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CONTENTS

	<u>Page</u>
Agenda item 62:	
The question of West Irian (West New Guinea)	
(continued)	209

Chairman: Mr. Djalal ABDOH (Iran).

AGENDA ITEM 62

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

1. Mr. NOSEK (Czechoslovakia) reaffirmed his delegation's view that Indonesia's claim to West Irian was just and fully justified under international law. As a part of the former Netherlands East Indies, confirmed as such by the Netherlands Constitution of 1922 and the amendments thereto of 1948. West Irian undoubtedly fell within the provisions of the Charter of the Transfer of Sovereignty (S/1417/Add.1, appendix VII). It was regrettable that the Netherlands had so far failed to fulfil its obligations to settle the question of the Territory's political status by direct negotiations with Indonesia.

2. The contention that West Irian was an integral part of Indonesia was also supported by considerations of a historical and political nature, and its unification with Indonesia would further the welfare of its people whose development had been of little concern to their colonial rulers. In any case, the colonial system was unacceptable in any form and under any pretext, so that any reasons adduced in support of its perpetuation on any territory were unacceptable to his delegation.

3. It had so far been impossible to achieve agreement on the question of West Irian because the Netherlands and the countries supporting it were guided by the interests, not of the people of West Irian, but of the imperialistic circles which wished to seize the Territory's natural resources and to use it as a part of their network of military bases and alliances in South-East Asia.

4. In that connexion, further anxiety had been aroused by the joint statement of the Netherlands and Australia of 6 November 1957, and reports of shipments of arms to West Irian had rendered those apprehensions more acute.

5. The effort to solve questions like that of the political status of West Irian from the point of view of power relationships and colonialist interests was proof of a lack of understanding of the present era. The struggle of the people of West Irian for unification with Indonesia was a part of the general movement of national liberation among the countries of Asia and

Africa, whose goals were the achievement of political and economic independence and the right of self-determination. The twenty-nine countries which had taken part in the African-Asian Conference, held at Bandung in 1955, had expressed unanimous support for Indonesia on the question of West Irian.

6. The Indonesian Government had amply proved its readiness to settle the question by negotiation. It was the responsibility of the other party not to refuse that offer. A successful solution of the question would promote the peaceful development of international relations in the entire area while any further delay would mean the continued existence of a dangerous source of tension there.

7. For all those reasons, and because it was one of the main tasks of the United Nations to encourage all efforts to bring about a peaceful solution of outstanding issues, the General Assembly should, at its twelfth session, adopt measures which could lead to a final settlement of the question. His delegation would therefore support the nineteen-Power draft resolution (A/C.1/L.193).

8. Mr. WALKER (Australia) said that his country had shown in many ways that it desired the stability and unity of Indonesia and wished to maintain the most friendly relations with it. However, in considering Indonesia's claims to the Territory of Netherlands New Guinea it could not ignore the established principles of international law, the provisions of the United Nations Charter and the interests of the Territory's three-quarters of a million inhabitants.

9. His delegation regretted that the question had once again come before the General Assembly only eight months after the Assembly had rejected a draft resolution (A/C.1/L.173) which supported the Indonesian request for negotiations and would therefore have implied that Indonesia had presented a case valid enough to justify such negotiations. In his Government's view, Indonesia had no such valid claim, and nothing had happened in the intervening period which would justify a change in the Assembly's position.

10. The population of the Territory was primitive. The establishment of a permanent Netherlands administration dated back to little more than half a century ago. The ethnological links of the Territory's population were with the people of eastern New Guinea and Melanesia rather than with Indonesia. There was no indigenous movement for independence or association with Indonesia or any other country. Although the Indonesian Government claimed that there were spokesmen for western New Guinea in Indonesia, those individuals were unrepresentative expatriates who had lost all connexion with the Territory. As the Territory's economic and social development proceeded, there would be a gradual growth of political consciousness among the indigenous population, but

it would be wrong for the Assembly at the present time to endorse any course of action which would have the effect of denying the people of the Territory the opportunity to determine their own political future when they were ready to do so.

11. The Netherlands Government had attacked with determination the task of promoting the Territory's development and had long been committed to the principles and policies set forth in Chapter XI of the United Nations Charter. The situation within the Territory was completely peaceful, and the small military forces which the Netherlands administration had stationed there represented a threat to no one, in spite of the fears expressed by some Indonesian leaders. If they did represent a threat, the Security Council would be the proper place in which to discuss the matter.

12. The Netherlands was scrupulously abiding by its obligations under Article 73 of the Charter of the United Nations. But those commitments would cease to exist if the Territory became an integral part of the Republic of Indonesia and, if that happened, Indonesia would be in a position to reject any claim by the United Nations to receive information regarding conditions in West New Guinea.

13. The joint statement issued by the Netherlands and Australian Governments on 6 November 1957, which was fully consistent with the terms of Chapter XI of the Charter, was a solemn undertaking by the two Governments that their policies would be such as to prepare the people of New Guinea for the time when they would be able to determine their own future. The foundations for that joint policy had been laid as a result of the agreement on administrative co-operation concluded in June 1953. All five principles in the joint statement were important. The last of the five principles was of special interest in the present connexion because under it the Netherlands Government was offering the people of western New Guinea eventual self-determination. The United Nations could not ignore that people's right to be consulted about their political future.

14. The issue brought before the United Nations by Indonesia was not a colonial issue, but purely and simply a claim for the transfer of territory and population. It was anomalous that a country which had only recently gained its own independence should demand that the United Nations support and encourage its claim that the indigenous inhabitants of a territory should be brought under its control without any prospect of choosing their own political future.

15. On behalf of his Government, he wished to state categorically that any suggestion that the joint statement had military implications in addition to the aims openly stated in it was wholly unfounded.

16. His Government also rejected categorically the ridiculous Soviet suggestions that the joint statement was directed against the interests of the Indonesian people and had some connexion with the South-East Asia Treaty Organization (SEATO). The statement had only one purpose—to promote the interests of the people of New Guinea.

17. His delegation's conclusion that the positive work of the Netherlands in the Territory should not be interrupted was reinforced by the legal and political weakness of Indonesia's claim. Initially, that claim

had been based primarily on the contention that under the Round Table Conference agreements of 1949, sovereignty had been legally transferred to Indonesia. That allegation had been based on a unilateral interpretation of the agreements, and Indonesia had consistently opposed the proposal that the International Court of Justice should be asked to rule on them. But in any case, Indonesia had unilaterally abrogated those agreements in 1956 and could hardly now adduce them in its support.

18. Subsequently, Indonesia had apparently shifted its legal grounds and now seemed to base its case merely on its Declaration of Independence of 17 August 1945. But, as the Netherlands representative had pointed out at the eleventh session (857th meeting), New Guinea had not been included in the specific list of territories comprising Indonesia given in a number of authoritative Indonesian statements at that time.

19. It might be argued that it would do no harm if the General Assembly merely endorsed a claim for negotiations and established machinery to assist in those negotiations. But Indonesia's refusal to submit its case to the International Court of Justice showed that its claim was not legal, but political. It would be an extremely dangerous precedent for the United Nations to support, however indirectly, the prosecution of such a territorial claim by one Member State against another, particularly if it did not consider that a reasonable, or at least arguable, case had been made out for that claim. Moreover, the Indonesian Government had always refused to consider anything less than the full transfer of sovereignty. During the negotiations in 1950, the Netherlands had made a series of proposals designed to bridge the difference between the Netherlands and Indonesian viewpoints. Indonesia, however, had clearly been prepared to resume negotiations only if it was understood in advance that sovereignty over the Territory would be transferred to it. In those circumstances, a call for negotiations was doomed to failure and would serve only to generate a demand for stronger United Nations action in succeeding years. The ultimate effect would be not to reduce tension between Indonesia and the Netherlands, but to increase it.

20. In studying the records of previous debates, he had been struck by the fact that few delegations supported the substance of the Indonesian claim. Yet a number of delegations had been prepared to vote for, and even sponsor, draft resolutions calling for negotiations on that claim. It was possible to understand and appreciate the emotions on which such an attitude was based, but it should be remembered that such emotions did not necessarily lead to wise or just decisions. Other delegations seemed to feel that the United Nations had an obligation to endeavour to reconcile conflicting interests and could not therefore reject an appeal to promote the peaceful solution of any international problem. But such a line of argument would make it possible for any country to lay claim to another country's territory and then submit its claim to the United Nations on the simple ground that an international dispute existed which the United Nations should settle by peaceful means. That was not the purpose for which the United Nations had been founded. Adoption of the nineteen-Power draft resolution would mean that the United Nations was implicitly supporting a unilateral claim of one Member

State to the possession of some of the territory of another Member State.

21. Analysing and comparing previous draft resolutions with the present one, he said that the second paragraph of the preamble of the nineteen-Power draft resolution was unacceptable to his delegation, which could see no present danger to the peaceful development of the area of New Guinea. The notion of alleged dangers to peace in the area could be based only on recent statements by official Indonesian spokesmen which had borne a close resemblance to threats. The United Nations could not promote the prosecution of territorial claims by one Member State against another on such a basis.

22. Operative paragraph 1 of the draft resolution spoke of a "dispute". If the word meant a dispute concerning the interpretation of a treaty or concerning the existence of any fact which if established would constitute a breach of the Netherlands' international obligations, then the dispute was a legal one which fell within the competence of the International Court of Justice, as Article 36 of the Court's Statute made clear. But Indonesia itself denied that view. If what was meant was a dispute in the sense of Chapter VI of the United Nations Charter, that is, a dispute the continuance of which was likely to endanger the maintenance of international peace, then before establishing the existence of such a dispute, the United Nations would surely be obliged to ask who proposed to take action likely to endanger that peace.

23. The draft resolution avoided that issue by simply inviting both parties to pursue their endeavours to find a solution in conformity with the Charter of the United Nations. That phrase could refer only to the resumption of negotiations and its only purpose was thus to apply pressure on the Netherlands to transfer the Territory to Indonesia. But it was surely not in conformity with the United Nations Charter to refuse to submit a legal issue to the International Court of Justice and then try to whip up international pressure against the other party.

24. The proposal in operative paragraph 2 that the Secretary-General should assist the parties in the implementation of the resolution was objectionable in view of the contradictions, ambiguities and one-sided interpretations in operative paragraph 1. Moreover, since the draft resolution, if adopted, would merely be used by Indonesia to press its "all or nothing" claim to the Territory, it was hard to see in what way any impartial person or body appointed under such a resolution could be of any assistance.

25. The proposal for a report to the Assembly at its next session would merely mean that the matter would be brought up again as a continuing source of friction.

26. For all those reasons, and because the draft resolution ignored the interests of the people of Netherlands New Guinea, his delegation was strongly opposed to it.

Mr. de Barros (Brazil), Vice-Chairman, took the Chair.

27. Mr. MIYAZAKI (Japan) said that there had been no change in the Japanese position on the question of West Irian since the African-Asian Conference at Bandung. Japan had taken the view at that time and

at the Assembly's eleventh session that, while the United Nations was not in a position to dictate a course of action to the parties, it should attempt to facilitate a resumption of negotiations between them with a view to a peaceful settlement. At Bandung Japan had supported the position of Indonesia in regard to West Irian. Moreover, it had endorsed the principle there adopted that colonialism in all its forms was an evil which should be abolished as rapidly as possible.

28. The problem of West Irian, however, was not a mere colonial issue; it had arisen in the process of readjustment after the Second World War in the attempt to bring about some balance between divergent interests. Its origin was to be found in divergent interpretations of the Charter of the Transfer of Sovereignty, a divergency which might have been inevitable because that Charter was the product of a compromise. The compromise had been reached in order to enable Indonesia to achieve its speedy independence, and the instrument by which it had been sealed had given each party wide latitude in interpreting its terms. That circumstance alone might be viewed as placing an obligation upon them to negotiate further.

29. Article 2 of the Charter of the Transfer of Sovereignty had merely indicated a target date, by which a settlement was to be reached on West Irian; it was not to be interpreted as giving an advantage to a party which, by an intransigent attitude, might delay a solution. The Charter of the Transfer of Sovereignty had been drawn up at the Round Table Conference held at The Hague in 1949 in the presence of the United Nations Commission for Indonesia. It was that Commission which had suggested the actual wording. Therefore his delegation believed that the United Nations had made itself partially responsible for a peaceful settlement of the question of West Irian. That question had its origins mainly in the ambiguity of the wording adopted, though it had been inevitable, and even wise, to adopt it at the time.

30. The Japanese delegation was adopting a logical approach to the question. It was not taking a stand on the claim of sovereignty of either party, and, while the Government and people it represented had deep sympathy for the national feelings of the Indonesians, it took exception to the assertion in the request for the inclusion of the item (A/3644) that West Irian was "the most eastern part of the Republic of Indonesia" because that phrase could be construed as prejudging the results of negotiations. On the other hand, since the nineteen-Power draft resolution did not impose a settlement of the substance of the question and merely put forward a modest request for a resumption of negotiations with United Nations assistance, Japan supported it.

31. Furthermore, Japan was convinced that further research into the problem of West Irian might narrow the differences between the parties and bring a solution closer. One of the reasons given in article 2 of the Charter of the Transfer of Sovereignty for the maintenance of the status quo of the Residency of West New Guinea was the limited research done on the problem. Adoption of the draft resolution might promote more intensive investigation, perhaps with United Nations help. The issue of sovereignty, on the other hand, could best be discussed in bilateral negotiations. The United Nations could not escape a respon-

sibility it had once assumed; the least it could do was to help reopen negotiations between the parties.

32. Mr. NAJIB-ULLAH (Afghanistan) emphasized the friendly relations existing between Afghanistan and both parties to the dispute over West Irian, relations which he had personally helped to establish and develop. His delegation's sympathy with the cause of Indonesia should therefore not be attributed to any unfriendliness towards the Netherlands, fanaticism or an emotional outlook. It resulted rather from an objective approach to the problem and the recognition of the fact of the evolution of dependent peoples towards freedom and independence, a fact which would be decisive in the future of Asia and Africa. Taking account of the Netherlands position, Afghanistan had co-sponsored the nineteen-Power draft resolution in the belief that all means, including negotiations, should be attempted in order, with the assistance of the United Nations, to clarify the divergent views and to reach an understanding based on justice and reason.

33. Mr. KOZACHENKO (Ukrainian Soviet Socialist Republic) said that a group of Western Powers had been obstructing a solution of the West Irian dispute which was causing a steady deterioration in Netherlands-Indonesian relations and threatening peace and stability in South-East Asia. The Netherlands refusal to resume bilateral negotiations was an overt attempt to retain indefinitely its colonial rule over an integral part of the territory of the sovereign State of Indonesia. The arguments that West Irian had no affinity with Indonesia and that its reintegration was contrary to the interests of the West Irian population were artificial and fallacious.

34. West Irian had for centuries been united with Indonesia. The Dutch had ruled it as an integral part of the Netherlands East Indies colony and the Netherlands Constitution of 1922 confirmed that fact. During the Second World War, the people of West Irian had fought with Indonesia against the Japanese invaders, and subsequently, for the independence of Indonesia. Ethnically they were certainly closer to the Indonesians than to the Dutch. There was no justification for the Dutch contention that the Netherlands should assume the task of leading the people of West Irian to self-government; the experience of more than 300 years of Netherlands colonial rule had given the Indonesians reason to doubt that leadership. Moreover, the low levels of education, health and material prosperity in West Irian, the denial of the most elementary political and civil rights to the population and the wholesale arrests of fighters for West Irian freedom clearly demonstrated that the Netherlands was not fit to assume that responsibility. It was determined to maintain West Irian under its colonial domination in order to preserve the interests of Netherlands and other Western companies in the Territory's coal and oil, and it had already begun to construct military bases in the Territory.

35. The Indonesian case for the reintegration of West Irian in the Republic of Indonesia was supported by all freedom-loving peoples, as it had been supported by the participants in the African-Asian Conference, representing more than half the world's population. Reintegration was essential to the well-being of the West Irian people and to the full enjoyment by the Indonesian people of their own freedom and independence. So long as West Irian remained under a colonial

régime, tension would persist in South-East Asia. Sooner or later, the people of West Irian would throw off their colonial bondage. It was the duty of the United Nations to help them to advance towards freedom by peaceful means. The Ukrainian delegation would therefore support the nineteen-Power draft resolution.

36. Mr. PEIVE (Union of Soviet Socialist Republics), exercising his right of reply, said that the charges directed by the Australian representative against the Soviet Union had in no way altered the facts adduced by the Soviet delegation in its previous intervention (906th meeting). Those facts remained valid.

37. Mr. SASTROAMIDJOJO (Indonesia), referring to the Australian statement made earlier in the meeting, pointed out the vast difference in approach and policy between Australia and the Netherlands on the one hand, and Indonesia and the Asian and African countries bound by the resolution adopted by the African-Asian Conference on the other. Having adopted a typical colonial attitude, the Australian delegation attempted to minimize the strong endorsement of the Indonesian position by the participants in that Conference by regarding it as an expression of courtesy towards Indonesia and of emotionalism on the colonial issue. The former colonial countries of Asia and Africa were now independent and sovereign nations and assumed no less responsibility in international affairs than Australia and other Western Powers. The Australian attitude was not likely to help the cause of the Netherlands on the West Irian question. Moreover, the repeated references of the Australian representative to the primitive conditions of West Irian merely served to underline the failure of more than 100 years of so-called "education" of the West Irians by their colonial rulers. Finally, the Australian assertion that internal conditions in West Irian were normal and quiet was actually an admission that the mass arrests and imprisonment of freedom fighters in the Territory was considered "normal" by colonial countries.

38. He reserved the right to reply more fully to the Australian representative at a later meeting.

Mr. Abdoh (Iran) resumed the Chair.

39. Mr. ISMAIL (Federation of Malaya) said that his delegation had abstained in the vote on inclusion of the West Irian question in the Assembly's agenda (682nd plenary meeting) because his country had become a Member of the United Nations only three days earlier and had considered it wise to assume a middle-of-the-road position in respect of issues, such as disputes between Member States, having great emotional and political significance. It regretted, however, that previous draft resolutions urging the parties to the West Irian dispute to negotiate their differences had failed to obtain the required two-thirds majority. The United Nations could not ignore an appeal, supported by more than half its Members, for its assistance in seeking a peaceful settlement of the dispute or make any fine legal distinctions, such as those made by the Netherlands representative, between a dispute regarding the present status of the Territory and a dispute over its future status. It should take cognizance of the problem because it was a source of international friction and a potential threat to peace in South-East Asia.

40. The dispute over West Irian was dangerous be-

cause it was a problem of vestigial colonialism. The Federation of Malaya, which had only recently emerged from colonial status, was particularly aware of its dangers. When the United Kingdom had granted full sovereignty and independence to the Federation on 31 August 1957, it had shown great wisdom and true statesmanship by extending that grant of sovereignty to the whole of the Malayan peninsula, that is, to the nine Malay States under United Kingdom protection as well as to the two British Crown Colonies of Penang and Malacca. It had done so although it had every justification for retaining the Crown Colonies as United Kingdom possessions; it had done so in the interests of future good relations between the newly independent Federation and the former colonial Power. It had been evident that if any part of the Federation had remained under colonial rule, the forces of nationalism which had won independence by peaceful means would eventually have resorted to less peaceful methods to reclaim them.

41. The promises of the Netherlands to give the West Irian population an opportunity to decide their own future were mistrusted by peoples who had once experienced colonial rule. Abraham Lincoln had not waited for the slaves to decide for themselves that they wanted to be free; he had freed them because slavery was a crime against humanity. The United Nations should consider colonialism by the same standards. The Federation of Malaya was opposed to colonialism anywhere in the world, and urged the United Nations to consider whether, in accordance

with the principles of the United Nations Charter, the people of West New Guinea would be better able to live a full life as an integral part of Indonesia or as a colonial Territory.

42. There appeared to be some confusion in discussing the ethnic and cultural affinities of the West Irians with the Indonesians: racial characteristics and racial origins were being confused with national entities. Indonesia was a political and national entity irrespective of the ethnic and cultural origins of its vast population. The argument that Indonesia had no claim to the Territory because of the absence of ethnic and cultural affinities between the West Irians and the Indonesians was fallacious and had quite dangerous implications for many countries.

43. Finally, the Assembly should recognize that all questions which came before it had an emotional content. It would be a grave error to disregard or underestimate the emotional reaction of peoples to world issues. It was precisely because the emotional reaction against colonialism produced the most aggressive type of nationalism that ways should be found to abolish all vestiges of that evil.

44. The Federation of Malaya would therefore support any measure for a peaceful settlement of the West Irian dispute. The United Nations, as a body dedicated to peace, could not afford to ignore it.

The meeting rose at 12.45 p.m.