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Chairman: Mr. Francisco URRUTIA (Colombia).

AGENDA ITEM 61

**The question of West Irian (West New Guinea)
(A/2694, A/C.1/L.109) (*continued*)**

Mr. NUTTING (United Kingdom) recalled Mr. Lloyd's statement in the General Committee (92nd meeting) that an Assembly debate on the current item would not help to settle the dispute, that it would not foster friendly relations between the parties, and that it would not promote the interests of the people of West New Guinea, but that it would tend, rather, to create unrest in a territory where people lived in peace and contentment. The debate in the Committee seemed fully to bear out Mr. Lloyd's forecast.

Apart from the futility of the debate, the United Kingdom had misgivings about the competence of the Assembly to discuss the matter. It might be argued that, since Indonesia founded its case on an international agreement, the question was not simply one of domestic jurisdiction. But even if the issue was definitely a treaty issue, the United Nations was not the right body to act as a sort of tribunal in interpreting the treaty. In any case, in 1951, the Indonesian Government had refused to submit the matter to the International Court of Justice on the ground that the problem was of a political and not of a juridical nature. The Indonesian Government seemingly took the view that there was no real legal issue here, such as might remove the sovereignty from where it fundamentally belonged, namely, the Netherlands Government. If so, then surely it was wrong for the Indonesians to use the Assembly in order to bring political pressure to bear upon the Netherlands Government to accept the Indonesian point of view on the legal issue.

In the United Kingdom view, there was no case whatever for transferring the territory of West New Guinea to the Republic of Indonesia. The Charter of transfer of sovereignty (S/1417/Add.1) contained no evidence to suggest that, upon its signature, sovereignty *de jure* was transferred, or that the purpose of the negotiations referred to in article 2 of that charter was solely to arrange for the *de facto* transfer of administration. The Netherlands Government had approached the negotiations in good faith and could hardly have been expected to accept the Indonesian

contention that negotiations should take place solely on the basis that Indonesian sovereignty over the territory should be recognized. There was no provision in the Charter of transfer to the effect that a change in the *status quo* should take place if the negotiations failed.

4. Members of the United Nations were aware from the reports which the Government of the Netherlands regularly transmitted to the United Nations under Article 73 e of the Charter that there was no threat to peace and security in that area, and that the local population lived in an atmosphere of tranquillity. If therefore, the threat to which the Indonesian representative had referred (726th meeting) did not come from inside the country, it could only come from outside.

5. The Netherlands Government had been accused of abusing its position as an administering Power, of betraying the confidence placed in it and of exploiting a primitive people. Such charges, which appealed to emotion rather than to rational thought, would not bear examination. Few nations could boast of such a wide and varied experience of administration as the Netherlands. The reports supplied by that country to the United Nations provided solid proof of the constant endeavour of the Netherlands to promote the welfare of West New Guinea. The campaign conducted by the Netherlands against ignorance and disease under trying climatic conditions represented an effort of which the United Nations should be proud. There was no doubt that it was in the interests of that primitive territory that the Netherlands should continue without interruption or interference to discharge its fully legitimate functions in accordance with the Charter.

6. The Indonesian representative's appeals to anti-colonial sentiment could not help those whom he claimed to be defending. To make West New Guinea a focus of controversy would not be conducive to a friendly settlement or contribute to any relaxation of tension in that important area. The adoption of the draft resolution proposed by Indonesia (A/C.1/L.109) would no make the people of West New Guinea happier, healthier or better educated.

7. The United Kingdom delegation gave the Netherlands Government its strongest support. It would vote against the Indonesian draft resolution, believing that by so doing it would be acting in accordance with the Charter and in the interests of the people of West New Guinea.

8. Mr. BOROOAH (India) considered it necessary, before discussing the merits of the case, to deal with two objections raised by the representative of the Netherlands. In his speech on 23 November (726th meeting), that representative had repeated the contention made earlier in the General Assembly, that the provisions of Article 12, paragraph 1, of the Charter prevented the Assembly from making any recommenda-

tion on the question because an item entitled "The Indonesian question" was still on the agenda of the Security Council.

9 The fact was that the item entitled "The Indonesian question", which had been placed on the agenda of the Security Council on 31 July 1947 at the request of the Governments of Australia and India, had related to an entirely different situation, a situation arising out of the military operations undertaken by the Netherlands forces against the people of Indonesia. That was shown by the communications transmitted by the Governments of Australia and India on 30 July 1947 (S/449 and S/447). It was not necessary to examine the action which the Security Council had undertaken since 31 July 1947 to help the parties involved to settle the dispute, and which had led to the admission of Indonesia to the United Nations in 1950. What Mr. Borooah wished to emphasize was that "The Indonesian question", as included in the agenda of the Security Council on 31 July 1947, no longer existed; it had ceased to exist when the situation which had been brought to the attention of the Council had been resolved.

10. It was argued that the question of West New Guinea had been referred to in the report of the United Nations Commission for Indonesia to the Security Council (S/1417). It was true that that had been one of the issues that had come up for discussion during the negotiations which had resulted in the Round Table Conference Agreement of November 1949. Under article 2 of the Charter of transfer of sovereignty, however, the question of West New Guinea had become a separate problem. That view was further confirmed by the final report of the United Nations Commission for Indonesia (S/2087), which stated in conclusion that, since the military problems had been virtually solved and since no other matters had been submitted to it, the Commission had decided to adjourn *sine die*. It was also corroborating evidence that the Security Council had taken no action on that report, which had been submitted on 3 April 1951.

11. That being so, it would be merely misleading to plead Article 12, paragraph 1, of the Charter. An item should be judged by its contents and not by its title, as was amply demonstrated by several precedents. For example, the Palestine refugee problem submitted to the General Assembly had undoubtedly arisen out of the larger issue, namely "The Palestine question", which was still on the Security Council's agenda. Similarly, the Korean question, which the General Assembly had considered in 1950 had obviously been related to the item concerning Korea, then on the Security Council's agenda.

12. Another argument against the competence of the General Assembly was that the question under dispute was covered by Article 2, paragraph 7, of the Charter and that the Assembly had no authority to consider it because the subject matter fell essentially within the domestic jurisdiction of the Netherlands.

13. That contention was rebutted by the provision in the last paragraph of article 2 of the Charter of transfer of sovereignty to the effect that the question of the political status of New Guinea was to be determined through negotiations between the Republic of the United States of Indonesia and the Kingdom of the Netherlands. So long as that charter was in force, the Netherlands could not plead Article 2, paragraph 7, of the

United Nations Charter; and, since the Charter of transfer contained no provision to the effect that, if the parties failed to negotiate a settlement, the provisions of its article 2 would stand cancelled and the position would revert to what it had been before the conclusion of the Round Table Conference Agreement, it continued to have full force. To attempt to cloud the issue, therefore, was not to serve the main objective, namely, the peaceful settlement of the question. Indonesia had referred the question to the United Nations only because all other peaceful avenues for settlement were closed, and, as the question was a political one, the General Assembly was competent to deal with it.

14. Turning to the substance of the case, Mr. Borooah said that his delegation agreed with the Netherlands representative that the principal criterion for the solution of the New Guinea problem was the interests and well-being of the people of West New Guinea. In that connexion, he recalled the statement made before the General Assembly, on 27 September 1954 (479th meeting), by the Chairman of the Australian delegation, to the effect that the inhabitants of West New Guinea were still in the most primitive stage, and that if sovereignty was transferred to Indonesia they would be unlikely to make more rapid progress.

15. But the question as to who had been responsible for the welfare of those primitive peoples for the past hundred years called for a reply. When that question had been answered, it would be difficult to contend any longer that the Netherlands Government, which was responsible for the existing state of affairs, should be entrusted with the responsibility for achieving the rapid progress it had failed to achieve in the course of a century. To say that was not to criticize the Government or the people of the Netherlands, but colonialism lay like a dead weight on the Power which wielded it. The tasks imposed on that Power by the poverty, disease and ignorance existing in those areas tried its moral strength and determination to a dangerous point.

16. The Indian delegation therefore considered that it would be unfair, not only to the people of Indonesia and West New Guinea, but also to the Netherlands people, to encourage the Netherlands to bear that heavy burden when other Powers with greater resources were relinquishing similar burdens in different parts of the world.

17. The Netherlands and Australian delegations had also strenuously argued that the inhabitants of New Guinea were far removed in ethnic origin, culture and religion from the people of the Republic of Indonesia. The science of ethnology was an inexact science, and it was risky to base any political argument on its conclusions. Few countries could boast of homogeneity of race, while in many others different ethnic and linguistic groups made up cohesive national units. There was therefore no reason why the inhabitants of West New Guinea could not be integrated in the Indonesian nation, and even according to the science of ethnology the population of that territory was certainly very much nearer to other Indonesians than was to the population of the Netherlands. The people in question would certainly be in a better position if they enjoyed equal rights in the Republic of Indonesia than if they remained the subjects of a colonial Power.

18. The contention that there had never been an independence movement in New Guinea, and that the

advocates of union with Indonesia merely reflected opinion in Jakarta, sounded like an echo from the dead colonial past rather than the voice of a dynamic present. The Chairman of the Australian delegation knew better than anybody else that governmental repression in a dependent country sometimes made it necessary to raise outside its territory the voice of protest against alien rule. Not very long ago, when night had fallen over Europe, the voices of freedom had been heard from London.

9. The wise moderation of the Indonesian representative's speech should not lead anybody into believing that the ties between Indonesia and West New Guinea were weak. Both historically and geographically, those ties were long-standing and strong. Long before the arrival of the Dutch, the Indonesians had built great maritime States which had included West Irian, known at the time as "the farthest island". In the seventeenth century, the Dutch had claimed the island by right of discovery and in virtue of their relationship with the Sultan of Tidore, who appeared to have been the original overlord of the region. During Netherlands rule, West Irian had formed part of the two districts of the residency of the Moluccas. Any attempt to separate West Irian from Indonesia for political reasons was accordingly unjustifiable.

10. The draft resolution proposed by the Indonesian delegation was very moderate, since all it asked for was a continuation of the negotiations with the Netherlands for the settlement of the question. It was the responsibility of the United Nations to use its influence to bring about a peaceful settlement of the problem, which adversely affected the political climate in South-east Asia.

11. Mr. Borooah wished that the United Kingdom had recommended that the Netherlands should follow the course which it had itself adopted in respect of India, and he fervently desired that "genuineness of the co-operation between Westerners and Asians" of which the British historian, Professor Arnold J. Toynbee, had spoken in his work, *A Study of History*.

12. Mr. PALAMARCHUK (Ukrainian Soviet Socialist Republic) said that, in deciding to discuss the question of West Irian, the General Assembly had been guided by the provisions of the United Nations Charter which recommended that measures should be taken for the peaceful settlement of international disputes likely to impair friendly relations between nations. The dispute about the political status of West Irian constituted a latent threat to peace and security in that particular area.

13. Indonesia had recently, after a long struggle for independence, become a sovereign State. However, a part of Indonesia—West Irian—representing 22 per cent of its territory, remained under the colonial domination of the Netherlands, although it was an integral part of Indonesia. The Netherlands, which had formerly administered the colony known as the Netherlands East Indies, had never treated West Irian as an administrative area separated from the rest of the colony. Indeed, the administrative unity had been enforced by long established economic and cultural ties between West Irian and the other islands of Indonesia.

14. At the Round Table Conference of 1949, a Charter of transfer of sovereignty had been established (S/1417/Add.1) whereby the Kingdom of the Nether-

lands "unconditionally and irrevocably" transferred "complete sovereignty over Indonesia" to the Republic of the United States of Indonesia. That obviously meant the transfer of sovereignty over all the Netherlands East Indies, including West Irian. Nevertheless, the Netherlands had sought to continue to administer West Irian as one of its colonies. That situation had led to the adoption of a compromise agreement whereby the *status quo* was to be temporarily maintained "with the stipulation that within a year from the date of transfer of sovereignty to the Republic of the United States of Indonesia, the question of the political status of New Guinea be determined through negotiations."

25. Five years had now elapsed, but the status of West Irian had still not been settled. The Netherlands had failed to comply with the obligations which it had assumed and had even stated that there was no reason for resuming negotiations since, in its view, sovereign rights over West Irian were vested *de facto* and *de jure* in the Netherlands, and those rights could not be waived or limited.

26. The Government of the Netherlands had arbitrarily construed article 2 of the Charter of transfer of sovereignty, which provided for the temporary continuance of Netherlands rule in West Irian until the political Status of the Territory had been determined by bilateral negotiations.

The refusal by the Netherlands to resume negotiations frustrated the desires of the peoples of the Indonesian Republic and West Irian for union.

27. It had been claimed that it was impossible to solve the problem of the political status of West Irian because the Republic of the United States of Indonesia had become a unitary State. That argument was obviously invalid, for a change of constitution was a domestic matter which could not be said to affect the settlement of an international dispute.

28. It had also been alleged that, owing to the economic and cultural backwardness of West Irian, a colonial system was preferable for that country. But surely a colonial system which, in more than a century, had been unable to do more for the country's economic development, should not be continued.

29. Since the declaration of Indonesia's independence, the peoples of West Irian had continued their struggle for independence, which they had begun during the Japanese occupation, displaying their opposition to the maintenance of the colonial system. The movement of national liberation and the struggle for unification with Indonesia were growing in West Irian.

30. The General Assembly, under the terms of Article 1, paragraph 2, of the Charter, should find a positive solution to the question of West Irian in order to maintain international peace and security in that area. The Ukrainian delegation would support whatever action was likely to offer a constructive solution. Paragraph 1 of the operative part of the Indonesian draft resolution (A/C.1/L.109) was a positive step in that direction. The best way to solve international disputes was by negotiation between the parties concerned.

31. Mr. DE HOLTE CASTELLO (Colombia) said that his delegation, in considering the current item, wished to be guided by the spirit of the Charter provisions concerning Non-Self-Governing and Trust Territories. Colombia had defined its attitude in that

regard during the discussion of the question of Morocco in the Security Council.

32. The Colombian delegation was unable to vote in favour of the Indonesian draft resolution because it had doubts about the legal value of the Indonesian case, doubts which had been confirmed by the statement made by the representative of Australia (727th meeting). Moreover, two reasons of principle prevented Colombia from so doing. In the first place, Colombia could not agree that the General Assembly was entitled to revise international treaties. Secondly, it failed to see how a territory which came under the provisions of Chapter XI of the Charter could be absorbed by a State other than the one at present governing it, at a time when its population, owing to its cultural

backwardness, was unable to exercise its right of self-determination.

33. The Colombian delegation would continue, as it had always done, to urge that States having mandates or possessions should continue to report fully to the General Assembly on the progress achieved in those territories and on the steps they had taken to help their populations to achieve self-government and independence.

34. Mr. de Holte Castello was confident that his statement would not be taken in bad part by the Indonesian delegation, which would recall the attitude taken by Colombia during the discussion of the Indonesian question in the Security Council.

The meeting rose at 12.20 p.m.