burma was no longer a part of India after March 1937, the accident of the administrative connexion with India resulted in the movement for Burmese independence being geared to the Indian struggle for freedom.

255. Let us compare this with the situation in the Netherlands East Indies. There the Netherlands kept all its territories under one administration until the point at which it was forced to accede to the Indonesian demand for independence. It was then, and only then, that it decided to split off West New Guinea and to continue to maintain it as a Netherlands colony. The contrast is so glaring that we are surprised that the representative of the Netherlands should have brought it up himself.

256. All sorts of other arguments have been put forward here in support of the stand of the Netherlands. One is that West New Guinea does not logically form part of Indonesia. I suggest that this rather belated discovery is completely cancelled out by the fact that the Netherlands itself treated West New Guinea as a part of a single administrative unit with its headquarters at Batavia for about a hundred years; that it continued to do so as long as its headquarters at Batavia lasted; and that its original claim to West New Guinea was based in part on an existing link between what is now Indonesia and West New Guinea.

257. It has been said that the question of West Irian is not a colonial question because there has never been an independence movement among the Papuans. The only voices heard in favour of union with Indonesia, it is said, are echoes from Jakarta. It is to be noted, first and foremost, that this view was disputed by the representative of Indonesia. But even if we leave this aside, is this such an overwhelming argument as its advocates would make out?

258. The Indonesians themselves do not claim that they are a homogeneous nation. Even if we leave West Irian out of account there are differences between the several parts of the country. These differences extend to political advancement and awakening. Surely history teaches us that in a struggle for freedom it is always the more politically advanced elements of a population which take the lead and carry the rest of the population with them. The Indonesian nationalists who led the struggle for independence were, naturally, fighting not merely for themselves but for all the people, most of them illiterate, who lived under Dutch colonial domination in the whole of the Netherlands East Indies.

259. How, then, can it be said that the question of West Irian is not in any way a colonial issue? To the Indonesians, I submit, it could not be otherwise, and I think we have to appreciate the reasons for it. In the circumstances, to try to dismiss their claim purely and simply as a territorial grab is misleading and, in our opinion, unfair.

260. Another reason given for opposing the Indonesian claim is that the Netherlands is under a commitment to furnish information to the United Nations under Article 73 of the Charter, whereas Indonesia would be under no such compulsion if sovereignty over West New Guinea were transferred to it. But does this commitment on the part of the Dutch mean in practice that the inhabitants of West New Guinea would be better off under Netherlands administration than under the Republic of Indonesia?

261. If this argument were carried to its logical conclusion it would work against the transfer of sovereignty to Indonesia itself, or, for that matter, against the granting of independence to any colonial territory. I did not think that I should ever see Article 73 of the Charter being used to delay the granting of freedom to a colonial territory. I thought its basic purpose was to advance the cause of freedom and independence.

262. Another argument is that the Netherlands has declared publicly that it will give the people of West New Guinea the right of self-determination at the appropriate time. It is claimed that the transfer of West New Guinea to Indonesia would mean a denial of this right to its inhabitants.

263. This again seems plausible at first sight. But, what is this declaration by the Netherlands worth in practice? The statement of the Netherlands representative in the First Committee shows that, in the view of his Government, the people of West New Guinea will not be ready to decide on their political future for a long, long time, possibly several hundred years. What value, then, has this declaration?

264. Much can happen in the world during that time. Meanwhile, does the record of the Netherlands administration of West New Guinea give us grounds for confidence that the inhabitants of that territory will in fact be better off than if they were brought under the administration of Indonesia? I submit that this is at least debatable. We have heard from the representative of Indonesia of the progress in the educational and social fields in his country in the short space of five years since Indonesia became independent. Surely, it is reasonable to assume that the people of West Irian would also share in this progress.

265. I think I have said enough to show that this is not a question which can be lightly dismissed. There is still an international dispute in existence. All that the Indonesians ask is that negotiations should be resumed with a view to arriving at a peaceful settlement of the dispute. Can we in fairness deny them this request? My delegation, for its part, does not think so, and that is why we will vote for the draft resolution.

266. Mr. URQUIA (El Salvador) (*translated from Spanish*): It was not the intention of my delegation to take part in the discussion now proceeding on the question of West Irian or West New Guinea in the plenary meeting of the General Assembly. We have, however, noticed a somewhat curious change of attitude on the part of many delegations which had voted in a particular way or abstained in the Committee when the draft resolution now before the Assembly was put to the vote. This makes it necessary for us to participate briefly in the discussion, as we should like to confirm the position we repeatedly adopted in the First Committee, since we should not like our silence on this occasion to permit any delegations to suspect that my delegation is among those which have decided to change their position at the last moment.

267. I can assure the members of the Assembly that, when we maintained in our statements in the First Committee that in our view the draft resolution under

discussion was sound, well-intentioned, in no way liable to commit the General Assembly, and hence not implying in any way undue intervention in the domestic affairs of States, we did so in full awareness of what we were doing and in full confidence that by so doing we were faithfully interpreting the thinking of our Government and people.

268. As is well known, El Salvador belongs to the community of Latin American peoples and it is equally well known that this community of peoples, at least for the most part, for we are conscious of a certain tendency in the opposite direction, has always shown itself opposed to colonialism in America and in recent times to the existence of colonialism in the world, wherever the out-dated vestiges of the colonial era still continue to exist.

269. I say this because, in our view, the issue between Indonesia and the Netherlands is colonial in origin. It is eminently a political issue which no doubt has its legal aspect, although it is not the legal aspect but the political issue which predominates.

270. It has been repeatedly maintained, especially in the First Committee, where the problem was very fully discussed, that Article 73 of the Charter, which is part of Chapter XI relating to Non-Self-Governing Territories, should be applied in this case.

271. We have maintained the view that this assertion that the matter concerns a Non-Self-Governing Territory and that the interests and desires of the people involved in the matter must be respected above all is a fallacious argument.

272. The case with which we are dealing here is not a case of a people trying to secure its freedom by means of an independence movement, like that which Indonesia initiated and brought to a successful conclusion. That movement in Indonesia achieved success, it must be proudly stated, under the auspices and with the effective assistance of the United Nations.

273. It is common knowledge that the Charter of transfer of sovereignty was signed at The Hague in the presence of the United Nations Commission for Indonesia, and that the Charter was signed by delegations from the Netherlands and delegations from the republican part and the federal part of Indonesia. In other words, the people aspiring to independence, the former mother country and the United Nations, which had sponsored that movement and which, by signing the Charter of transfer of sovereignty, became to some extent the guarantor that the Charter would be observed, were all represented. That Charter was, if we may use the term, the birth certificate of the Republic of Indonesia, and we consider that the United Nations, to the extent of its responsibility, is bound to ensure that the terms of the Charter of transfer of sovereignty are observed.

274. Now, it is true that in article 2 of the Charter of transfer of sovereignty it is stipulated that the case of West Irian or West New Guinea should await consideration by the Governments concerned, but it is equally true that the question, in spite of negotiations between the Governments, has not yet been resolved but remains pending, and therefore ought to be resolved. This means that a dispute between two sovereign States remains pending; those are the words used in the Charter of transfer of sovereignty itself. Hence, there is one fact which is not open to doubt, the fact that there exists a pending dispute. This is a fact which neither party denies, which the Netherlands does not deny.

275. Such being the case, our view is that the fact that this persistent dispute and this persistent claim by one of the States against the other exist—and in this matter we do no wish to blame or condemn either State, but simply to note the existence of a fact—the fact that this situation exists makes it possible, or rather essential, that the United Nations should apply Article 14 of the San Francisco Charter.

276. We have been maintaining and we continue to maintain—and we are not in a position to retreat from our own opinion—that it is Article 14 that should be applied in this case. That Article reads as follows:

> "Subject to the provisions of Article 12, . . ."—this proviso applies when the Security Council is exercising its functions in respect of a dispute, but we all know that in this case of the dispute pending between Indonesia and the Netherlands, the Security Council is not exercising its functions—"the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, . . ."

277. We consider this sentence particularly apt, since this dispute may give rise to dissensions likely very seriously to impair good or friendly relations between two States which are, furthermore, Members of the United Nations. We therefore reiterate our belief and our assertion that the subject does not come under the terms of Article 73 of the Charter.

278. Of course, I feel that I ought to say a few words about the principle of self-determination. The fact that my delegation regards self-determination as irrelevant to the present discussion should not be taken to mean that my Government or my delegation in any way opposes that principle.

279. To prove the contrary, I have merely to say that El Salvador has been a member of the Trusteeship Council for three years and that the record of its activities in the Council records and in the records of the Fourth Committee of the Assembly will indicate the constant interest shown by the various members of the delegation of El Salvador in the problems dealt with in the Trusteeship Council or in the Fourth Committee, and that its activities reflect its consistent adherence to the principles of the Charter and its concern for the welfare, development and progress of the peoples of the Non-Self-Governing Territories and the Trust Territories.

280. I am thinking of a representative, my very good friend, who often takes part in the activities of the Trusteeship Council and of the Fourth Committee, and who, moreover, takes an opposite view from that of El Salvador in the matter of West Irian. This representative is Mr. de Holte Costello of Colombia. He participates in the Council's activities because his country is a member of the Advisory Council for the Trust Territory of Somaliland, and he knows the interest of the delegation of El Salvador in the peoples of the Trust and Non-Self-Governing Territories.

281. I could describe those activities at greater length, for instance, our activity in the matter of the participation of indigenous inhabitants in the work of the Trusteeship Council and the consistent campaign we have kept up in the Council and the Fourth Committee

on behalf of the Meru tribe which was deprived of the land it owned in one of the Territories, in connexion with which many delegations, including our own, have constantly invoked the principles of the Charter and the most elementary humanitarian principles to urge the return of those lands to their rightful owners. What I have said suffices to dispel any idea that my delegation is not in favour of the Non-Self-Governing peoples or, consequently, that it is not in favour of the principle of self-determination.

282. I should like now to refer to the draft resolution which is the subject of this discussion, the draft resolution recommended for approval by the First Committee in its report [*A/2831*], and which was introduced in the First Committee by eight States, one of them being El Salvador.

283. Anyone who reads without prejudice the wording of that draft resolution will find that it contains absolutely nothing which is not in accordance with the true facts, and that it contains only a desire and a hope fully in conformity with the United Nations Charter, with the principles and purposes of the United Nations and with the highest conception of ethics and law which can be upheld in a forum like the United Nations.

284. The draft resolution says: *"Having considered* item 61 of the agenda of the ninth session . . ."; that is a fact which no one can deny. *"Recalling* that by the agreements reached at The Hague in 1949 between Indonesia and the Netherlands, a new relationship between the two countries, as sovereign independent States, was established but that it was not then possible to reconcile the views of the parties on West Irian (West New Guinea) which therefore remained in dispute"; that is also a fact which no one can deny. *"Recalling* the dedication of the parties to the principle of resolving by peaceful and reasonable means any differences that exist or arise between them"; that is something which neither the Government of the Netherlands nor the Government of Indonesia could possibly deny. *"Realizing* that co-operation and friendship between them is the common desire of both parties"; that is a statement which both parties have made repeatedly in documents circulated among the delegations and in their speeches in the First Committee and in the Assembly.

285. Again, of the operative part, consisting of two paragraphs, it cannot be said honestly that it contains anything likely in any way to impair the interests of either party, as some delegations have suggested.

286. In paragraph 1, it is stated that the Assembly:

> *"Expresses the hope* that the Governments of Indonesia and the Netherlands will pursue their endeavours in respect of the dispute that now exists between them to find a solution in conformity with the principles of the Charter of the United Nations."

We fail to see how the expression of the hope that the endeavours will be pursued can place either of the parties concerned in a difficult or complicated position or damage them in any way.

287. In paragraph 2, the General Assembly

> *"Requests* the parties to report progress to the General Assembly at its tenth session."

This paragraph 2 has been the subject of comment by the Mexican and some other delegations, who consider that to request the parties to report the results or any progress achieved in their conversations is in some way undesirable, something which should not appear in the draft resolution.

288. If some delegations have such reservations, they are perfectly at liberty to vote against or abstain from voting on this paragraph, which after all is not the core of the draft resolution. In fact, to request the parties to report would be a perfectly proper request on the part of the Assembly, and as the representative of one of the sponsoring States, I maintain that the paragraph is relevant in the context of the draft resolution. It could, however, equally well be deleted, in which case either party would still be free, at the tenth session of the General Assembly, to make a suitable request, under the Assembly's rules of procedure, that the item should once again come before the Assembly.

289. But the important point, as I have said before, is that the United Nations, being in some way the guarantor of the Charter of transfer of sovereignty because that Charter was signed in the presence and with the advice of the United Nations, should not refuse to deal with a serious problem affecting two Member States, which may lead to an increasingly tense situation or to complications, like other great problems concerning Asia, and which may put the United Nations into a much more difficult, much more complicated, much more compromising position than any in which it has already been placed with regard to the problems of that continent.

290. If for lack of foresight the United Nations should prefer inaction when faced with problems of this sort, and if events should occur fraught with far greater danger for the peace of the world and, above all, for the sound policy followed by western countries, then it might well be that ultimately the United Nations would be answerable for whatever may happen.

291. For this reason I appeal to all delegations to ponder what I have just said. I wish once again to state, as I stated in the First Committee, that this draft resolution is an impartial one.

292. To refer in this draft resolution to self-determination, as some delegations desire, would be to delay the solution of the problem for one, two or three centuries more, because undoubtedly the state of development of the people is such that if its opinion were asked separately and independently from the rest of Indonesia—and it should not be forgotten that West Irian forms part of the Indonesian nation—it would be said: it cannot be done, because the population is not in a position to be consulted, and we must therefore wait until the people have reached the necessary maturity; for that we shall have to wait two or three centuries. If that is what the United Nations is doing, it is certainly not the most sensible and wise solution of a problem of this sort. Moreover, that is the position of one of the parties concerned—the Netherlands. The Netherlands contended that in this case one should wait until the people of West Irian expresses its wishes; our object in proposing this draft resolution was that the General Assembly should remain impartial, that it should endeavour to discharge its responsibilities and should not lean towards either of the parties, but should treat both the States involved in the dispute on an equal footing.

293. For all these reasons, my delegation maintains unaltered the position it adopted in the First Committee, and will consequently vote for this draft resolution.

294. The PRESIDENT: Before calling upon the General Assembly to vote upon the draft resolution submitted by the First Committee in its report [*A/2831*]. I should like to inform the Assembly that the delegation of New Zealand, as well as some other delegations, have called my attention to the fact that, in the light of the precedents, the vote on this question should take place on the basis of the two-thirds majority rule. May I take it that it is so understood?

It was so decided.

295. The PRESIDENT: The delegation of Canada having requested that the preamble be put to the vote separately, I will first put to the vote the preamble of the draft resolution. A roll-call vote has been requested.

A vote was taken by roll-call.

Egypt, having been drawn by lot by the President, was called upon to vote first.

In favour: Egypt, El Salvador, Ethiopia, Greece, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Paraguay, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Czechoslovakia, Ecuador.

Against: France, Iceland, Israel, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, Brazil, Chile, Colombia, Denmark, Dominican Republic.

Abstaining: Guatemala, Haiti, United States of America, Canada, China.

The result of the vote was 34 in favour, 21 against, and 5 abstentions.

The preamble was not adopted, having failed to obtain the required two-thirds majority.

296. The PRESIDENT: We shall now vote on operative paragraph 1 of the draft resolution before us. A roll-call vote has been requested.

A vote was taken by roll-call.

Afghanistan, having been drawn by lot by the President, was called upon to vote first.

In favour: Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Paraguay, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Denmark, Dominican Republic, France, Iceland, Israel, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Guatemala, Haiti, United States of America.

The result of the vote was 34 in favour, 23 against, and 3 abstentions.

Operative paragraph 1 was not adopted, having failed to obtain the required two-thirds majority.

297. The PRESIDENT: We shall now vote on operative paragraph 2 of the draft resolution before us. A roll-call vote has been requested.

A vote was taken by roll-call.

Cuba, having been drawn by lot by the President, was called upon to vote first.

In favour: Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Paraguay, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Costa Rica.

Against: Denmark, Dominican Republic, France, Iceland, Israel, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, Brazil, Canada, Chile, China, Colombia.

Abstaining: Guatemala, Haiti, Mexico, United States of America.

The result of the vote was 33 votes in favour, 23 against, and 4 abstentions.

Operative paragraph 2 was not adopted, having failed to obtain the required two-thirds majority.

298. The PRESIDENT: As none of the parts of this draft resolution was adopted, I shall not put to the vote the draft resolution as a whole.

299. Mr. SUDJARWO (Indonesia): I should like to make a statement with regard to the result of this vote and to the end of the discussion by the General Assembly on the item which we submitted.

300. My delegation had felt that it would be in the best interests of the parties concerned, and certainly in the interests of the United Nations, that the very mild reasonable draft resolution on this dispute of West Irian, adopted by the First Committee by such a great majority, would be carried by a two-thirds majority of the General Assembly. This has not been the case. Strange things indeed have happened. A certain number of delegations—just enough to do so—have seen fit to prevent the General Assembly from even expressing its hope that the two Governments in the dispute should pursue their endeavors to seek the peaceful solution of the question under the Charter. This is indeed a grave responsibility for them.

301. The dispute of course remains unsolved. It may grow worse. My delegation, in the name of my Government, came here to seek at least the moral encouragement of this Assembly for the peaceful settlement of this dispute by negotiations—the moral encouragement for negotiations for agreement. This has been prevented. This, however, is the reality of politics, of power politics in the world of today.

302. It is not easy to fight for freedom. It is not easy to fight against colonialism, even in this august body of the United Nations. It was possible to block a resolution, but it may not be possible to stop the course of freedom for the people of West Irian.

303. Let me, on behalf of my Government and people, thank all those—in fact the majority of the Assembly—who have supported so admirably and consistently my Government's peaceful course of action in the best interests of the people of West Irian, in the best in-

terests of peace. This is certainly heartening indeed. My Government has, of course, not merely been seeking a resolution; it seeks a solution, the peaceful solution of the problem through the United Nations. But with or without a resolution—that is to say, with or without any encouragement from the United Nations—my Government is obliged to continue, and it will naturally continue, to seek the satisfactory solution of the dispute. May my Government be given the strength to seek the solution in a peaceful way.

AGENDA ITEM 72

Complaint of detention and imprisonment of United Nations military personnel in violation of the Korean Armistice Agreement (*concluded*)

304. The PRESIDENT: Before adjourning I wish to announce that I was informed immediately after the completion of the first item which we discussed this afternoon that the representatives of Costa Rica and El Salvador, who had been unavoidably detained, were unable to register their votes when the vote was taken by roll call. I did not wish to interrupt the consideration of the second item which had already begun. However, at this time, I should like to inform the Assembly—and we take note of the fact—that the delegations of Costa Rica and El Salvador wish to be considered as having voted in favour of the draft resolution contained in document A/L.182. I presume that there would be no objection to the registration of these votes since the result of the vote as announced would remain unchanged.

It was so decided.

305. Mr. SHUKAIRI (Syria): I thank the President for the announcement because it gives me the opportunity to declare my position. I was also detained. To remove any doubts, I am abstaining on that resolution. I request that my abstention be recorded in the records of the Assembly.

306. The PRESIDENT: I believe there is no objection to the wish of the representative of Syria being fulfilled.

It was so decided.

The meeting rose at 7.5 p.m.

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