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Held at Headquarters, New York,
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Chairman: Mr. ABDOH (Iran)

The question of West Irian (West New Guinea) /62/ (continued)

Statements were made in the general debate on the item by:

Mr. Belaunde	Peru
Mr. De Marchena	Dominican Republic
Mr. Noble	United Kingdom
Mr. Chang	China
Mr. Boland	Ireland
Mr. Zeineddine	Syria

Note: The Official Record of this meeting, i.e., the summary record, will appear in mimeographed form under the symbol A/C.1/SR.911. Delegations may submit corrections to the summary record for incorporation in the final version which will appear in a printed volume.

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AGENDA ITEM 62

THE QUESTION OF WEST IRIAN (WEST NEW GUINEA)(A/3644; A/C.1/L.193) (continued)

Mr. BELAUNDE (Peru)(interpretation from Spanish): The debate on the question of West Irian has been conducted on a high level and has been a very brilliant one, but these facts do not compensate for our failure to achieve a basis of agreement for the re-establishment of friendly relations or to find a solution to the problem.

I must say that I have a great admiration for Indonesia. The Peruvian delegation warmly welcomed the admission of Indonesia to the United Nations, and subsequent events have proved that our faith in Indonesia was justified. Once again the almost magical powers of freedom and culture have been demonstrated as the Indonesians, so recently a subject people, have revealed their competence in political, social and economic spheres. Their progress in these fields is an encouraging sign to those of us who have elements among the population of our countries which are living at what might be considered a lower level of culture.

Asia can well be proud of Indonesia, as is the United Nations.

Since I wish to be objective and impartial, and to remain aloof from the contention, I must also voice my admiration and respect for the Netherlands. Spain and the Netherlands fought one another for centuries, but though I myself am of Spanish descent I cannot forget that Teresa de la Cruz followed in the steps of the great thinkers of the Netherlands, that Grotius was to a certain degree a disciple of Vitoria, and that while the Netherlands can proudly claim Rembrandt, with his mastery in chiaroscuro, Spain can with equal pride point to Velasquez, with his mastery of light. Spain and the Netherlands, though they struggled against each other for centuries, shared the love of freedom, and the resistance of the Netherlands to Philip II and Louis XIV was paralleled by the Spanish resistance against Napoleon. But the most beautiful pages of the history of the Netherlands are those compiled in the time when, after the loss of territories and of its great maritime power, it attained to the tremendous prestige of moral power, to the spiritual and cultural strength which today ranks it as a model to other countries. With its great traditions it has retained its devotion to freedom and freedom in an ordered society.

(Mr. Belaunde, Peru)

To us the ideal solution of the problem before us would be a close co-operation between the Netherlands and Indonesia, similar to the pattern established among the nations forming the British Commonwealth of Nations. I freely admit that we, of the Spanish-American countries, by our concept of life belong to the western world. This concept of life may be stated as a belief in the supremacy of justice in the life of a State, and the maintenance of the degree of freedom which is compatible with social justice. But we have, too, a link with the Asian nations, and it is a link formed in past centuries. Vast elements of our population are allied to the countries of Africa and Asia, and perhaps the origin of the original population of America is Asian. We have also present-day bonds with those continents in our devotion to freedom, the preservation of freedom, and the fact that we in America -- as they in Africa and Asia -- must be ever on the qui vive and ever alert to ensure that democracy and freedom are safeguarded.

Between these two adherences -- to the western and the eastern world -- we have, as a link between them, the Spanish concept of universality. We have been part of an Empire which knew how to limit itself because it had this concept of universality. This is our pride, our glory.

That is why I have digressed to explain the standpoint from which we view this problem -- and I trust I may be pardoned for the digression. We regard this problem not merely from a political point of view, nor from a regional point of view, but from the universalist point of view that envisages co-operation in society between the East and the West.

Now the concrete point of our debate hinges on the obligation imposed by the Charter of Transfer of Sovereignty on both the Netherlands and Indonesia. According to article 2 of this Charter the two countries agreed to negotiate as to the political status of New Guinea. A study of these negotiations is very interesting, especially from the aspect of what might be termed juridical psychology. The negotiations did not establish a clear solution. Two points which might have been regarded as implicit in these negotiations were excluded: the indefinite and implicit continuation of the Dutch sovereignty, and also the implicit transfer of territory to Indonesia -- to the United States of Indonesia. It was an open negotiation, that had no predetermined bases, no conditions that had been previously set, no inherent meaning that could be primarily stated. It was a negotiation with a certain end in view, however contradictory this end.

(Mr. Belaunde, Peru)

Antagonistic positions were taken by the negotiators, but they were obliged to respect those positions.

(Mr. Belaunde, Peru)

The negotiation had to be based upon that gamut of possibilities that must exist between extreme positions. That is why in any negotiations, except in the case of the complete change of position of one of the parties, what must occur is a compromise, in other words, the taking of a point of view different from the original extreme stand. However, if one of the parties changes its subjective intention and voluntarily comes to meet the other party, then it is no longer a case of a negotiation of a diplomatic nature because it then becomes a juridical problem of the interpretation of a treaty. I must honestly say that I do not believe -- and I must tell this to the delegation of Indonesia -- that the second article is an implicit transference of territory; so, too, I must tell the Committee that the Netherlands is right when it maintains that if article 2 is considered as a claim for rights in the case of an interpretation of a treaty then there is only one resort open -- the juridical or the judicial resort.

Let us not confuse judicial and juridical; they are both resorts to which anyone can turn for the interpretation of a treaty. I do not believe that there is an implicit territorial transference in article 2. I shall not deal here with the items that have been discussed with such erudition and such competence by distinguished colleagues of mine -- for example, the representatives of Columbia, Bolivia and Costa Rica -- nor do I wish to bring up a summary of a book of mine, the "Formation of Nationalities", which might be interesting here. However, I must say that since this is a territory which may be sparsely populated, the territorial transference must be made under certain conditions, in other words, the agreement to that transference on the part of the population, however sparse it may be.

Furthermore, although it is true that negotiations have failed, there was a moment when both parties declared that discussions would be undertaken so that each country would respect the other country's position on its understanding of sovereignty.

The joint declaration of the Netherlands and Indonesia of 7 December 1955 encouraged the hope that true negotiations would take place, that compromise would be arrived at, because it declared, quite emphatically, in paragraph 3 that discussion of certain problems concerning New Guinea would be held, it being understood that with respect to the sovereignty each party maintains its own position. That means that in accordance with the declaration of 1955 negotiations

(Mr. Belaunde, Peru)

were still open, with no pre-established conditions; might I say, they were still subject to the fluctuations, to the ebb and flow of the interests of the parties, to a true concept of readjustment and of compromise.

Unfortunately, that is not the situation which obtains at the moment and, therefore, the problem must be considered as a claim de juris; this being the case, with all due respect and friendliness towards the representative of Indonesia, I must say that there is only one resort open, that is, the juridical or judicial resort -- that is all that is open for Indonesia. May I establish a slight difference between the judicial and the juridical resorts: the judicial is carried out before the Court of The Hague, a permanent tribunal and a judicial organ; the juridical resort is that carried to a court of arbitration, or a temporary court. In Latin America, we have the juridical arbitration system; it is very well known to all. In 1929 a treaty was signed, in accordance with which even matters of interpretation of treaties and claims of certain rights -- as contained in Article 36 of the Statute of the International Court of Justice -- fall within the competence of the juridical arbitration specially organized. With the same respect, I wish to tell the delegation of the Netherlands that Indonesia has the right to propose a juridical solution different from that proposed by the Netherlands; Indonesia would be perfectly within its rights, in accordance with Article 36 of the Statute of the Court, to tell the Netherlands: We consider that there is an implicit will expressed in the Charter of Transfer of Sovereignty and there is a juridical aspect contained therein and we should prefer an interpretation of the treaty to be given by the International Court of Justice. Were this to be the case, then the Netherlands would be morally bound to accept that juridical arbitration on the part of the International Court of Justice because Article 36 of its Statute deals with arbitration and judicial settlements; however, it is obvious that, in the different types of choices that are open to nations, there is no exclusion made of juridical arbitration, especially since it states that countries can choose their own ways of settling these disputes. Therefore, in part, the Netherlands is right, and I grant this to them. Now, let us be fair and consider the other aspects of the problem.

Negotiations have failed; it is not up to me and I do not think that it is necessary for any of us to go into the reasons for this failure. I do not even feel that we should go into a historical recital of those negotiations. We are

(Mr. Belaunde, Peru)

confronted with a stalemate and the political change effected in Indonesia when it switched from the federal form of government, the form to which the transfer of territories was made. The article still stands; it is still a document.

I believe this sincerely, and I say this with all due respect and with conviction to the distinguished representative of the Netherlands, that the resolution of Indonesia in full exercise of a right not emanating from a treaty, but a right which is inherent in the personality of the Indonesian nation, changed its political structure but in no way thereby altered the treaty, nor the obligation to negotiate. There was a change of personality, a succession took place in the personality of one of the contracting parties; instead of a federal State, it became a unitary State.

Sovereignty is derived from a power that is above the pact; civil rights do not emanate from the law, the law regulates freedom and liberty, but liberty must predate the law. Therefore, the obligation to contract cannot be side-stepped. Naturally, so long as a situation obtains, it permits of negotiation--as long as the negotiations are kept within their character of open negotiations, that is, as long as the parties can say that they maintain and uphold their subjective position as their ultimate goal, respecting one another's position as stated in paragraph 3 of the declaration of 7 December 1955.

(Mr. Belaunde, Peru)

But since that is not the situation, we are confronted with a stalemate. We are really in a cul de sac. What,then, can we do? What should we do? This question of the failure of the negotiations has caused a juridical movement. We might say that the greatest jurists and statesmen of all countries of the world have tried to ferret out a way to escape difficult negotiations. I have before me two great volumes showing the very interesting efforts made -- and there are eleven different methods suggested therein -- to end the unsuccessful negotiations and still find a solution.

But I shall not give a dissertation on this point; I shall merely recall that in America the entire juridical movement was concentrated in the so-called Bogota Treaty. Should negotiations fail, conciliation is obligatory. It is proposed that conciliation be accepted by all parties. Under article 32 of the Treaty, should conciliation fail, then judicial or juridical arbitration is obligatory. This is the way we solve the problem in America.

I am not being regionally chauvinistic, but, frankly, we have always been ahead in international law. Europe was also in the forefront because such situations do exist in Europe, but it was not a cogwheel which, by its own movement, would move the other wheels in Europe. In Europe there were possibilities for nations to go from blocked negotiations to conciliation, from conciliation to arbitration. In some cases it was possible to go from negotiation to arbitration.

There are, however, eleven ways open, and the truth of the matter is that it is most deplorable that,when the Charter of Transfer of Sovereignty was signed, no provision was made for the possibility of failure of negotiations. If such provision had been made, a conciliatory process might have been set up for arbitration or judicial settlement. But, if things are not the way we would like them to be, we have to take them as they are. Article 2 of the Charter of Transfer of Sovereignty provides for negotiations. According to article 2, if one of the parties refuses to accept the position of another, it is not a violation of the Treaty because the parties have declared, categorically, that they respect the position of the other.

(Mr. Belaunde, Peru)

To get back to the point at issue, what can the General Assembly do? I should like to recall to the Committee that in 1950 and 1951 we discussed the role which the General Assembly might play in the matter of conciliation. I recall -- and I regret that lack of time kept me from compiling the documents concerned -- that we suggested the drawing up of lists of conciliators who might be called upon by the parties in a system similar to the Pan American system in which the treaty of conciliation functions easily; the conciliators may be nominated by the parties themselves or by election from existing lists. If I remember correctly, I believe that the Assembly decided in favour of the drawing up of such lists of conciliators. The Netherlands and Indonesia could choose some of these eminent conciliators, peacemakers. But they would have to choose them. We could not impose them upon the parties because Article 33 categorically states that the parties to a dispute shall use peaceful means of their own choice -- not by recommendation or imposition of the General Assembly, but by their own choice.

Article 33 stipulates that there shall be a free choice of the parties, but I will be asked whether this means that the rights of the United Nations under the Charter are less than those granted by the Bogota Treaty, or less than those granted by the Geneva Convention, or less even, than those granted by the treaties contained in these books before me. Let us face facts: that is a case of dura les sed lex. Why? Law is a careful elaboration, and a slow one. There is a contrast between juridical evolution and scientific evolution. Science grows with the speed of a rocket; law crawls along at the pace of a tortoise. But from the codes of earliest times, to the Bill of Rights, to the Universal Declaration of Human Rights, through democracy in its long slow march, the institutions which we enjoy today have gradually been created. Let us hope that the rocket will not finally wipe out the tortoise.

If it is true that our laws are elementary, they are, nevertheless, very broad. Indonesia and the Netherlands have all means open to them. We can, morally, point out to them the means they should use, but can we say specifically: Do thus and so? No. That would be a violation of the Charter and its principles, because the Charter says quite clearly that the parties shall choose for themselves the method for peaceful settlement of their disputes.

(Mr. Belaunde, Peru)

What, then, can we do? I must say, honestly, that the Assembly's hands are practically tied. The powers contained in Article 33 of the Charter must be viewed in the light of Article 14, which states that "the General Assembly may recommend measures for the peaceful adjustment of any situation". But, because it would violate Article 33, Article 14 cannot set out a modus operandi for the peaceful settlement of disputes.

If, from the examination of the problem, we should discover that there is inherent in this problem a danger to peace, then the Assembly, obviously, would be in duty bound to submit the question to the Security Council. This has been very useful for the Assembly in serious problems, but let us be fair: we cannot weaken our Organization. If the examination of a problem by the General Assembly leads us to the conclusion that for objective reasons outside the control of the parties the conflict becomes so acute as to threaten international peace and security, then we would be forced to fulful, vigorously and strictly, the obligations inherent in the Charter: to refer the matter to the Security Council.

(Mr. Belaunde, Peru)

If there were no veto in the Security Council, it would be easy, but since there is this veto, an emergency session of the General Assembly would have to assume all the powers, functions and attributes of the Security Council, and solve the question. I contend that the General Assembly, under those circumstances, could take upon itself the powers and functions now delegated to the Security Council by Articles 39 and 40 of the Charter.

However, should that situation not exist, should there be only what we might call "information received", and should we only have certain subjective presentments on the part of one or two of the parties concerned regarding the dangers involved in the problem, we would then find ourselves in a position where we could not even act for ourselves. Should we be able to act, there would be only one thing that we could do, and that would be to refer the entire matter to the Security Council.

This, legally speaking, is the situation. Now I have been told that this is a narrow rule, but I deny it. It do not consider it to be so narrow. Dura lex sed lex. That is why the delegation of Peru -- and I am sorry to have to say this -- cannot go along with the inspired and well-intentioned nineteen-Power draft resolution. We cannot support it, first, because of the preambular paragraphs, since we consider these paragraphs to be contrary to the pertinent Articles of the Charter which direct the Assembly to refer such matters to the Security Council. Secondly, we cannot agree with paragraph 2 of the operative part of this draft resolution because it requests a type of negotiation which, to a great extent, presupposes mediation. We cannot support this paragraph because it has been proven to us here -- and I believe that the majority of the Committee members will agree with this -- that the parties involved in this problem have the right to choose freely. Neither party can impose a solution on the other, nor can the Assembly impose on both parties modalities of negotiation. An executive organ such as the Assembly has more power than a good offices committee, true, but if good offices cannot be imposed then, all the more, mediation cannot be imposed.

(Mr. Belaunde, Peru)

I am second to none in my respect and admiration for the Secretary-General but, since I realize that his position and his powers are extraordinary, I would not like him to become the scapegoat for all negotiations which fail. I should not like him to be the whipping boy when the parties refuse to go along with negotiations, and throw up their hands and walk away from the table.

After all, we have certain permanent concilation organs. Why have these conciliation organs been set up and why has the road to arbitration court been left so wide? Because it was never imagined, it was never thought, not even in the days of the League of Nations, nor when the Organization of the American States was created, nor, definitely, in the recent past when the United Nations was founded, that any of these bodies could replace the admirable institutions which have already been set up in the course of the juridical progress of humanity.

I know that I shall be asked: What will this debate lead to in the end? Well, frankly, in my opinion, it has been a very useful debate. It has been held on a very high level, in fact, it has been exemplary. We all know perfectly well that many debates cannot result in positive resolutions and yet we agree that these problems must be discussed. Primarily, these debates satisfy world public opinion. That debates can be held at the high level at which this one has been held shows that the United Nations is not merely a sounding board or a soapbox for propaganda. The United Nations is a temple where problems are discussed objectively, with the goal of achieving justice and understanding.

How many of the ideas set forth here can result in positive achievement? I do not know, of course. Sometimes, I have stressed the establishment of a tripartite trusteeship. I have suggested -- and I am happy to note that my colleague from Costa Rica, also referred to this -- the possibility that the Netherlands and Australia invite Indonesia to share the responsibilities inherent in the administration and the political preparation of West New Guinea. I shall not, here, pass judgement on these solutions but the mere fact that such important juridical ideas have been voice, that the importance of the judicial solution has been stressed, that we have seen the need to give all possible support to the conciliation commissions -- the need to recognize the fact that universal law has to come close to the Bogota ideal of American law -- that the

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desire has been expressed by all parties for reconciliation to be effected between the Netherlands and Indonesia, that their interests be reconciled, that a final, equitable solution be achieved and by so doing, complete collaboration between East and West be obtained -- all this is a great deal and it is a great and honourable achievement for any Assembly to have brought about. It matters little that no resolution is adopted if, in the course of our debates, our weak hands are still able to make the gesture of He who sows peace and understanding.

Mr. de MARCHENA (Dominican Republic)(interpretation from Spanish): The question of West Irian, or West New Guinea, brought to the United Nations on the request of a number of States, once again launches this Committee on a debate. To localize the position of the Assembly regarding the question of its competence to act, or to recognize the issues involved, can help us to solve the problem. My delegation doubts whether, in view of the manner in which the question has been raised, it falls within the competence of the Assembly. The many interpretations of Article 2 (7) give us a number of ways in which to solve this problem and there are powerful reasons which lead my delegation to feel that, primarily, the principle of the self-determination of peoples, guaranteed by the Charter itself, makes it imperative that we express our views once more. Without going into an analysis of this problem, which has been presented to the Committee from many different angles -- racial, geographical, cultural, political and others -- we cannot but consider those aspects that have been stressed by delegations on both sides. Among these, I wish to stress the fundamental statement made by the delegation of Australia in which, structurally, the position of that distant Territory is made known to us.

We remember that Territory quite clearly because we visited West New Guinea in 1953 when I was Chairman of the Visiting Mission of the Trusteeship Council. We went all over Netherlands New Guinea and also Australian Papua. Thus, I have a personal understanding of the problem. Because truth cannot be hidden and because it is more obvious when it reflects human status -- the status of life, of social systems, of habit and traditions -- I say that there is little difference between the Trust Territory of New Guinea and Netherlands New Guinea.

(Mr. de Marchena, Dominican Republic)

The aboriginal races are the same; the tribal systems are similar; their cultures are also analagous. Furthermore, the myth of paganism is gradually being dispelled through the good work done by Christian missionaries. All this shows that it is a territory which cannot be separated from its neighbouring territories.

This territory can be compared with the primitive zones of Equatorial Africa which I have also visited. Anyone who has visited the valley of the Markham or the Sepik; anyone who has gone through the jungles of New Guinea or the symbolic frontiers separating East from West New Guinea on the Telefonim Plateau or the shores of the Manberam or the Fly Rivers or the Orange Mountains -- in any of these places there can be found the same geographical entity, the same human mass going from the stone age to modern civilization, from the mystery of anthropophagism to the "cult of positions and charges." It goes from the mountains to the coasts like a tremendous mosaic of languages -- English, Dutch, pidgin and a diversity of patois, dialects and gestures with which these human beings quite surprisingly communicate with each other -- this almost desert, almost unexplored, exhilarating and mysterious land.

On the very frontier of the two New Guineas, the Yiyuki tribes came together on an unforgettable day when, to the west of Newak, the Administering Authority of the Trust Territory was opening a school. This tribe covers practically the entire area, almost reaching West New Guinea, and we agree that not even in the heart of Africa could we find anything more crude, surprising or unimaginable, as well as anything more in contrast with the world which -- despite the atomic age -- still contains forms of ignorance that have to be overcome. And that is the heart of the problem.

We cannot cast shadows on these problems. There are many who have had to fight these elements -- the climate, the natural and human conditions, social and religious obstacles -- and thus associate these communities with the civilized world.

Why always appeal to the question of colonialism, if at the same time we have problems which, because they come from the advanced sectors of humanity, tend to a complete destruction of the system of the human family and its attributes? Here, without defending the first, we have to consider the worst of two evils -- anti-democratic and anti-Christian communism.

(Mr. de Marchena, Dominican Republic)

The problem of West Irian cannot be a political problem for the United Nations. There is more to it, which can only be understood in its full size and its full drama by those who have visited that part of the Pacific: drowned by the mountains which surround it; squeezed by the immensity of its jungles and, finally, surprised by the tremendous indifference of the inhabitants of the coastline and the enigmatic obscurantism of the aborigenes of the interior.

The problem is one of time. It is a human problem. It is a problem of good will. It is also a problem of patient administration, conscientiously applying the principles of the Charter so that, in accordance with Chapter XI and by means of economic resources, we can safeguard this civilization, we can save these peoples from falling into the abyss which separates civilization from what they are. This can only be done by a long and patient work of trust.

These reasons should suffice to ensure that no change be made in West Irian. Such a desire must have no hidden motives, for the situation of these people cannot be changed on the basis of an international treaty. At the eleventh session of the General Assembly the delegation of the Dominican Republic contended that the organ which should appropriately adopt a decision on the interpretation of the Charter of Transfer of Sovereignty would be the International Court of Justice. In view of the fact that the two parties disagree entirely on the question of submitting this document to the Court -- and the General Assembly is not and cannot be a tribunal -- the United Nations must not reasonably be asked by anyone to solve a complex problem in which each of the parties intransigently adheres to its own interpretation of the Charter of Transfer of Sovereignty.

My delegation would, however, like to express its view that we are concerned and extremely disturbed by the statement made by one of the parties which seems to want to provoke a dispute in this case; and perhaps the intervention of the United Nations, when several of its Members are affected, will become necessary. The difficulty is that in today's world we must forget the long-range interests for the immediate ones. We must not give free rein to ideologies which are contrary to the welfare of humanity and take advantage of any situation to infiltrate and cause trouble. My delegation hopes and trusts that we shall not, in the case of New Guinea, contemplate a crisis that will alter the stability or the balance in the Central Pacific area.

(Mr. de Marchena, Dominican Republic)

The delegation of the Dominican Republic cannot support the draft resolution submitted by nineteen delegations because we consider that the reasons for the views which we expressed at previous sessions of the General Assembly have not changed in form or substance. We do hope that whatever the twelfth session of the Assembly may decide, good will and good sense will obtain and that the light cast on the question by these debates will be taken into account so that the way to understanding can be achieved whereby the question of West Irian will not take up hours of our work which we need for more important problems bearing directly on international peace and security.

Mr. NOBLE (United Kingdom): It is only a little over eight months since the item "The question of West New Guinea" was last debated in this Committee. The recommendation the Committee then made was not adopted by the General Assembly. These two circumstances gave us some hope that the Assembly would think it wise to break with the habit of the annual inscription of this item. Unfortunately, as we believe, for all concerned, this hope has not be fulfilled.

Every year since this item was first inscribed in 1954, the United Kingdom delegation has pointed out that there was no problem of West New Guinea, although there was a danger that repeated discussion of the subject here might create one. We have always believed that debate here was not calculated to benefit the people of West New Guinea and would not foster friendly relations between Indonesia and the Netherlands. The records of discussion in the Assembly show that our view has been widely shared. Unfortunately, there have been certain developments outside the island of New Guinea in the short time since our last discussion in February which show that our anxiety has been justified. I shall refer to them again later in my speech.

First, however, I will examine briefly the nature of the question before us, the so-called question of West New Guinea, over which Indonesia seeks satisfaction. The Committee is discussing the political future of a territory which is part of a very large island. The people of this territory are by geography, language, origin and culture, one with the people of the island as a whole. In none of these respects are they linked with Indonesia. The contention of the Foreign Minister of Indonesia "that Indonesian unity is... based on a unity derived through centuries of living together" is no doubt true of Indonesia itself, but even the most imaginative interpretation of the facts could not extend its application to cover West New Guinea.

(Mr. Noble, United Kingdom)

The people of the territory have not as yet reached a standard of political education sufficient to enable them to decide their future objectively and in their best interests. These people at present live in peace and tranquility within their borders, under the capable and enlightened administration of the Netherlands. The Netherlands has guaranteed them the right, when the time comes, to determine their future by democratic means. As the representative of the Dominican Republic has just so well said, it must be a matter of time.

Recently, the Government of the Netherlands and the Government of Australia, which is of course responsible for the other half of the island, have issued a joint statement of policy which formally declares their intention to co-operate closely in the development of the territories of New Guinea, for which they are responsible, in conformity with the provisions and spirit of the United Nations Charter, and reaffirms their intention that the inhabitants should, in due course, decide their own future. Until the time comes for them to do so, the United Nations will continue to receive reports on conditions in the territory in accordance with Article 73 of the Charter.

This then is the satisfactory state of affairs in the territory itself, and it really need cause the Assembly no concern.

But the Indonesian representative has claimed that sovereignty over the territory rests with his country, and that the dispute on this point is one with which the Assembly should deal. Moreover, the Government of Indonesia insists that its sovereignty be recognized in advance as a prerequisite of any negotiations in connexion with the territory of West New Guinea.

I will not go into the legal arguments as to sovereignty. They have been expounded to us with admirable clarity by the representative of the Netherlands, and prove beyond doubt that sovereignty rests with the Netherlands, as was recognized in 1949 by the Government of Indonesia. Nothing has happened since then which could change the situation in this regard, except perhaps that Indonesia, by abrogating all the agreements reached at the round table conference of December 1949, has torn up the only documents on which it could base any claim to negotiations on the question. The Assembly is, of course, debarred under the Charter of the United Nations from discussing the transfer of sovereignty over the territory of one Member to another Member. It is significant that the

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Indonesian Government has not been willing to refer the legal position of sovereignty to the International Court of Justice.

From what I have said, it is clear that there is no problem of West New Guinea. There is, therefore, a dispute only in the sense that the Indonesian Government says that there is one and insists on having the matter discussed in the General Assembly, despite the Assembly's refusal to pass any resolution on substance.

In his statement last Wednesday, Mr. Subandrio said:

> "Many Members feel that nothing new can be expected either in the way of arguments or the search for a final solution. I know that the question of urgency loses its validity as soon as it is felt that the problem brought before this Committee does not threaten to become explosive either in the international sense of the word or in its effects upon Indonesian-Netherlands relations."

Mr. Subandrio went on:

> "It is with these considerations in mind that I regard it as my difficult task to dispel the feelings of self-indulgence or unconcern that may surround the problem of West Irian."

Now, it is difficult to be sure precisely what Mr. Subandrio meant by these remarks; but I think it reasonable to suppose that they were inspired by anxiety lest the General Assembly should decide not to discuss this matter any further. The Assembly, as I have pointed out, has steadfastly refused to adopt any resolution on the substance of the matter. Until this year there has certainly been no danger to the peaceful development of the area. Now Mr. Subandrio tells us that many Members feel that nothing new can be expected, and seems to suggest that unless the question threatens to become explosive it may lose its validity.

If those are the views of the Indonesian Government, and it is clearly anxious that this matter should not be dropped, I think we are justified in interpreting the remarks I have just quoted, together with the recent statements of President Sukarno, Mr. Subidjo and others, and the anti-Dutch demonstrations in Indonesia, as an attempt on the part of the Indonesian Government to inject a new and artificial urgency into the matter. It is true that Mr. Subandrio, in

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his second intervention in this debate, denied that his Government was seeking to use threats to intimidate the Assembly. But he did not deny that he was using intimidation -- indeed he reaffirmed this. It seems to me that in whatever direction this intimidation is directed, it is intended to influence the Assembly. And that is something my delegation must regret.

The Government of the Netherlands, on the other hand, has done nothing to increase tension. On the contrary, peace and tranquility continue to reign in West New Guinea and the Netherlands Government, together with the Government of Australia, has issued a statement of policy, to which I have referred, which is a further earnest of their good intentions in New Guinea. That statement should be welcomed by the General Assembly. To suggest, as Mr. Subandrio has done, that this statement must "constitute a military pact for opposing Indonesia" seems to me an unworthy and unwarranted imputation, which can only be regarded as a further attempt to stir up tensions and suspicions where none are justified, and to discredit a laudable initiative.

The result of this campaign by Indonesia is to raise the political temperature in Indonesia to a point at which it may indeed come to prejudice the peaceful development of the area. It is a campaign which invites exploitation by mischief-makers -- as, for example, the speech of the representative of the Soviet Union -- for their own ends. It is a campaign intended to keep alive an item which ought not to be occupying the time of the Assembly at all, but which, as events this year have shown, can only embitter relations between the Netherlands and Indonesia. This may prejudice the development of the region should Indonesia continue to press it year after year. My delegation has always taken the view that this item should be removed from the Assembly and that West New Guinea should be left unmolested to continue its progress along the road to self-determination mapped out for it by the Netherlands.

This year I would appeal, with all the sincerity at my command, to the good sense and responsibility of the Assembly that once again they should not adopt any relations on the substance of the matter. I would urge the delegation of Indonesia, if no resolution is adopted, not to seek once again to have the item inscribed at the next session.

(Mr. Noble, United Kingdom)

You have asked us, Mr. Chairman, in the interests of economy of time, to direct our remarks in the general debate also to the draft resolution before the Committee. It will be clear from what I have said that, in the view of my delegation, no resolution -- except perhaps one deciding not to discuss this matter any further -- should be adopted. Certainly my delegation will vote against the resolution before us. But since this draft resolution before us has a deceptive appearance of innocence, I should like to make one or two points to show that it is not innocent at all.

(Mr. Noble, United Kingdom)

The first preambular paragraph states that the General Assembly has "considered the Question of West Irian (West New Guinea)". As I hope I have shown, there is really no such question.

The second preambular paragraph would have the Assembly view "with deep concern that the prolongation of this political dispute is likely to endanger the peaceful development of that area". My distinguished Australian colleague has examined this paragraph in some detail. I will only say that if the General Assembly were to adopt it, it would be adopting a less than impartial attitude. It is Indonesia alone which is keeping this dispute alive, and it is Indonesian actions which are causing a rise in the political temperature.

The third preambular paragraph admits without qualification the existence of a problem. But the only problem before us has been created by Indonesia. The same objection applies, therefore, as in the case of the previous paragraph. But in addition it would in effect constitute an implicit endorsement of the veiled threat in Dr. Subandrio's statement last Wednesday that, if his Government fails to get satisfaction on this occasion, this may be its last effort to achieve a settlement through the United Nations. What other means it has in mind it has not specified. But the Committee is, of course, aware that the Indonesian Government has rejected a reference of the legal position on sovereignty to the International Court of Justice.

Turning now to the first operative paragraph, I think I need do no more than to remind the Committee, first, that sovereignty over West New Guinea quite clearly lies with the Netherlands; and secondly, that the Indonesian Government has said it will not negotiate on the matter unless Indonesian sovereignty over the territory is recognized in advance.

As for the second operative paragraph, I think that, should the Committee decide that the rest of the resolution is in accordance with the Charter and the facts, it should ascertain the views of the Secretary-General before it considers committing him to the task the resolution would impose upon him.

I feel strongly that, in view of the new developments I have mentioned, a crucial point in the history of this item has been reached. The General Assembly is faced with a choice between two courses of action. It can refuse to adopt the present draft resolution and refuse to admit further discussion of

(Mr. Noble, United Kingdom)

this question at the next session. This would allow the people of West New Guinea, side by side with their brothers under Australian administration, to proceed peaceably towards the time when they decide their future for themselves. Alternatively, the Assembly can accept the present resolution. To do so would, in the view of my delegation, further embitter relations between Indonesia and the Netherlands, prejudice Indonesian-Australian friendship and -- on the present showing -- lead to an increase of tension in the area. Finally, it is the hope of my delegation that observance of the Charter, good sense and responsibility will prevail.

Mr. CHANG (China): We have before us a dispute, or a controversy, or, if you will, a disagreement, over a piece of territory known as West New Guinea or West Irian. This is not a new dispute; it dates back to the round-table conference at The Hague in 1949. Indeed, the dispute loomed so large that it almost wrecked the conference itself. On the last working day of the conference a compromise was reached and the parties agreed to postpone the issue for the time being. The compromise finds expression in article 2 of the Charter of Transfer of Sovereignty, stipulating that the status quo control of West New Guinea by the Netherlands was to be maintained pending a final settlement through negotiations to be held within a year of the transfer of sovereignty to the United States of Indonesia.

Pursuant to the compromise agreement, negotiations were subsequently carried out on a number of occasions. These, unhappily, proved unfruitful. Why? The distinguished and learned representative of Peru has just told us that it was negotiation without pre-established conditions but, as a matter of fact, the two disputing parties do hold diametrically opposed views in regard to the object of the negotiations. The Netherlands seemed to believe that the object of the negotiations was to confirm its title to the island. This was disputed by Indonesia which maintained that the object of the negotiations was to have the title transferred to Indonesia. Small wonder, then, that no agreement of any sort was possible.

How do the parties stand now? Let us look at the Indonesian case. Indonesia has contended that since West New Guinea or West Irian was in former days

(Mr. Chang, China)

administered as a part of the Netherlands Indies it should and must now form an integral part of Indonesia. The representative of Indonesia at this and previous sessions of the General Assembly has cited numerous documents, official or otherwise, in support of his contention. The Dutch refusal to hand over New Guinea to Indonesia has been condemned as a serious infringement of Indonesian sovereignty, as an attempt to amputate Indonesia's territorial integrity, as last-ditch colonialism and as a breach of a solemn promise made by the Netherlands. This, then is the Indonesian case.

Let us now look at the Dutch case. The Netherlands, with the support of Australia, has on the other hand argued that the Charter of Transfer of Sovereignty did not include West New Guinea. Had it been so, it has maintained, the Netherlands would never have signed the instrument. The inhabitants of West New Guinea, says the Netherlands, are a distinct ethnic group; in language, in culture, in mode of life they have little in common with their Indonesian neighbours. They are, they say, a primitive people, too weak to protect themselves. The Netherlands has assumed very special responsibility. To use the words of Ambassador Schurmann, "By agreeing to hand over to Indonesia the territory of Netherlands New Guinea together with its inhabitants without previously having ascertained whether such a transfer would be in accordance with the wishes of the inhabitants, the Netherlands would be forsaking its duty to the inhabitants, whose well-being it is pledged to ensure and promote." This, in brief, is the Dutch case.

It is obvious that the positions taken by the Netherlands and Indonesia are as far apart as ever; the positions are inflexible, hard and fast. No compromise seems possible. Nothing short of outright possession of the island would satisfy Indonesia. But, to the Netherlands, such a transfer is unthinkable. There is thus a deadlock. Judging by the statements we have heard -- statements characterized by not a little heat and acrimony -- it seems that at the present juncture the United Nations can do little to resolve the differences.

The dispute is over a territory of considerable size and resources. Both parties claim to be the rightful owners of the territory. Like all disputes, it is a matter of great complexity, involving questions of law, politics, geography, history and ethnology. Clearly, not all these are within the competence of the General Assembly. For instance, there is the question of interpreting the Charter of Transfer of Sovereignty which, of course, is an international treaty.

(Mr. Chang, China)

It has been suggested that the proper organ to interpret such an international treaty is the International Court of Justice. This is, I believe, a very fair suggestion, and we urge Indonesia to accept it, believing -- as we all do here -- that the future of mankind would be better served by the rule of law than by the rule of force.

Indonesia, however, prefers to argue its case on the political level. It has taken the view that continued Dutch control of West New Guinea is an attempt to hold Indonesia under colonial control or bondage. This brings us to the question of colonialism.

Colonialism, it seems to me, means the imposition of alien rule on a people too weak to protect itself. If we accept this definition, the Dutch control over West New Guinea is unquestionably colonialism. I do not think anyone can dispute this. I think the Dutch would be the first to accept this. By the same token, however, if the inhabitants of West New Guinea are in fact a distinct people -- distinct from the Indonesians -- as we are told they are, then Indonesian rule over the island without the express consent of the inhabitants can also be called colonialism, even though the colour of the skin of the Indonesians and the Papuans may be the same. In any case, Dutch rule is colonialism only in so far as its relationship to the inhabitants of West New Guinea is concerned. So far as the relationship between the Dutch and Indonesia is concerned, there is no colonialism -- Indonesia being, as we know, a sovereign, independent State.

The Dutch, rightly or wrongly, believe that they have a special responsibility towards the indigenous inhabitants of West New Guinea. We may not agree with this point of view, as I know many of the representatives here do not. But there is no reason to question the sincerity with which this view is held. The Dutch Government has further assured us that its long-range objective in West New Guinea is self-determination of the Papuan people, and that when the time is ripe for that it will not hesitate for a moment to let the inhabitants choose for themselves under what regime they would like to live. This, I believe, is a very solemn pledge, and it is not for us to impugn the good faith of the Netherlands Government.

(Mr. Chang, China)

We Chinese are not defenders of colonialism. On the contrary, as great victims of colonialism ourselves we are anti-colonialist, and we have fought colonialism for over a century. Our experience has shown that colonialism is not the monopoly of the western world. We Asians are equally capable of colonialism. Hence, in China we have fought not only British colonialism -- we have not only fought British, German, French and Russian colonialism; we have also fought Japanese colonialism. We are now engaged in a life and death struggle against a new type of colonialism -- Soviet colonialism, by far the most ruthless and brutal form of colonialism the world has ever seen.

Western colonialism is dying, if not already dead. But Soviet colonialism is on the ascendant, because it is new, because it has taken on so many protective colours that it is not often recognized as such. Even today there are nationalist leaders in my part of the world who are unaware of the far more dangerous overlordship of Communism. It is this lack of awareness, this apparent tendency to discount the significance of Soviet colonialism compared to western colonialism that presents the greatest danger to human freedom.

We have fought colonialism in all its manifestations, not only within our own borders -- we have also helped other people to fight it. During the war, the main war aim of my country was the liberation of all dependent peoples in Asia. At international conferences held during the post-war years, and in various organs of the United Nations, my Government has never stinted its efforts in the cause of freedom. From 1947 to 1949, China's representative in the Security Council, Dr. Tingfu F. Tsiang, was among the most ardent champions of Indonesian independence. He took this stand even at the expense of our own nationals residing in Indonesia, who were attacked, plundered and even murdered by Indonesian guerrilla bands. But we did not, on that account, relax our efforts for Indonesian independence. We believed that the cause of Indonesian freedom was far more important than the protection of our own nationals who were unfortunately caught up in that situation.

My Government therefore wishes the Indonesians well. We earnestly hope that Indonesia, with its vast territory and abundant resources, will in time play a leading role in the politics of the world.

(Mr. Chang, China)

We have before us a draft resolution, document A/C.1/L.193, submitted by nineteen Powers. It deserves our attention and study, but we may ask: What does it seek to accomplish? The Netherlands regards it as a sort of pressure which seeks to force it to come to terms with Indonesia. The representative of the Netherlands has made it clear that his Government is not prepared to enter into any negotiations with Indonesia so long as the latter takes the position that it must be understood in advance that sovereignty over West New Guinea would be transferred to Indonesia. This being so, how is the resolution, if adopted, going to be implemented? Certainly the prestige of the United Nations would not be enhanced by adopting resolutions which are incapable of implementation.

We of the Chinese delegation believe in indirect negotiations as a means of resolving international differences. In the present case, however, the possibility of success is nil; the reason is that there is no common meeting ground between the disputing parties. Moreover, as the distinguished representative of Italy pointed out yesterday, the wording of the draft resolution is too ambiguous and will lead us nowhere; by placing the dispute on a purely political level, a dangerous precedent may be set. However much we appreciate the goodwill of the sponsors, however we may regret it, we cannot in good conscience support it.

Mr. BOLAND (Ireland): The Irish delegation intervenes in this debate with considerable diffidence and no little hesitation, not only because the question of West Irian arose and had already been the subject of lengthy discussions here at the United Nations before Ireland became a Member of the Organization at all, but because we feel very doubtful whether further discussion of the problem by the Assembly in present circumstances can really bring us any nearer to a solution.

In saying this, we do not mean to suggest that the discussions which have already taken place on the matter have served no purpose; the contrary is the case. They have brought home to us with great clarity and in detail the views of the Governments directly concerned. They have thrown a great deal of light on the many different aspects of this vexed and intricate problem which arises in a part of the world with which many of us are quite unfamiliar. Moreover, they have left us all with a keen and painful realization, not only of the deplorable consequences which this difference has entailed but of the difficulties

(Mr. Boland, Ireland)

and, indeed, the dangers which it continues to present. What we must consider, however, is whether our discussions on the matter at three successive sessions of the Assembly have really done more than that: have they brought a settlement of the problem any closer? Have they relieved the tension to which it has given rise? Have they served to abate the dangers which the continuance of the dispute involves? Have they left the problem any less intractable than when it was first discussed in this Committee three years ago? It is not irrelevant, I think, to put these questions to ourselves because -- remembering that our debates and discussions here are not to be regarded as ends in themselves, but rather as a means of carrying into effect those principles of international peace and justice to which we all subscribe -- it is only right that we should have constantly in our minds a clear idea as to whether what we are doing here is really helping to further the aims we all have in common, or whether by continuing to concern ourselves with problems which we know from experience we have no effective means of solving, we are not simply encouraging expectations which are bound to go unsatisfied and enabling the critics of the world Organization to point to the inconclusiveness of our deliberations as proof of the weakness or failure of the United Nations itself.

However that may be in other cases, the results of the discussion of the question of West Irian at four successive sessions of the Assembly do seem to us to make this at least an arguable question: to what extent open debates, in international organizations such as this, are of any practical value in bringing the parties to territorial disputes of this kind closer together towards settling such disputes in the absence of agreement between the parties, or towards relieving the tension to which such disputes inevitably give rise so long as they remain unsolved?

When the sharp and bitter conflict between nationalism and colonialism in Indonesia was brought to an end by the transfer of sovereignty in 1949, all friends of Indonesia and the Netherlands -- everyone who believes that freedom and justice are the essential basis of world peace -- rejoiced to think not only that the relationship between the two peoples had emerged at last from the shadows of a bleak and unhappy past into the sunshine of a brighter and more tranquil future, but that their mutual friendship would constitute from then onwards an element of sympathy and understanding in the relations between the new

(Mr. Boland, Ireland)

democracies of Asia and the countries of the West. It is one of the tragedies of our time that the question of West New Guinea should have intervened to defeat that hopeful prospect.

Looking back now to what transpired at the time, it was surely a disastrous mischance, from the point of view of the Governments concerned, that the negotiators at the round table conference should have failed to agree about the future of West New Guinea in the time available and should have decided to go ahead, to sign the Charter of Transfer, leaving this one point over for later settlement. It is an expedient which, although always tempting,is only too often fatal. It has had catastrophic consequences in cases other than this.

Be that as it may, article 2 of the charter did leave over the question of the political status of New Guinea to be determined within the following twelve months by negotiations between Indonesia and the Netherlands and, as we all know, not only did these negotiations fail to reach an agreement but the proper interpretation to be placed on article 2 of the Charter of Transfer, and on the preceding article 1 when read in conjunction with it, did become a subject of sharp contention between the parties which, after a series of negotiations, ultimately resulted in Indonesia's abrogation of the Charter of Transfer itself.

Whatever the merits of these transactions -- a matter upon which the Committee is hardly called upon to pronounce judgement at this stage -- they do serve to give this problem an important, if not an overriding, legal aspect; not the least of the difficulties with which the Committee is faced in dealing with this question is that it does involve issues of a strictly juridical character which the Committee, not being a judicial tribunal, is not entitled to decide or even to prejudge and which, in existing circumstances, can hardly be resolved, except by recourse to arbitration or judicial settlement.

(Mr. Boland, Ireland)

Distinguished representatives of Indonesia have, we know, advanced the argument in this Committee and elsewhere that while the question of West Irian has undoubtedly its legal aspects, the problem is primarily a political one inasmuch as fundamentally it represents a struggle between colonialism and a peoples' aspirations to freedom. We in the Irish delegation are by no means insensible to the force of this argument, and indeed we have much instinctive sympathy with it. Just as we in Ireland date our title to independent nationhood not from the legislative enactments which later gave it legal sanction, but from the proclamation made to the people of Ireland by the Provisional Government of the Irish Republic on Easter Monday, 1916, so we can readily appreciate the attitude of the Government of Indonesia in basing its territorial claim not solely on the terms of the Charter of Transfer of Sovereignty of December 1949, but also on the political manifesto in which, on 17 August 1945, Indonesia proclaimed its independence and asserted its right to be free.

Fundamental political issues of the kind involved here, issues which deeply stir the national emotions of whole peoples and gravely affect their relations, can hardly, if ever, be satisfactorily composed simply by scanning the letter of official documents. There are just national claims which no legal text can rightfully deny or delimit.

Although, as I say, we sympathize with the contention of our Indonesian colleagues and agree with them that there are political as well as legal aspects of the problem to be taken into account, unfortunately in so far as the Indonesian claim with regard to New Guinea rests on the Declaration of Independence of 17 August 1945, we find outselves, when we come to consider it, once again up against a conflict of interpretation. Whereas the Netherlands argues that the Declaration of Independence did not extend to the territory of West New Guinea at all, the Government of Indonesia maintains, with equal emphasis, that the Declaration was not only intended to extend to the territory, but that it in fact did so.

It seems to us that in dealing with this matter this Committee cannot hope, and cannot reasonably be expected to determine, these and the many other conflicts of fact and legal interpretation to which this problem gives rise.

(Mr. Boland, Ireland)

The basis of any competence which we have in this matter is the Charter of the United Nations, and the only legitimate purpose of our intervention in the dispute is to ensure, so far as we can, the due observance of the provisions of the Charter. Apart from our general obligation to maintain international peace and security and to help to bring about the settlement of disputes by peaceful means, the principle of the Charter to which, in our view, primary regard must be had in the present case, as in all other cases involving disputes of a territorial character, is the principle of self-determination. That being so, the cardinal question to which we must address our minds, in our view, is how best and most effectively the principle of self-determination can be applied and upheld in the circumstances of the difference now before us.

Let us admit at once that this is a matter of immense difficulty. Although, in the abstract, the concept of self-determination itself is so clear as to be universally accepted, no general rules exist to determine exactly how it should be applied in all the many different kinds of situations in which it is invoked. Where clearly recognizable lines of nationality exist, there should be no serious problem. Where there exists, as there does in my country, an historic nation which enjoyed its unity within the same territory for centuries, albeit under an outside rule which it never ceased to challenge and resist, the application of the principle of self-determination to that nation as a whole cannot be withheld without denying the principle of self-determination itself and the concepts of democratic freedom and international justice on which it is based. That does not mean at all, of course, that national unity is necessarily a matter of common language, religion or racial origin. Some of the strongest, most cohesive national unities in the world today have none of these attributes. But it does mean that once the criterion of the historic national unity is no longer available, once what President Woodrow Wilson called "clearly recognized lines of nationality" can no longer be appealed to as a guide, the application of the principle of self-determination becomes a very empirical matter indeed; and bearing in mind the immense interest we all have in maintaining confidence in the principle of self-determination as the chief defence of national freedom and the strongest weapon in the campaign to end colonialism, it is surely part of our duty here to apply the principle so cautiously and to safeguard its integrity so

(Mr. Boland, Ireland)

jealously, that it is never used,on the one hand to divide territories or nations which are naturally one, or on the other hand to incorporate territories or peoples into larger political unities to which they feel, or may feel in future, that they do not properly belong.

There is a further consideration I wish to mention at this point because it has a direct bearing on the question before us. One of the more distasteful and callous practices of nineteenth century colonialism was the habit of determining the boundaries of colonial administrations -- not in all cases, of course, but in many -- with an almost complete disregard not only of the political wishes of the populations concerned, which, of course, were almost never taken into account at all, but of their racial affinities and of the common customs and traditions which bound them together in coherent communities or social groups. This was an error of which it is possible that we have not as yet seen the worst consequences. Perhaps at the time it counted for little with the populations concerned compared with the many other afflictions which conquest brought upon them, but it may count for much in future. We must not ignore the prospect that, with the spread of education and the development of national sentiment in lands dismembered under colonial rule, new generations will arise which will find a source of national pride and unity in the early histories and the age-long customs and traditions of their peoples, and will challenge the political frontiers laid down in colonial times which deny that unity expression.

On the monument in Dublin of Charles Stuart Parnell, one of our greatest national leaders, there are inscribed the words: "No man has the right to fix the boundary to the onward march of a nation." Colonial frontiers decided upon by European statesmen and administrators in the last century on the basis of pure expediency and selfish interest can never, in our view, be accepted without question as affording a proper basis for the application of the principle of national self-determination provided for in the Charter.

These are the considerations which determine the attitude of my delegation on the question of West Irian. We accept the fact that the people of the territory are politically very backward, so backward as to be incapable, in present circumstances, of expressing a general political will.

(Mr. Boland, Ireland)

We recognize also that it may be a very long time yet before they are able to decide their own political future for themselves. It is incontestable also in our view that West New Guinea is administratively part of the former colony of the Netherlands East Indies and our Indonesian colleagues on the Committee have left us under no doubt or misapprehension as to the strength and conviction of the Indonesian national demand that Dutch colonialism in West New Guinea should be brought to an end and the Territory incorporated into the Republic of Indonesia.

These are all facts to which, in our view, the fullest weight must be given.

There are aspects of the matter, however, of which it seems to us fair and objective account must be taken because the very inability of the people of West New Guinea to speak for themselves not only invests this whole matter with an element of poignancy but charges this Committee, and the United Nations, with the special burden of fiduciary responsibility in regard to it. West New Guinea is only part of an island, which, with the exception of Greenland, is the largest island in the world. Although the island is a natural geographical unit and its population is broadly homogeneous, being predominantly Papuan, it is at present partitioned by an artificial and arbitrarily drawn colonial frontier which divides it into West New Guinea, on the one hand, and the Australian administration of Papua and New Guinea, on the other. Nothing that we do here, in our view, should conduce in the slightest way to perpetuate the present partition of this island or to sanction the present artificial division of the Territory and its population.

In their recent joint statement, the Governments of Australia and the Netherlands specifically recognized the geographical and ethnological affinity of the different parts of the island and affirmed their intention of pursuing the political, economic, social and educational advancement of the peoples to the point at which they would be able to determine their own future. Although we would have been happier if the statement had been somewhat more specific in its terms, we welcome it as leaving the door open to the ultimate political unity of the island and the self-determination of its people as a whole.

(Mr. Boland, Ireland)

It may well be that the people of New Guinea -- the whole of New Guinea -- would, upon attaining political maturity, elect to cast their lot with the Republic of Indonesia. If that should prove to be the case, I think that the Governments of Australia and the Netherlands -- if I interpret the statements of their spokesmen aright -- would not stand in the way to such an exercise of the right of self-determination. But whatever the ultimate decision of the people of New Guinea, nothing should be done, now, to prejudice or to render more permanent the division of the island. The incorporation of West New Guinea in Indonesia, now, would seem to us to have that effect. It would imply not only prolonging the present territorial division of New Guinea but denying the ultimate right of self-determination to its population as a whole.

That is something to which we in the Irish delegation would find it impossible to lend our support. We appreciate how wounding the continued presence of the Netherlands in West New Guinea must be to Indonesian national sentiment. Our membership in the United Nations has given us a new and clearer understanding of how powerful a political motive anti-colonialist feeling is throughout the world today. But we feel that even the strongest opponents of colonialism must agree with us that as self-determination is the surest path to the endingof colonialism, anti-colonialism must never appear to challenge or conflict with theright of self-determination. Such a conflict of principles does seem to us to be involved here and much as we appreciate and sympathize with the motives which inspire the Indonesian attitude, we feel that however remote the possibilities of its practical exercise may be, the right of the people of not simply West New Guinea but of the island of New Guinea as a whole to determine their own political destiny represents the paramount interest which it is our duty under the Charter to uphold.

Because the draft resolution before the Committee seems to us to be based on an entirely different conception, because it seems to us to assume that the political future of West New Guinea is something that may properly determined by the Netherlands and the Republic of Indonesia between them, irrespective of the ultimate right of self-determination of the population of New Guinea as a whole, we feel unable to support it and we propose to vote against it.

Mr. ZEINEDDINE (Syria): The General Assembly is considering for the fourth time the question of West Irian. The attitude taken by the Netherlands obliges the Assembly to come back to the same question and then to appear as being unable to deal with it conclusively and effectively. This is the habit that needs to be considered, particularly in that for four years the Indonesians, very moderately, have been inviting the United Nations to act and the Netherlands to co-operate.

The facts of the case have been made clear. The arguments of Indonesia, solidly established before, continue to stand. Indonesia stated convincingly that West Irian was and is an integral part of the Indonesian homeland. It supported its views by facts and by more than one document, or official statement, emanating from the Netherlands, or agreed to by it. But the arguments used by the Netherlands have somewhat varied from what they were at the last session. They now come to us in a new light. The attitude of the Netherlands, slightly vague during the last session, has become, at this session, more clear and is rendered even more clear by the stand taken by Australia.

It is of special significance, therefore, that Australia and the Netherlands published an agreement between them dated 6 November, this month, making that agreement not a prelude to the discussion of the question by the Assembly but rather a means of trying to make the discussion of the United Nations almost academic. That seems to be part of the spirit which motivated the agreement of 6 November.

As we see it, the Australian-Dutch view resolves itself to saying this: first, that West Irian, which the Netherlands was to administer, is now something which it should possess, and possess with a view to separating West Irian from Indonesia, and to do so in order to make that territory something which, under the Australian-Dutch arrangement, is to be decided upon by the two Powers between them.

Second, that the negotiations promised by the Netherlands, in an agreement with Indonesia, and actually started, are not to be resumed. Why? According to the Dutch, because the subject itself is no more a matter for negotiation. It is now a matter which has already been decided, a matter of a legal nature for the court to decide.

(Mr. Zeineddine, Syria)

This stand taken by the Netherlands implies a contradiction, for the subject which was at one time a matter for negotiations is at present not a matter for negotiations. We sincerely fail to understand how this contradiction can be brought before the United Nations by such a responsible Member as the Netherlands and how the United Nations itself can be stopped from acting on it as a result of such a contradiction, unless this contradiction is obscured by mere legalistic technicalities.

Thirdly, the Netherlands also tells us that it takes its present attitude on the West Irian problem because it wants to see the right of self-determination applied for the people of West Irian. If self-determination is to be the issue concerning West Irian, then why should the matter -- according to the same thesis -- be considered a merely legal problem? Furthermore, the Netherlands implies that the West Irian people are not now fit to exercise the right of self-determination and that the Netherlands should therefore continue to try to condition them for self-determination so that they can utilize that right in an unforeseeable future and that the Netherlands should do so because these people are entrusted to it.

By whom are these people entrusted to the Netherlands? By the Netherlands itself. And when will they be fit for self-determination? This is not known. What is the basis for the Dutch claim? This is well known. It is the invasion and conquest in 1824. How able is the Netherlands to condition the people of West Irian for self-determination and independence? That can be seen from experience: since 1824, the Netherlands has taken upon itself the self-assumed trust. How long it will take to fulfil this trust is something that the Netherlands and Australia can best decide, according to the Netherlands-Australian arrangement.

Lastly, the Netherlands tells us the peaceful means provided for in the Charter, particularly negotiations, cannot in this case be useful. In other words, the Australian-Dutch agreement of 6 November would be useful in intending to frustrate any peaceful endeavour through the United Nations for negotiations between the two sides concerned -- Indonesia and the Netherlands -- and instead of negotiating with Indonesia, as would be the normal course, the Netherlands turns and negotiates with Australia and fashions the future of West Irian according to the desires of the two Powers. The Dutch-Australian attitude would deprive Indonesia of a part of its territory, bringing that part of Indonesia -- West Irian -- firmly into the possession of the Netherlands, fortifying that possession by the position resulting

(Mr. Zeineddine, Syria)

from the Australian-Dutch agreement and the power that lies behind it, thus turning away from the path of the Charter and reverting to the road of the colonial era.

Basically, the question is a colonial one. It is colonial in its inception. It is now a remnant of the colonial era; but the recent arrangements between the Netherlands and Australia aggravate its colonial nature and make the present situation a phenomenon of resurgent colonialism undertaken against a country -- Indonesia -- previously colonized and now liberated.

If this is not a colonial question for the Assembly to consider, I ask: what, then, is it? It is a colonial question. It is a political dispute. It is a dangerous situation causing international friction the continuance of which endangers peace. This is the problem now before us.

A moment ago the representative of the United Kingdom called the situation, if I understood him rightly, a satisfactory state of affairs which should not give the United Nations any concern. We are unable to share that view. Up to now possibly there was no danger, but from now on the situation tends to develop rapidly towards becoming a dangerous one. It becomes urgent, and the urgency is not artificial, as the representative of the United Kingdom holds; it is an urgency resulting from the genuine feeling of the whole people. The Netherlands has done nothing to increase the tensions, says he, but the question is: what has it done to decrease them? Its adamant attitude towards negotiations is the actual cause of tension which is now increasing.

The representative of Australia told us yesterday that the United Nations should not be responsive to threats. It certainly should not. No one on the Indonesian side is threatening the United Nations. The question still remains, however: Who is threatening whom? Frankly speaking, the Netherlands, with Australia on its side, is threatening the right of Indonesia. The two together are threatening the territorial integrity of Indonesia and the two are seeking to disregard the United Nations, and this is a threat to its Charter. Instead of negotiations with Indonesia, the Netherlands makes a unilateral decision and refuses to negotiate. That is ominous in itself; but the excuse given for it is even worse than the act. We find this excuse best expressed in the Australian statement of yesterday to the effect that the joint Dutch-Australian agreement on West Irian represents "a positive and constructive policy based on the principle that there should be an uninterrupted development of the territory in accordance with the principles to which the

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Netherlands is committed under the Charter." This is as if to say that the Charter has committed the Netherlands to continue its colonial rule over a part of Indonesia, to disintegrate Indonesia in that way and to do so under the guise of a Charter obligation not to negotiate and to imply that the Charter in this case does not allow peaceful developments through negotiations. Hardly has the colonial theme been at any time more subtly expressed than on this occasion; but hardly has colonialism betrayed itself more than it has on the present occasion.

It is for the United Nations to look into the matter further and to act; otherwise such behaviour as that of the Netherlands will be what is encouraged in this instance and the moderation of Indonesia will be discouraged in this and in other instances as well. The result would be a reversion to colonialism, to that very malady of colonialism which has plagued the world and caused so much strife and bloodshed time after time in various parts of the world.

The present situation is serious in itself; it may have serious consequences; but it would be exceedingly serious to see the United Nations perplexed and unable to act because of the contradictions in the stand taken by the Netherlands and complacency with its colonialist objectives.

We do not intend to dwell upon any of the arguments used. Most of them were exhausted during the last session. But in view of the statements made today and yesterday afternoon, we find it necessary to try to deal briefly with some aspects of the problem.

The people of Indonesia proclaimed their independence on 17 August 1945. This declaration of course covered all the homeland, including what is known today as West Irian. It fought for the liberation of its country and subsequently both Indonesia and the Netherlands undertook in official documents and other pledges made before the United Nations to promote the establishment of the complete sovereignty of the whole of Indonesia. The Constitution of the Netherlands recognizes this fact, as we and others have shown in the debates during the last session. By virtue of the Charter of Transfer of Sovereignty, signed in 1949, the political status of West Irian was to be settled "by peaceful and reasonable means" not later than 1950 -- within twelve months. This was made clear in article 2 of the Charter of Transfer of Sovereignty which reads:

"that the status quo of the residency of New Guinea shall be maintained with the stipulation that within a year from the date of transfer of

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

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Thus the key to the solution of the problem initially lies in negotiation. It continues to be the same. The Netherlands Government did not, however, give its full co-operation in this respect. The Government of Indonesia has shown a spirit of conciliation and it is the Government of the Netherlands which continues now to refuse the resumption of negotiations or to use other proper means provided by the Charter.

Last year a very reasonable draft resolution calling for the creation of a good offices committee in order to attempt to bring the parties together and have them negotiate a settlement failed to get the required majority. That failure caused much deterioration in the Dutch-Indonesian relationship and the deterioration could, if it continued, increase the danger inherent in the dispute and affect for the future the relations of the Netherlands with other nations.

This year Indonesia brought the question once again before the Assembly in a further attempt to reach a solution in a spirit of conciliation and negotiation, and the draft resolution submitted by my delegation and eighteen other delegations reflects the willingness and desire of Indonesia and the sponsors of the resolution to promote and normalize relations between the Netherlands and Indonesia. That draft resolution does not pronounce a final judgement. It invites, however, the parties to pursue their endeavours to find a solution of the dispute in conformity with the Charter, and requests the Secretary-General of the United Nations to assist the parties in finding a peaceful and just settlement.

It would not serve any useful purpose to deny the fact that there is a dispute between Indonesia and the Netherlands and since what is prescribed in this draft resolution is one of the means available to Members through the Charter, it would be unfortunate if such a resolution did not get a quasi-unanimous support. It is our responsibility to promote solutions by peaceful means and we would be failing in our duty to the United Nations if we did not promote them.

When the representatives of the Government of the Netherlands and those of the Republic of Indonesia signed of agreement of 25 March 1947, they were

> "moved by a sincere desire to insure good relations between the peoples of the Netherlands and Indonesia in new form of voluntary cooperation which offer the best guarantee for sound and strong development of both countries in the future and which make it possible to give a new foundation to the relationship between the two peoples".

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We hope that the Dutch Government will become disposed again towards such good relations with Indonesia.

The Foreign Minister of Indonesia expressed, in his last statement, a sincere desire to promote economic relations with the Netherlands and to normalize relations between the two States. We believe that the adoption of the draft resolution and the resumption of negotiations in a similar spirit will bring satisfactory results which will enable both Indonesia and the Netherlands to develop a kind of relations other than those which the West Irian problem necessarily engenders.

In his statement on 21 November 1957, the representative of Australia stated that the records of previous debates on this subject show that very few members of this Committee "accept and endorse Indonesia's claim to Netherlands New Guinea as well founded". We cannot share the Australian appraisal of the records. A large number of delegations do endorse Indonesia's stand on West Irian. It is a well-known fact that the question of West Irian has the support of all the States of Asia and Africa and many other States which together comprise more than two-thirds of the world's population. These are not "few".

The contention that the question of West Irian is a mere legal issue appears to us strange, especially after both parties have agreed to negotiate a settlement of the problem. They certainly were well aware that the problem is of a political rather than a legal character. The question is a colonial one, which belongs to this Committee and not to the International Court of Justice, and the Assembly is the proper organ to discuss such a problem and recommend a proper solution. This Committee has been considering many similar colonial issues including West Irian. It seems that the Government of the Netherlands has in mind the raw materials, the minerals and particularly the oil in the area, and the use of the island for military purposes rather than legal considerations. But the Netherlands which has the technicians, the know-how and the markets may seek to promote its economic interests by agreement with Indonesia instead of the methods now being used, such as accepting the principle of negotiation and refusing the resumption of negotiations and later on turning to this Assembly to say that this is a legal matter for the Court. Other States Members of the United Nations have

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interests in various corners of the world similar to those of the Netherlands. Today they are realizing that the ninteenth century methods are no more practical; they are now realizing that business arrangements, fair deals and negotiated agreements between the parties concerned are the practical methods of international economic dealings. The Netherlands, in our view, would be well-advised to follow those methods if it wants to safeguard its interests.

It has also been argued that the people in West Irian are of various ethnic groups and therefore West Irian does not belong to Indonesia. Does this mean that the people of West Irian are ethnically more Dutch than Indonesian? If ethnic groups were to be the criteria, many of the Member States around this table would represent more than one ethnic group and would have to be disintegrated. Regardless of how many ethnic groups there are in West Irian and the rest of Indonesia, those people over the whole of Indonesia lived together for centuries, then strove for independence and later chose to form one entity, Indonesia. They exercised their right of self-determination in 1945 and need not exercise it again.

In our view, the Netherlands would be ill advised to keep believing that its presence is required because of a sacred trust given to it for a so-called civilizing mission in West Irian. The Netherlands is estopped from claiming that it could divide a country that is geographically and politically one on the grounds that the population of a certain part of that country is still immature and incapable of exercising the right of self-determination, and that part, West Irian, would be a separate part, according to the Netherlands thesis, from Indonesia. On the contrary, we feel that the future of West Irian and its development is with Indonesia, as a part of it. In our view the thesis of the Netherlands is not only one of "divide and rule" but one which is almost absurd because it seeks to divided Indonesia -- a sovereign State -- rule a part of it and frustrate the rest of Indonesia from undertaking the necessary development in all of its territory. It goes even further to imply a kind of aggressive spirit, or at least a lack of equality between new States, such as Indonesia, and older States, such as the Netherlands. It does not befit the age of the

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United Nations Charter and, above all, it does not befit the spirit of the day nor can it profit Dutch-Indonesian relations or promote the prestige of the Netherlands in Asia, Africa and elsewhere.

Apparently the Australian delegation supports almost unquestionably the Dutch theme. The Australian delegation would like to see Indonesia divided inasmuch as that befits Dutch-Australian desires. As a remedy for such a state of affairs, the Australian delegation finds nothing better than eventual self-determination for West Irian in the same manner as the Netherlands delegation.

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After more than a century of Dutch civilizing rule, the Australian delegation informs us that the Netherlands is offering these people the promise of self-determination as soon as they are able to make a choice. The Australian representative appears to be thinking of the whole island of Irian as a separate entity, to be separated in part from Indonesia for good, and as falling within the Dutch-Australian arrangement recently concluded. This implies a kind of alliance or joint action between the Netherlands and Australia. This is an approach to the problem fraught with dangerous consequences.

We appreciate the efforts on the part of Indonesia which give the United Nations, this year also, a chance to fulfil its mission. If, however, the United Nations is placed in a position whereby it cannot take the action suggested by the nineteen-Power draft resolution, limited as it is to laying down a procedure for finding a peaceful solution, then, naturally, the people of Indonesia could not but despair of seeking such proper means through the United Nations. They would be justified in seeking all other means at their disposal, short of war, in order to change the now adamant attitude of the Netherlands towards negotiation. Indonesia is entitled to our full moral support in doing whatever it can to safeguard its unity and territorial integrity by bringing West Irian into Indonesia proper. As a part of Indonesia West Irian could develop like the rest of the Indonesian homeland and attain its destiny of freedom with the rest of Indonesia. By the action they may take, the Indonesians would in reality be upholding the principles of the Charter of the United Nations.

Finally, may we express the hope that the moderate draft resolution sponsored by my delegation among others will be approved and that the principles of the Charter, as referred to in the draft, will be applied so that the counsels of prudence will ultimately prevail upon the Netherlands, as Indonesia's moderation must continue to encourage all those concerned to find ways of full co-operation and peace.

The meeting rose at 12.55 p.m.