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Chairman:

Mr. ABDOL

(Iran)

The question of West Irian (West New Guinea) [62]

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

Mr. Subandrio	(Indonesia)
Mr. Schurmann	(Netherlands)
Mr. Nuñez-Portuondo	(Cuba)
Mr. Rocha	(Colombia)

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AGENDA ITEM 62

THE QUESTION OF WEST IRIAN (WEST NEW GUINEA) (A/3644)

Mr. SUBANDRIO (Indonesia): In presenting the West Irian problem before the Assembly this year, I am well aware of the expectations of the majority of Member representatives around this table with regard to our proceedings. After all, this problem has already been discussed for three consecutive years and the arguments from both sides have been put forward with a strength commensurate to the convictions of the parties in dispute. I may assume, therefore, that all Member representatives are quite familiar with the force that lies behind the arguments of the disputants in advancing their respective claims. And what is more, I am inclined to think that many Members feel that nothing new can be expected either in the way of arguments or the search for a final solution, so that the discussion of this problem might seem, more or less, merely a routine matter and perhaps might even be regarded by some as an ornament of each annual session of the General Assembly.

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. People might think that it was disturbing and possibly disruptive of peaceful relations four years ago when the United Nations was for the first time notified about the conflict between the Netherlands and Indonesia. In fact, we all tend to be distressed when new additional conflicts are called to our attention and thus piled up upon the other still unsettled problems besetting our present-day world. On the other hand, one also cannot escape from noticing the tendency to get used to long-standing, unsettled disputes, no matter how grave they may have seemed to us when presented for the first time. As some members of the Netherlands Parliament stated recently, in so many words: "Well, everything is quiet in the disputed territory of West Irian; our relations with Indonesia are rather uneasy but still within the limits of mutual co-operation in many fields, so there will be no objections at all if the parties blow off steam in the forum of the United Nations."

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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, realizing full well that in so doing I may be accused of deliberate exaggeration or of harbouring some ulterior motives in proclaiming that this problem is a matter of emergency. I leave myself open to this onus especially since I know that the Netherlands desires nothing more than to maintain this dispute on the past quiescent level of agreeing to disagree. Moreover, I must expect that these feelings may also be shared by some other Members of the United Nations.

We have brought this problem before this Assembly in the strong conviction that the United Nations is one of the most important channels through which Member States can solve their disputes peacefully. We have placed all of our faith in the United Nations, believing that justice is guaranteed for all peoples irrespective of their national strength. In fact, as a new-born nation, we are not thinking in terms of power politics and, instead of building up our national defence against all imaginable threats from outside, we are concentrating on the rehabilitation and reconstruction of our national life, transforming the old somewhat mediaeval structure of the State in a manner more consistent with the requirements of a modern State. Of course, there are those States which, from the moment of their entrance into the comity of nations, concentrate immediately on ensuring, at all costs, their economic and military viability as the means for protecting their national existence against all possible assaults from outside.

Until now we believed that our basic national reflections would bear fruit not only in regard to the development of our internal affairs, but also in our relations with foreign countries. Perhaps somewhat naively, we had expected that in this age the integrity of national sovereignties would be respected by neighbouring countries since the force of international morality not only condemns but ultimately also undermines the Powers which aggrandize their territories at the expense of other nations. Apart from that, it might be expected that reference to the peaceful means of negotiation would be regarded by all nations as the primary principle for resolving disputes. Certainly, no country, even one of superior strength, should be given the prerogative of ignoring a request to negotiate lest such an attitude provoke the other party to the dispute also to concentrate upon

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building up its physical forces, which would lead to a rather hazardous situation, especially in our contemporary world where even the basic equilibrium between States has not yet been settled.

It is with this background in mind that I would like now to present the Indonesian viewpoint on the problem of West Irian.

I hope I shall not be expected to repeat all the arguments which have already been so extensively advanced in the previous sessions of this Assembly. We have our arguments and the Netherlands have theirs. The members of this Committee have listened to these arguments for three years, and no further refinement of them can alter the basic facts which are: that West Irian was a residency, an integral part of the former Netherlands East Indies and its administration; that West Irian is an integral part of the political entity known as Indonesia, the national name of the former Netherlands East Indies as recognized, since 1948, in the Netherlands Constitution itself; that Indonesian unity is based not on any theory of racial or ethnical unity but on a unity derived through centuries of living together, which is the true meaning and test of nationality, and consolidated in our common experiences under foreign rule; that the people of Indonesia, on 17 August 1945, proclaimed the independence of the whole of Indonesia and subsequently fought to secure that independence; that the Netherlands, in official agreements and in solemn pledges before the United Nations, undertook to promote the establishment of complete sovereignty of the whole of Indonesia; that, by the Charter of Transfer of Sovereignty, in 1949, the Netherlands Government was to transfer formally complete and irrevocable sovereignty over Indonesia and recognize thereby the independence of the Indonesian State; that formal transfer of sovereignty took place, irrevocably, on 27 December 1949; and, finally, that a dispute remained with regard to the political status of West Irian which it was agreed was to be solved by peaceful means, as soon as possible, within the year 1950.

These are the facts which no amount of argument can obliterate. Nor can the repetition of charges and counter-charges serve the purpose of achieving a solution of the problem. The presentation of opposing arguments can serve only to prove that the dispute still exists between the two parties, and even in a more aggravated

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manner. But we are not here to argue for the sake of arguing. The United Nations is an instrument for breaking down differences and thereby opening the way to the settlement of disputes such as the problem of West Irian -- a problem which was to have been solved within the time-limit of one year, but which today, nine years later, still exists in an even more aggravated form, constituting a continuous source of tension between the two Member States.

As stated in the explanatory memorandum (A/3644) submitted by the twenty-one Member nations which requested the inclusion of this item in the agenda of the present session of the General Assembly:

"The removal of this deterrent would be not only in the best interest of the two Governments concerned, but also in the highest interest of strengthening international peace and co-operation, in general, and in that vital region of the world, in particular."

And it emphasises the importance of further United Nations efforts in this matter, declaring:

"Needless to say, the continuance of the present situation is only likely to increase the dangers inherent in the dispute."

Indeed, this is the direction and conclusion towards which the facts concerning the problem of West Irian should lead us, instead of attempts to raise all sorts of pretexts to avoid a peaceful settlement in the common interest. These manoeuvres are even camouflaged as alleged solutions of the dispute. In this way, the term "self-determination" has lately been invented and introduced into the West Irian problem. May I remind this Committee, however, that the denial of West Irian to the Republic of Indonesia on this ground could be applied equally to the other Indonesian islands such as Ambon, Celebes, and so forth. West Irian has the same inter-regional relationship with the various territories of Indonesia as have all the other regional territories of Indonesia. As was explained to the Security Council on 22 December 1948 by the representative of the Netherlands, Dr. Van Royen:

"...the population of Indonesia consists of about seventeen ethnic and linguistic groups which, in their turn, contain still greater numbers of sub-groups."

And Dr. Van Royen went on to note, this being a matter in which the Dutch take great pride:

"The unity of Indonesia, which has gradually grown, is a product of common Netherlands sovereignty...Common existence under the Netherlands Crown has created a sense of Indonesian nationality and the will towards an Indonesian state..."

The application of the Netherlands concept of self-determination with regard to West Irian would mean, in fact, that we should accept also the same concept with regard to the other islands or regions of Indonesia and, consequently, accept the disintegration of the Indonesian national State.

Such a proposition is indeed strange, especially in the context of all the current efforts to achieve the reunification of countries which once were entities but which, during the course of their rebirth, split into halves due to influences or pressures from outside. The very same Powers which adhere to the principle of reunification are in the case of West Irian conducting a movement exactly in reverse of this principle. Moreover, this at a time when the principle of self-determination or integration is not only promoted to restore the sacred entity of a nation, but, with the growing consciousness of inter-dependence, is being more and more applied to foster the integration of a wide range of political, economic and social functions of States, if only to secure their survival in the future under the changing conditions of our world.

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If we are really sincere about the principle of self-determination, let us promote the freedom and complete independence of every nation which is today still struggling against an imposed colonial rule. Such an application is not only salutary in promoting the well-being of the people concerned and of the peoples of the world in general, but is also consonant with the raison d'être of the right of self-determination as enshrined in the Charter of the United Nations.

On the other hand, if we are inconsistent with regard to the term "self-determination", allowing ourselves to be tempted into devising and applying a double standard, then this principle is misused and becomes thereby the instrument of a policy of divide and rule in order to disintegrate nations and set one part against the other. In fact, what the Netherlands Government is doing to Indonesia in attempting forcibly to separate West Irian by maintaining that part of Indonesia under its colonial rule has been described in just these terms by a distinguished Dutch professor and scholar on Indonesian affairs, Dr. A. Teeuw of the University of Leiden in the Netherlands. In his book, entitled "The Conflict with Indonesia as a Mirror for the Netherlands", issued last year, Dr. Teeuw states very lucidly and frankly:

"...I simply cannot understand that one can deny the fact that Indonesia has just and strong rights on West New Guinea as part of its territory. In fact, the argument of historical continuity is here the first relevant. And again, we should have been proud to deliver to the world and world history this new state, ready and prepared -- right across all boundaries and borderlines. Instead, we have amputated it. We have cut off a part of its limb which still is dubious whether it can live independently all by itself. And with this amputation we have done pain to the rest of the body."

This is what the Netherlands is doing to Indonesia. And we of Indonesia are struggling against this amputation, against the pain inflicted upon us and for the complete reunification of Indonesia -- a principle justified and upheld by world public opinion and the United Nations in so many other cases. This is our national cause: the unity of Indonesia, which we claim as our right. Certainly, the amputation which the Dutch are performing upon our national body cannot be

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justified or condoned. We have suffered this pain now for nine long years. And even before, at the inception of Indonesia as a sovereign State, there were Powers which harboured the idea of splitting Indonesia into several smaller States as a means of continuing their policy of economic control and exploitation even after the proclamation and establishment of our national independence.

But from this forum I would remind anyone who may still entertain such wishful ideas that they are doomed to failure. The whole Indonesian people -- irrespective of the island or region in which they live -- already have evolved their social and national conscience very far indeed. Moreover, contrary to what is desired, thinking in terms of promoting the disintegration of Indonesia might well mean the end not only of our active independent policy, but also of the present democratic character of Indonesia and its transformation into a kaleidoscope of different political systems. Such a development under present world conditions and exigencies would certainly not increase the stability and security of this region and, I venture to say, might even endanger the security of the whole of Asia with all the consequent effects on international stability.

As I have said before, some Members may regard the consideration of the West Irian problem in the United Nations as a matter of routine on the grounds that, with the passage of time, this problem seems more and more to be losing its urgent character. But such an assumption overlooks one important fact. We have come to the United Nations with the sincere conviction that peacefully, without any display of power, we can solve this dispute with the Netherlands through negotiations. In the nine years that this dispute has existed, the Indonesian Government has always tried to solve the problem vis-à-vis the Netherlands by peaceful means, proposing both bilateral negotiations or negotiations with the assistance of the United Nations. In fact, since 1950, several conferences have been held between Indonesia and the Netherlands, the last being the one in Geneva, Switzerland, from December 1955 to February 1956. The two Governments discussed problems of mutual concern at these conferences but, unfortunately, the problem of West Irian was dealt with only in the negotiations of December 1950 and those from December 1951 to January 1952. Nevertheless, and despite the absence of an agreement, we felt that progress towards understanding of the problem had

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certainly been made and that it would be not at all inconceivable that further patient negotiations could bring both parties closer to a final solution of the dispute. As to the issue of sovereignty, if we stick blindly to this aspect of the dispute, on which the attitude of both parties is well known, no solution seems possible. But I have reason to believe that this issue of sovereignty could play a far less decisive role for the Netherlands, especially if it would care to consider the issue in the broader context of Netherlands-Indonesian relations as a whole and, moreover, projected on to the present-day international scene. Viewed from this point, negotiations between Indonesia and the Netherlands should not necessarily be doomed to failure. What we have been asking up till now, directly or indirectly through this Organization, is a conference with the Netherlands on the question of West Irian, at which we would certainly also be prepared to discuss other problems of interest to both parties.

But if, notwithstanding these considerations, our four years of frantic efforts for negotiations, even to the point of suppressing our national pride, should prove to be of no avail, no one should be surprised if sentiment in Indonesia continues to rise. No nation with any sense of self-respect can continue to allow its reasonable request for negotiations to be ignored, mainly because the other party thinks it can afford to take such an attitude on the basis of its present superiority in physical strength. This is a very dangerous attitude to assume and might lead to unforeseen and undesirable -- even explosive -- events in the international field. If we are forced to relinquish our present preoccupation with peaceful, constructive activities in the domestic sector and international field and instead concentrate on building up our physical strength, the prevailing fundamentals of our foreign relations may change in character, too.

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More than that -- if it is to be assumed that the Netherlands will accept negotiations only if Indonesia possesses a certain level of physical strength and, further, that our physical strength alone will discourage neighbouring countries from laying claim to parts of our territory, for whatever reason, then it would follow that international relations cannot lead to peace and stability. Such a mode of conduct might be called the rule of international law, or it might be called by any other name, but, in reality, it would be nothing else than the law of the jungle, under which the strong prevail at the expense of the weak. Under such a proposition, there would be no room in this world for either the Netherlands, or Indonesia or Australia.

In this connexion, a matter that is creating additional concern in my country, and perhaps in other countries of Asia, is the joint statement of the Netherlands and Australia, issued on 6 November, with regard to their future policy in West Irian and East New Guinea. To the Indonesian people, the meaning of this joint statement is still somewhat of a mystery. I know from both its official statements and its Press reports that the Netherlands is jubilant about this document and presumes that the document represents the best device by which to counter any request in the United Nations from the Indonesian Government for a peaceful settlement of the problem of West Irian. Judging purely from the actual contents of the joint statement, one is indeed inclined to raise the question whether, unless other implications are contained than those openly mentioned, it was really necessary to issue this joint statement. After all, it is general knowledge that the Netherlands and Australia have, in the past few years, annually held a conference for the purpose of co-ordinating their policy in West Irian and East New Guinea, as well as of reaffirming their common stand towards Indonesia. Consequently, we fear that we cannot but interpret this joint statement as also having military implications. Rumours to that effect are widespread and, so far, no denial or clarification on this point has been issued either by the Netherlands or by Australia. Moreover, this concern over the joint statement has increased owing to recent reports that arms shipments are flowing from the Netherlands to West Irian.

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And I may add in this respect that, even should the Netherlands or Australia be able to deny the existence of a military pact, any kind of alliance directed against the country with which a dispute exists can only degenerate into a military alliance, especially when the policy of these countries in regard to West Irian is based upon the preponderant physical force at their disposal. I hope, therefore, that this Assembly, and in particular the Netherlands, will not ignore our concern.

As I have already stressed, our basic national policy has never been dedicated to building up our national defences to guard against possible inroads upon our sovereign territory. But, if we are forced to do so, we are certainly not helpless. If we felt that our national security was threatened by alliances of certain countries, one thing is certain: we would not stand quietly by while our fate was decided from outside, but would adjust ourselves to the exigencies of the new situation. Till now, we have been led to believe that military alliances have been established in Asia to stem the possible expansionism of foreign ideologies. But if alliances of Western Powers are now directed against Indonesia, the whole psychology of Indonesia -- and perhaps of Asia as a whole -- with regard to the West might be imbued with new doubts. Were this to happen, it would be tragic indeed for all of us.

It might be said that this is too gloomy a picture of the dangers inherent in the indefinite prolongation of the dispute over West Irian. In fact, propaganda has been widely spread, through the medium of the world Press and radio, that Indonesia has to make the West Irian affair flare up in order to cover up internal difficulties. The disintegration of Indonesia is already a fait accompli, according to some reports published in the foreign Press. Indeed, reading the news distributed about Indonesia in certain parts of the world, one is practically led to believe that no one can safely or freely walk in any part of my country.

We have up to the present survived the rather strange predictions from some foreign quarters. And let me add that I never lose hope that, before long, Indonesia will also outlive the rather uncomprehending and consequently sensational attitude prevailing in these quarters.

(Mr. Subandrio, Indonesia)

I am the first to admit that we are facing difficulties in Indonesia for the simple reason that we are in the midst of building up a modern democratic State from the ruins left by the Netherlands administration and its colonial war. But already we can be proud of certain achievements, such as those in the educational field where, for instance, from a legacy of less than one million children attending primary school before the war, there are today more than nine million pupils attending primary school. What is more, Indonesia's greatest achievement is that it survived the first days of the transfer of sovereignty -- and this is a country left by the colonial administration in the most chaotic condition, as a result of the years of the Second World War and, then, our four-year war of independence against the Netherlands. And with only a handful of skilled technicians and administrators -- about 1,000 medical doctors, 200 lawyers and 50 graduate engineers -- we have surmounted all obstacles in guiding the affairs of more than 80 million people spread over thousands of islands, in an area as large as Europe from Ireland to the Black Sea and from Stettin in the North to the Mediterranean in the South.

As proof of the progress made in the field of education and technical training in the years since the independence of Indonesia, I can now state -- and I say this without boasting -- that we are today in a position to send 1,000 primary school teachers and 500 nurses to West Irian, in order to accelerate progress in the field of education and social care in that part of my country, also.

It may be true that on the basis of standards prevailing in Europe we are still far behind. Nor has tranquility of life as yet been achieved in this period of rapid national growth. But no one can deny that the achievements of independent Indonesia are a thousand times greater than those of our brothers in West Irian, still living under Dutch colonial rule. With all respect for the technical ability of the Netherlands, I would say that this alone cannot serve the Netherlands in effectively dealing with the problem of educating and training the Indonesians in West Irian so that they may lead responsible and useful lives in a free society. Feelings of equality and of brotherhood are certainly the most essential requirements in promoting technical and managerial know-how among people. We know

(Mr. Subandrio, Indonesia)

of many countries where the minority possessing great technical know-how is apparently unable to spread this knowledge among the masses. Indeed, let us beware of repeating past misdeeds towards our fellow human beings by allowing West Irian to be turned into a colony for white settlers, thus freezing the present status of the Indonesians, the native population in that territory.

These are the many aspects of the problem of West Irian, which make a speedy and just solution imperative. I say this not only with the interests of Indonesia in mind but with these interests projected within the broader context of those of the world as a whole. I am aware of the dangers and exigencies of the present state of international affairs, as illustrated by recent events and developments in the world. It was because of this awareness, too, that the twenty-one Member States, in requesting the inclusion of the West Irian item in the agenda, stressed that:

"the continuance of the present situation is only likely to increase the dangers inherent in the dispute"

and that:

"In these circumstances, it is incumbent on the General Assembly, utilizing adequate measures and machinery, to promote a peaceful solution ~~at~~ of this long-standing political dispute. Such an endeavour on the part of the General Assembly would be consonant with the purposes and principles of the Charter." (A/3644, page 4)

And I may add that that would be in the best interest also of our changing world community. We do not live in a static world or in a world which cannot be harmed by the prolongation of such an unsettled political dispute in a sensitive region of the globe.

(Mr. Subandrio, Indonesia)

These are the present-day realities which we should not be afraid to face. I have tried to state the facts and their implications frankly and honestly in the light of the present situation in Indonesia and of the persistent attitude of the Netherlands and Australia, taking into account the developing world political and military situation.

Yet, there is no reason to be without hope. I myself and, indeed, the Indonesian Government have not excluded the possibility of emerging from this impasse in a manner which may contribute to the betterment of international relations as a whole. That is why we have come here again, still preferring to seek a settlement through the United Nations, although it is difficult to say whether this might not be our last effort in this direction. The patience of a people is not inexhaustible.

What then, one might ask, can the United Nations do? In our view, it can do a great deal towards promoting the search for a solution of the dispute. The Charter certainly provides many ways and means for doing so which it is our duty to grasp. Indeed, it only depends upon whether or not we really want a solution of the dispute. If we do want a solution, then there will be no difficulty at all in finding a way consonant with the principles and purposes of the Charter.

Indonesia, as always, stands ready to co-operate fully in such an endeavour as we remain of the conviction that such a peaceful way of resolving this problem would be in the common interest. We leave the door open to negotiations, believing that such a recommendation from the United Nations would, aside from every other consideration, also enhance the prestige of the United Nations in the eyes of my people and, in fact, in the eyes of the whole world which longs for peace and justice. Accordingly, my delegation is prepared to accept a resolution which will establish an adequate procedure or instrument for assisting both parties in finding a peaceful solution of this dispute which already has remained unsolved for too long as a growing cancer in the relationship between the Netherlands and Indonesia.

May I stress here once again that the normalization of the relationship between Indonesia and the Netherlands, which can be brought about in the course of attaining a solution of the West Irian issue, will be beneficial not only in the interests of the two countries concerned but also in the real interests of the international community as a whole, including, of course, our neighbour Australia.

(Mr. Subandrio, Indonesia)

This is the proposition that I present to this august body, in full awareness of the present situation and my responsibilities in regard to it.

Mr. SCHURMANN (Netherlands): There are some masterpieces of music and some lines of great poetry which, no matter how often heard and repeated, yet continue to hold the same fascination and to exert an eternal attraction. It is not so, I fear, with the more prosaic and mundane debates in the various organs of the United Nations. When the differing points of view in regard to a question have once been fully and clearly stated and amply discussed, a repetition of the arguments adds little to their impact and risks becoming frankly boring. This law of diminishing returns operates even more strongly in a case like the present, which appears on the agenda of our Committee for the fourth time in four successive sessions of the General Assembly and which was debated during six of its meetings only nine months ago. In all, more than 200 speeches on the subject of Indonesia's claim to Netherlands New Guinea have been made in the United Nations during the last three years and it would, therefore, be presumptuous on my part to expect that I could add much new material to the pleas and propositions, the reasonings and dialectics to which so many of those here today have already listened so often.

With these considerations in mind, the Netherlands delegation has decided to give proof of its respect for the natural feelings of many fellow representatives by sparing them, in this, our first intervention in the present debate, a full exposé of the Netherlands' point of view with all its factual data, premises and conclusions, as well as an exhaustive demonstration of all the errors and flaws in the Indonesian reasoning. All these facts and contentions are to be found in the records of the sessions of previous years, and it may well be that we will have to refer to them again in later interventions. Today, however, I would limit myself to the tracing, before the members of this Committee, of what I would call a silhouette of the main features of the Netherlands Government's basic thoughts on this subject, and to the indication of some of the chief reasons which have determined the stand of the Netherlands Government. That stand can be summed up briefly in four points:

(Mr. Schurmann, Netherlands)

Firstly, the Charter of the United Nations imposes on the Netherlands, as the Power which has the responsibility for the administration of the territory of Netherlands New Guinea, the duty to recognize the principle that the interests of the inhabitants of that territory are paramount; to take due account of their political aspirations and to assist them in the progressive development of their free political institutions, according to the particular circumstances of the territory and its people and their stage of advancement; and to respect the principle of their self-determination. All these words are taken literally from the Charter.

Secondly, by agreeing to hand over to Indonesia the territory of Netherlands New Guinea, together with its inhabitants, without having previously ascertained whether such a transfer would be in accordance with the wishes of those inhabitants-- or even by entering upon negotiations with Indonesia about the possibility of a change in the status of Netherlands New Guinea -- the Netherlands would be forsaking its duty to the inhabitants, whose well-being and protection it is pledged to ensure and to promote, and also to the international community represented by the United Nations.

Thirdly, the Netherlands has given its solemn promise to the inhabitants of Netherlands New Guinea that it will grant them the opportunity, as soon as they are able to express their will, to decide for themselves their own political future.

Fourthly, for these reasons the Netherlands cannot and will not comply with any Indonesian demands for annexation of Netherlands New Guinea or enter upon any negotiations concerning the future status of that territory, without its inhabitants having exercised the right, granted to them by the Netherlands, of deciding their own political future.

That is, as briefly and succinctly as I can put it, the stand of the Netherlands Government on the question of Netherlands New Guinea. With your permission, I should now like to make a few comments on that stand.

(Mr. Schurmann, Netherlands)

First of all, I would endeavour to give an answer to those of my fellow representatives who might be inclined to ask whether the Netherlands should not recognize that there is a dispute over the territory of Netherlands New Guinea between the Netherlands and Indonesia, "the continuance of which is likely to endanger the maintenance of international peace and security" (Article 33 (1)), and whether the parties to that dispute should not seek a solution by negotiation.

The argument that there is a dispute and that there must therefore be negotiations, seems attractive by its simplicity; but, like so many simplifications, it is fallacious because it does not do justice to the facts of the case. In order to demonstrate this, I shall have to recall briefly some of the happenings which took place in 1949 and in subsequent years.

Let me first make clear, however, that the dispute which remained between the Netherlands and Indonesia after the signature of the Round Table Conference agreement did not concern the existing sovereignty over Netherlands New Guinea. That question was settled once and for all by the agreement that was then reached. The dispute which remained -- at which it was stated that it remained -- related solely to the future status of the territory, which would emerge if the parties could agree on either the maintenance of the existing status or on a change in that status.

When the transfer of sovereignty over Indonesia was negotiated at the Round Table Conference -- which was held at The Hague in the second half of 1949 and which resulted, among other things, in the Netherlands-Indonesian Union -- there were four groups taking part in the negotiations. These groups were delegations of the Netherlands, in the first place, of the Republic of Indonesia, in the second place, and of the Federal Consultative Assembly, as it was called; and the fourth group was the United Nations Commission for Indonesia. The delegation of the Republic of Indonesia represented part of Java -- one of the larger out of the 3,000 islands that make up the Indonesian archipelago; the delegation of the Federal Consultative Assembly represented the fifteen other territories of Indonesia which had jointly adopted a provisional federal government. The transfer of sovereignty to Indonesia was made, on 27 December 1949, by the Netherlands to the Republic of the United States of Indonesia and accepted by that Republic on the basis of the terms of its Constitution, which had been annexed to the agreement.

(Mr. Schurmann, Netherlands)

That Constitution of the Republic of the United States of Indonesia, which had been worked out and agreed upon by the delegation of the Republic of Indonesia and the delegation of the Federal Consultative Assembly -- which two groups jointly formed the whole of Indonesia -- defined the Republic of the United States of Indonesia -- that is to say, the new Republic -- as "a democratic state of federal structure, governed by justice". Article 43 of the Constitution provided that -- here I quote from the official translation, for which, by the way, I am not responsible nor for the oddity of its English phrasing:

"The fundamental principle for the completion of the federal structure of the Republic of the United States of Indonesia shall be that the through democratic means in freedom expressed desires of the population of the territories concerned shall be conclusive for the ultimate status of these territories in the federation."

One of the agreements signed at the Round Table Conference was the so-called Agreement on Transitional measures. Article 2 of that Agreement reads as follows:

"1. The division of the Republic of the United States of Indonesia into component states shall be established finally by the Constituent Assembly in conformity with the provisions of the Provisional Constitution of the Republic of the United States of Indonesia with the understanding that a plebiscite will be held among the population of territories thereto indicated by the Government of the Republic of the United States of Indonesia upon the recommendation of the United Nations Commission for Indonesia or of another organ of the United Nations, under supervision of the United Nations Commission for Indonesia or the other United Nations organ referred to, on the question whether they shall form a separate component state.

"2. Each component state shall be given the opportunity to ratify the final Constitution. In case a component state does not ratify that Constitution, it will be allowed to negotiate about a special relationship towards the Republic of the United States of Indonesia and the Kingdom of the Netherlands."

(Mr. Schurmann, Netherlands)

It is obvious that these two documents, signed at the Round Table Conference at The Hague in 1949, established a certain right of territories to exercise self-determination, both in respect of their position within the Federal Republic and in respect of the possibility of negotiating with the Republic of the United States of Indonesia and the Kingdom of the Netherlands a special relationship outside that Federal Republic.

Consequently, when the Netherlands agreed with Indonesia at the Round Table Conference that the status quo of Netherlands New Guinea -- and that status quo was a territory under Netherlands sovereignty -- would be maintained and that the Republic of the United States of Indonesia and the Kingdom of the Netherlands would, within a year, determine its future political status through negotiations about a status either within or outside the Federal Republic of the United States of Indonesia, then, at that moment, such negotiations were possible; such negotiations were not contrary to the Charter of the United Nations; and such negotiations might have been fruitful.

The negotiations to which the Netherlands had agreed were held; and they were held not only during one year, but during several years. Unfortunately, they remained sterile.

(Mr. Schurmann, Netherlands)

Why? They did not remain sterile because the Netherlands refused to consider any reasonable solution of the dispute. On the contrary, we made several suggestions to Indonesia which would, if they had been accepted, have achieved for Netherlands New Guinea a position in accordance with what the Charter of the United Nations calls the particular circumstance of the territory and its people and its stage of advancement, with due respect for its culture, its political, economic, social and educational advancement, its just treatment and its protection against abuses.

Indonesia, on the other hand, turned down all proposals and insisted that the territory and its population should be annexed to Indonesia, without its population being given the chance to exercise its right of self-determination.

This, however, is not all. First, in 1950, barely a few months after the two Indonesian delegations to the Round Table Conference had declared to agree to the Constitution of the Republic of the United States of Indonesia, and after they had there declared -- and I quote from the official translation:

"We, the Delegations" -- that is to say, the two Indonesian delegations, not the Netherlands delegation -- "as a proof thereof, have further initialled this Charter of Agreement, God Almighty bearing witness of the true inclination and the earnest desire of the Indonesian People and Country to bring about the draft of the Constitution of the Republic of the United States of Indonesia",

barely a few months after that solemn statement had been signed, the Republic of the United States of Indonesia and its Constitution were swept out of existence and they were replaced by a unitary State called, as it is still called, the Republic of Indonesia, in which there was no place for any federal States or territories, nor for any special relationship of any territory either with Indonesia or with the Netherlands.

Secondly, in 1956, Indonesia unilaterally declared that:

"it no longer considered itself bound by the Union Statute or by any of the agreements and exchanges of letters attached thereto".

Shortly afterwards, the Indonesian Parliament adopted a bill on the complete abrogation of all Round Table Conference Agreements.

Thus, not only did Indonesia, by explicitly repudiating all agreements reached at the Round Table Conference, lose the right to insist on compliance with any obligation which the Netherlands might still have been deemed to have had to continue the negotiations agreed to in that Conference, but it also, by its own actions, demolished the basis on which any solution, compatible with the principles of the Charter of the United Nations, as well as any negotiations aimed at finding such a solution, would have been possible.

That this is so becomes clearly evident when we consider what it is that Indonesia has now been trying in vain for three years to make the Assembly do, which is the same as what it is again endeavouring to achieve this year. Indonesia's aim each time has been, and it still is today, to persuade the Assembly to urge the Netherlands to negotiate with Indonesia on what Indonesia calls "the question of West Irian". That sounds, of course, gentle and innocent enough, but what is it that Indonesia wishes the Netherlands to negotiate with it? It is not a solution to be found and reached by common consent, about a possible future status for Netherlands New Guinea, a solution that would take into account the wishes of the inhabitants of that territory. It is nothing of the kind. What Indonesia wishes the Netherlands to do, and what it desires the General Assembly to urge the Netherlands to do, is, in the first place, to recognize that Netherlands New Guinea is legally a part of the Republic of Indonesia and that the Netherlands is illegally occupying that territory; and in the second place, to arrange with the Republic of Indonesia for the transfer of its administration of that territory to the Republic of Indonesia without previous consultation of the population of the territory as to its wishes in the matter.

Time and again the highest Indonesian representatives have stated that the Republic of Indonesia will be content with nothing less and that all negotiations which will not be held on the basis of these assumptions will be useless.

(Mr. Schurmann, Netherlands)

As to the first assumption, that is, that Netherlands New Guinea is legally part of the Republic of Indonesia, the sovereignty over that territory having been legally transferred to the Republic of Indonesia under the terms of the Round Table Conference Agreements -- agreements which, by the way, Indonesia itself has repudiated -- as to that assumption, that is clearly a contention regarding a question of law and in particular a question of interpretation of an international agreement.

Such legal questions cannot be decided by the General Assembly, which is a political body. The Netherlands has offered to agree that Indonesia should submit that question to the International Court of Justice, and that offer has been repeated each time that we have spoken here. But Indonesia has persistently refused to do so. If Indonesia had any faith in the justice of its case, it seems to me that it would no doubt have availed itself of this opportunity.

The second assumption -- and that was that the General Assembly should bring pressure to bear on the Netherlands to deprive the population of Netherlands New Guinea of its right of self-determination -- is one that is so contrary to the principles of the Charter of the United Nations that it is not to be contemplated that the General Assembly could ever agree to be an accomplice to such an ignominious transaction.

(Mr. Schurmann, Netherlands)

In order to impress upon the Assembly the necessity of taking the action Indonesia requested, Indonesia has repeatedly stated that the situation in Netherlands New Guinea was likely to endanger the peace. This contention of course did not sound very convincing to a world which was well aware that perfect peace, law and order reign in Netherlands New Guinea and that there is no desire on the part of the population there either to oppose the policies of the Netherlands Government or to submit to the alien rule of Djakarta, 2,000 miles away.

Therefore, this year the Indonesian Government has evidently reasoned that if there was no threat to the peace, well then, it could itself create one. On 3 October 1957, that is last month, during the general debate, Mr. Subandrio, the Minister of Foreign Affairs of the Republic of Indonesia stated that:

"The only question is whether the United Nations is the place where its solution" -- that is the solution of this question -- "may be worked out, or whether we must embark upon another course, even at the risk of aggravating conditions in Southeast Asia and perhaps inviting cold war tensions to muddy further the waters of peace in that region of the world." (A/PV.700)

On 7 November, President Sukarno, the President of the Republic of Indonesia declared:

"So far we have pursued the struggle for West Irian's freedom to the United Nations. However if the United Nations fails us, we will resort to methods which will startle the world."

Meanwhile the Indonesian Government established a so-called Committee of Action for the Liberation of West Irian. That Committee was headed by none other than Mr. Sudibjo, the Minister of Information of the Republic of Indonesia; it was therefore an official body. That Committee announced that it would make the fundamental preparations for the liberation of Netherlands New Guinea in three stages. During the first stage -- which has already taken place -- a number of outrages were committed against Netherlands nationals in Indonesia, resulting in damage to their property. I am sure that the members of this Committee are well aware of these facts.

(Mr. Schurmann, Netherlands)

It is important that there should be no misconception concerning certain points of this action.

First, that action is not emanating from the Netherlands Government nor from any Netherlander, either in the Netherlands, or in Netherlands New Guinea or in Indonesia, but solely from the Indonesian Government.

Secondly, that action does not affect the situation in Netherlands New Guinea, which is still completely peaceful, orderly and undisturbed.

Thirdly, if there is any threat to the peace, that threat does not come from the Netherlands, it comes from Indonesia.

These manifestations are therefore not only unseemly in themselves, but if they should be intended to be used as an argument in this debate, then they would constitute a wholly objectionable and impermissible effort at intimidation of the General Assembly, which cannot, in good conscience, lend its ear to a Member State which seeks to impose its will by threats.

In spite of these regrettable happenings the Netherlands Government will not be deflected from its peaceful course, a course which aims at the protection of the population of Netherlands New Guinea and the promotion of their advancement and well-being until such time -- and my Government will do everything in its power to bring that time closer -- when that population can pronounce its own wishes in respect of its own political future. What that pronouncement will be, it is not for us the Netherlands, nor for Indonesia nor for anyone else to prejudge. Should the population ultimately decide that it wishes to join Indonesia, the Netherlands Government will not oppose that claim and that wish. But gouverner c'est prévoir and the Netherlands Government would therefore fail in its duty if it did not envisage the possibility of a much more likely development, namely, that the population of Netherlands New Guinea will eventually desire to cast its lot with the inhabitants of the rest of New Guinea to the East of the artificial boundary which now divides on paper the Western Netherlands part of the island from the Eastern Australian part.

(Mr. Schurmann, Netherlands)

Moreover, Article 73 d of the United Nations Charter imposes on administering powers the obligation to co-operate with one another with a view to the practical achievement of the purpose set forth in that Article. Such co-operation between the Netherlands and Australia, I am happy to say, has been actively pursued for several years.

Recently, the Netherlands and Australian Governments have issued the following statement on the aims and principles of this co-operation. I think the text of this statement is the best answer to certain doubts which have been raised about the intentions of the two Governments. That text is as follows:

"The Netherlands and Australian Governments base their policies with regard to the territories of New Guinea, for which they are responsible, on the interest and inalienable rights of their inhabitants in conformity with the provisions and the spirit of the United Nations Charter.

The territories of Netherlands New Guinea, the Australian trust territory of New Guinea, and Papua are geographically and ethnologically related and the future development of their respective populations must benefit from co-operation in policy and in administration.

The Australian and Netherlands Governments are therefore pursuing, and will continue to pursue, policies directed toward the political, economic, social and educational advancement of the peoples in their territories in a manner which recognizes this ethnological and geographical affinity.

At the same time, the two Governments will continue, and strengthen, the co-operation at present existing between their respective administrations in the territories. In so doing the two Governments are determined to promote an uninterrupted development of this process until such time as the inhabitants of the territories concerned will be in a position to determine their own future."

(Mr. Schurmann, Netherlands)

Without prejudicing the decision which the populations of the two parts of the island will eventually have to make for themselves, this statement of policy opens a vista of a possible future development that would lay a sound basis for the existence of the population of the whole of New Guinea in the modern world.

In this intervention I have endeavoured to show that the dispute between my country and Indonesia should not be regarded as merely a quarrel about a piece of property owned by the one and coveted by the other. What is at stake is the future of one of the largest islands in the world, the right of its population to choose its own road into that future and the maintenance of the principles that have inspired the Charter of the United Nations.

Beside these great issues, all other considerations appear of minor and secondary significance. I shall therefore not enter into them at this stage. But I do reserve the right of my delegation to answer the Indonesian arguments in detail if we should find it necessary to do so at some other time during the debate.

Mr. NUÑEZ-PORTUONDO (Cuba) (interpretation from Spanish): Speaking for myself as well as for my Government, it is always sad, because of the precepts of the Charter, to be forced to take part in a debate where apparently irreconcilable points of view are expressed by two peoples and two Governments with both of which Cuba has maintained and continues to maintain very cordial relations. To this we must also add that their permanent representatives at the United Nations have always been extremely friendly toward all members of the permanent mission of Cuba.

This situation forces us to try to be as objective as possible in our statement and to repeat the opinions that our Government has expressed at previous sessions of the Assembly. Before we consider the question itself, it might be correct to recall that Cuba played a very important part in the United Nations in the recognition granted by the Netherlands to the independence of Indonesia. At that time, we were honoured to be a member of the Security Council and our voice was often raised to defend the principle of self-determination of the Indonesian people. Our attitude was understood by the delegation and Government of the Netherlands and never did we hear from them one word of resentment for this attitude that we had taken in accordance with what we considered to be both the letter and the spirit of the Charter of the United Nations.

(Mr. Nufiez-Portuondo, Cuba)

With that same sincerity we repeat now what we said earlier -- that our delegation considers that the Charter of the Transfer of Sovereignty of Indonesia did not include the transfer of West New Guinea. That territory was expressly excluded in article 2 of that charter. Article 2 states very clearly:

"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 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." (S/1417/Add.1, page 92)

The reason why West New Guinea was not included in the Charter of the Transfer of Sovereignty by the Round Table Agreements was because the Government of the Netherlands considered that there was no justification to cede part of the island of New Guinea to the Republic of the United States of Indonesia since the island was inhabited by Papuans who are an entirely different people from the Indonesians with no racial, cultural, religious or national affinities and the island could not even be imagined as part of the Indonesian nation. It is only necessary to say that we share the views expressed at that time by the Netherlands Government.

It is the opinion of the Cuban delegation that this entire question is a typical case of the type of problem to be submitted to the International Court of Justice so that a just interpretation could be given to the Round Table Agreements. The Government of Indonesia was unwilling to follow this procedure which had been proposed by the Government of the Netherlands.

Today, we are confronted with a very peculiar situation. Indonesia is basing its right to West New Guinea on the Round Table Agreements with the Netherlands. But the truth of the matter is that the Government of Indonesia has unilaterally abrogated all the Round Table Agreements, including the Charter of the Transfer of Sovereignty from which came the right to negotiate on the political status of West New Guinea in the first place. This means, at least to the Cuban delegation, that the instrument recognizing the presumed right to make a request has been annulled by the sole will of one of the parties. Therefore, juridically it has no right to ask that provisions cancelled by its own will should now be applied.

(Mr. Nuñez-Portuondo, Cuba)

We cannot understand how mention can so frequently be made in the United Nations of the principle of self-determination of peoples and how the General Assembly -- that really should not have competence to do so -- can be expected even indirectly to support the idea that the sovereignty of West New Guinea be transferred to Indonesia without taking into account the will, needs and desire of the Papuan people. It is as though something that does exist did not exist. But something does exist here, and it must be applied if our decisions are to be handed down with what we consider to be justice.

Ever since Indonesia became an independent and sovereign State, it has suffered fundamental changes in its domestic structure. None can deny that this is an exclusive right of the people of that country and we recognize it as such. But we deem essential the need to know the opinion of the Papuan people in order to find out whether that people is in agreement with the Transfer of Sovereignty, since after all the conditions covering such a transfer have radically changed. The absence of the Papuan people in this transfer of sovereignty which is sought here is not, we believe, in keeping with the provisions of our Charter. Nor does it fulfil the principle of self-determination contained in the Charter. This principle cannot be applied by taking into account only the part of the world where we want the people freely to determine their own fate. It must be applied equally everywhere.

My friend and colleague Ambassador Carlos Blanco of Cuba in his brilliant statement last year posed a certain number of questions to which no answers have so far been forthcoming. For example: Can the United Nations encourage and carry out the transfer of one territory under the sovereignty of one Member to another Member when our Organization is in duty bound to respect the territorial integrity of the people of the territory in question?

(Mr. Nuñez-Portuondo, Cuba)

Can the United Nations allow this to happen without taking into account the will of the inhabitants of the territory, people who are parties to the controversy? If such an event took place, would it not tear to shreds Article 73 of the Charter? Reflect for a moment what this entire action might represent for the Trusteeship System as a whole.

We cannot accept the Indonesian idea because it overlooks Article 73 of our Charter. I think that New Guinea is the largest island in the world. At present part of it is administered by Australia. As far as we know, Indonesia does not claim that that part is included in the Round-Table Agreements that were signed only by the Netherlands and Indonesia. If West New Guinea were to be handed over to Indonesia, and not the Australian part, which is logical, it is obvious that the Australian-administered part could never become an independent State in accordance with the principles of self-determination. This might occur in the future, as has been publicly offered by the Governments of Australia and the Netherlands if the status quo is maintained.

The Cuban delegation will not be able to vote in favour of draft resolutions which, either directly or indirectly, go counter to the points of view that we have expressed. So far, we have merely expressed our opinion, and I do not think that we can have caused either of the parties to this dispute any suffering or harm.

We have not wanted to comment on the arguments that were raised to accuse the Netherlands of colonialism. This is done very often because, if we strip the problem down to its bare essentials, it would be a question of two different colonialisms in dispute.

We are limiting ourselves in the First Committee to considering what we can do in this Committee on this question. We hope that prudence will regulate the future relations between Indonesia and the Netherlands. They are both Members of the United Nations, and they have both committed themselves to maintaining the principles and purposes, as well as every Article, of the Charter.

Mr. ROCHA (Colombia) (interpretation from Spanish): I have listened with great interest and attention to the statements made in the first place by the representative of Indonesia and then by the representative of the Netherlands. The debate has just begun, and I should like to express some points of view which might warrant consideration on the part of delegations, beginning with my own. I wish to make these points of view known before the debate goes too far because I feel that thus in the course of future statements, we might receive further clarification regarding the views expressed this morning by the delegations of Indonesia and the Netherlands, and also perhaps some further clarification may be forthcoming regarding the position taken by the delegation of Cuba.

After all, the Cuban delegation has already made up its mind. I have not. I am not a veteran in the debates of the First Committee of the United Nations. May I point out in passing that this year is my first year with the First Committee. As I look around this room, I see no friendly faces. So I should like to think aloud about some things in order to see whether these matters can be clarified for me during the course of future statements.

I know that my Government may well have made up its mind concerning certain questions. My Government is of course as yet unaware of the draft resolution that was distributed to us only today. I shall obviously transmit my doubts to my Government and in due course, as these doubts are cleared up, I shall be able to act in a better way. I do not think it would be out of order for the parties that have brought this question to the United Nations -- one submitting its ideas on the matter and the other contradicting it -- to hear the voice of a country that has taken no stand on this matter. I know that at previous sessions of the Assembly the Colombian delegation abstained in the vote or even, I believe, voted against the suggestions that supported the Indonesian stand.

I have heard -- and these are mere notes that I took during the course of today's speeches -- mention of a number of problems, and I wonder if they are all political. I wonder if the political problem is not dependent on the prior solution of a legal problem. Does the Netherlands have the right to maintain its colonial domination over part of an individual State? I think that this was something that was submitted to us today for our consideration. When I ask

(Mr. Rocha, Colombia)

if the Netherlands has the right to maintain its colonial domination over an independent State, I refer to the Republic of Indonesia as an independent State; that is to say, whether the Indonesian Republic can have part of its territory lopped off from it over which it has sovereignty, that part being the island known as West Irian or West New Guinea. In other words, the Netherlands held back its sovereignty on this island while granting sovereignty to the rest of Indonesia.

Here I believe the first problem to be a juridical one, and that is to determine the territorial size and scope of the Indonesia that became independent in 1949 because if we state that the Netherlands still holds part of an independent State, it is because we feel that part of the island is part of Indonesia. I want to know if this is so, if these are the facts. I also understand that any legal problem brings political problems in its wake because the parties to the dispute and the State called "colonial" and the island of New Guinea itself cannot calmly allow events to take their course.

(Mr. Rocha, Colombia)

The Netherlands cannot quietly let an island be snatched from it. Indonesia cannot quietly allow an island not to be given to it. Nor can the people of Indonesia quietly bow to the inevitable and allow itself to be handed over from one to the other as if it were a chattel. But now we have to make up our minds, as a political committee, which of these ideas expressed here we prefer. The political problem, I think, falls more within the competence of the First Committee for discussion. But do we feel that to solve this problem we, as a political committee, should settle the political question, or should we allow the legal aspect to be settled first, with the political question to be settled by this political committee later on the basis of the solution of the legal issue by the competent legal committee of the General Assembly?

I stress the fact that I am merely voicing doubts. I am not making pronouncements. I heard proposals and affirmations made today that covered the following points. Does the Netherlands have the right to refuse freedom to a people requesting it? I refer to the Papuan population and the Melanesian population, which apparently occupy the eastern side of New Guinea. We all know and agree in principle that no country has the right to refuse to grant freedom to anybody, but I wonder whether, in this concrete case, the population which is being discussed is really asking for freedom; or is the request for the freedom of the province being sponsored by an outsider, by another State? Is it being fostered by the country which, de facto, owns the land? If these people have asked for freedom for the Papuan people so that the Papuan people can constitute a free and independent State, that is one thing. But are they asking for freedom to be given to Papua so that West New Guinea can exercise domination and trusteeship over the Papuan people? That is another problem.

It appears, therefore, that of two metropolitan areas we have to choose which is better prepared to lead the Papuans to freedom -- following, of course, the necessary preparation, cultural adaptation, political, economic and social growth and maturity that will entitle and enable them to exercise their freedom and self-government, so that one day they can stand on their own feet and act, as the jurists say, sui juris or, in other words, in their own right, contracting obligations and, especially, being able to fulfil their international obligations. I believe that that is more a political than a legal question.

(Mr. Rocha, Colombia)

On the basis of the other speeches made today I ask the following question. Has the Netherlands the right to divide a country that is juridically a whole? I refer to the State of Indonesia. Has the Netherlands the right to divide and segregate it, to take away part of the territory and to treat it differently from the way it has treated the rest? To discuss the right to divide a country -- and it is obvious that no country has the right to refuse independence to part of a territory over which it exercises domination -- we would first of all have to know whether that part of the island of New Guinea was truly part and parcel of the Republic of Indonesia. In order to know that we are, once again, thrown into the juridical rather than the political field. In other words, did that part of the island become independent with Indonesia, or did it lag behind? Was that part of the island an integral part of the colonial domination known today as Indonesia and known earlier as the Netherlands East Indies? I understand that this part of the island is wholly possessed by the Netherlands, but that Indonesia considers that since it has been independent ever since 1949 the irrevocable and total sovereignty which the Netherlands exercised over the 3,000-odd islands of the Indonesian archipelago included that part of the island, and that it has the right to claim title over the island. Here we have the aspiration of one who claims a better title to that island than the possessor already has. I understand that in common law this kind of situation occurs very often in international affairs. It is what the Romans call vindicatio rei. In other words, when confronted by something to which two aspire and which one possesses, a court has to decide which has the better right or title. This, again, is a legal problem.

We, as members of the First Committee, can have handed to us armfuls of documents. We can be given the Charter of Independence of the Republic of Indonesia; we can be given the Charter of Transfer of Sovereignty from the Netherlands to Indonesia of November 1949; we can be given earlier, contemporary and later documents; we can be given documents relating to the action of the Republic of Indonesia, through its Parliament, revoking, cancelling or deciding to leave aside the Charter of Transfer itself; and then we can be asked whether, despite the fact that that title deed was set aside its effects still apply.

(Mr. Rocha, Colombia)

I must say that this is rather a moot question on which I cannot agree with the representative of Cuba, because my contention is that if we overlooked that deed, and thereby implied the overlooking of its effects, then we would have to cast doubt on the very sovereignty of the Republic of Indonesia over the other islands and over its own islands. The document certainly had juridical effects, and it certainly does still exist. It certainly does still exist as a lever for the future fate of the part of the island under discussion. All these documents, and many others which contain interpretations made by newspapermen, political leaders of the Kingdom of the Netherlands and of the Indonesian Republic, together with very illuminating statements by officials from Australia and from Indonesia who have all spoken, should provide the basis for us to make up our minds, but I do not think that we can hand down a judgement. If we are to hand down a judgement we have previously to be judges, and I doubt whether we are judges, in the legal sense, competent to hand down a finding on a legal question.

(Mr. Rocha, Colombia)

The ancient Greeks had a type of psychological affirmation known as eucharismas, according to which possession of an office or a position gave a certain conscientious capacity to fulfil the tasks inherent in that position. In other words, a minister of a religion does not exercise his ministry until he has been consecrated, but the consecration given at that very second when he is consecrated suddenly empowers him to do what he had earlier been prepared to do. That second of consecration did not teach him anything new. One does not feel himself to be President of the Assembly, no matter what authority he may have had earlier, until he takes his seat at the head of the Assembly, until he picks up the gavel. But the picking up of the gavel certainly does not teach him anything. That implacable gavel with which our kind Chairman sometimes stops us is what is sometimes known as eucharismas.

We may be given certain informative papers, documents, and so on, but we do not feel that we are judges to hand down a decision that will solve all these legal questions -- and, I repeat, we have to be judges in order to do so.

But I want to underscore the fact that these are not all legal problems. There are many political aspects with which the Committee is competent to deal. For example, there is the thesis of colonialism. There is no more political idea than that of colonialism and anti-colonialism. Ever since the United Nations has existed -- and even prior to that, I think, when the League of Nations existed -- imperialism was in its death throes. The Covenant of the League, but especially the Charter of the United Nations put the nails in the coffin of imperialism and colonialism -- unless the country possessing territories under the erstwhile colonial system was ready to help that country to exercise its own rights and in due course determine its own freedom, sovereignty and future fate, and because the Charter of the United Nations is an incitation raised to the category of principles to the breakaway of these territories -- in other words, it was to encourage all these peoples gradually to achieve their independence and their sovereignty, if necessary with the help of the United Nations.

But naturally all rights, and especially this last right, which tends to do away with the birth of peoples through force -- for example, Latin America might have been independent without the ten or fifteen years that preceded such

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(Mr. Rocha, Colombia)

an independence, had the United Nations existed in 1810, 1805, 1804. There is no need today for war in order for countries to be independent. But all rights must be regulated. How is right to be exercised -- from the alieni juris to the sui juris? How do you go from one to the other? How do you go from colonialism to independence? There must be certain instructions, certain regulations. There must be integral components to those stages and steps.

(Mr. Rocha, Colombia)

I wonder whether this principle could not be carried to the extreme -- for instance, to the case where the American Guianas might become independent simply because other countries felt that they should no longer be colonies and should become independent States. Or does the colonial country itself have to ask for independence?

Therefore, one of the doubts which I have in my mind is whether this island of West Irian, or West New Guinea, is seeking independence. That is a political question which certainly would fall within the purview of this Committee. I still do not see, however, where the political question ends and the legal question begins. That is why I ask: When Indonesia raises the question of colonialism, does it do so because it considers that this island was included in the original transfer of sovereignty, when Indonesia became independent and was called the United States of Indonesia? I am afraid that in these cases the legal question and the political question overlap. We are not quite sure at what point we leave the competence of the International Court of Justice and enter the competence of the First Committee, the political committee of the Assembly.

I would therefore be so bold as to ask the two countries primarily concerned in this problem to be good enough to take account of my doubts. Of course, if these doubts are not dissipated during the course of the debate, I shall have to make up my mind on the matter and inform my Government of what I have decided -- that is, if I am left on my own. I should, however, appreciate it if I could be given the answers to the questions I have raised. I would make it clear that I am asking for the answers in a personal capacity and not as the representative of my Government. I do feel that there are many countries represented at this table which would like to have these doubts cleared up.

As the debate progresses, I shall naturally be in a better position to decide how to vote on the draft resolution before the Committee -- and I understand that another draft resolution is to be submitted.

I shall perhaps speak again on this matter if another golden opportunity such as I have had today presents itself -- that is, a situation where there are no names on the list of speakers, and I can step in and take advantage of the relaxed attention of members of the Committee.

The CHAIRMAN (interpretation from French): Since no one else wishes to speak now, I shall be forced to adjourn this meeting. The Committee will meet again at 3 p.m. today.

I should like to ask representatives who wish to speak in the general debate to inscribe their names on the list of speakers, so that the general debate may be continued without interruption.

The meeting rose at 12.40 p.m.