

UNITED NATIONS
GENERAL
ASSEMBLY



LIMITED
A/C.1/IV.910
25 November 1957
ENGLISH

Twelfth Session

FIRST COMMITTEE

VERBATIM RECORD OF THE NINE HUNDRED AND TENTH MEETING

Held at Headquarters, New York,
on Monday, 25 November 1957, at 3 p.m.

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. Arkhurst	(Ghana)
Mr. Ivascu	(Romania)
Mr. Osman	(Sudan)
Mr. Walker	(Australia)
Mr. Krajewski	(Poland)
Mr. Loutfi	(Egypt)
Mr. Gebre-Egzy	(Ethiopia)
Mr. Tarabanov	(Bulgaria)
Mr. Charlone	(Uruguay)
Mr. Georges-Picot	(France)
Mr. Al Hamdani	(Yemen)
Mr. Astrom	(Sweden)
Mr. Najjar	(Israel)

Note: The Official Record of this meeting, i.e., the summary record, will appear in mimeographed form under the symbol A/C.1/SR.910. Delegations may submit corrections to the summary record for incorporation in the final version which will appear in a printed volume.

AGENDA ITEM 62

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

Mr. ARKHURST (Ghana): The problem we are faced with today, the question of West Irian, is an old one. If today it has acquired some urgency it is because by all accounts it is likely to develop into a situation which might disturb the peace in that region of the world.

As representatives are already aware, West Irian was not included in the Transfer of Sovereignty to the Republic of Indonesia which took place on 27 December 1949. It was then agreed that the future of West Irian should be decided by negotiations within a year from that date. Article 2 of the Charter of Transfer of Sovereignty explicitly stated:

"With regard to the Residency of New Guinea it is decided:

"(a) In view of the fact that it has not been possible to reconcile the views of the parties on New Guinea, which remain, therefore, in dispute, ...

"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)

I cite this document because, whatever its present legal or juridical status, it recognized the existence of a dispute between the two parties. The historical facts set forth in the passages I have quoted cannot be lightly argued away by mere formal exercise in legal analysis. Thus, at the time of the transfer of power, it was clearly recognized that legitimate differences of opinion existed over the status of West Irian, and both parties reaffirmed their readiness to resolve through peaceful and reasonable means any differences that might arise or had arisen between them.

(Mr. Arkhurst, Ghana)

It turned out subsequently that no agreement was reached between the Netherlands and the Republic of Indonesia within the period stipulated, and in fact negotiations between the two countries broke down in 1951. At no time was it ever pretended that no problem existed over West Irian; nor was it ever conceded that the solution of this problem could legitimately be left to the unilateral actions of the Netherlands Government. It was accepted in principle at the time of the transfer of sovereignty that the ultimate political future of West Irian should be decided by consultation and negotiation between the Government of the Netherlands the Republic of Indonesia. It is this cardinal principle which this Assembly is now being called upon to uphold. This is the principle that the draft resolution contained in document A/C.1/L.193 reaffirms.

The representative of Italy, in his most eloquent intervention, this morning suggested that the crux of this problem was the legal interpretation of the paragraph in the Charter that I have just quoted. As far as we see, there cannot be any difficulty or ambiguity about the interpretation of this paragraph. It merely recognizes that a dispute exists. It conspicuously refrains from defining the nature of this dispute. So referring this paragraph to the International Court for interpretation would, we think, not resolve the problem. The fact that the Republic of Indonesia and the Government of the Netherlands do not agree as to the type of question they are to discuss by negotiation is not the fault of this paragraph. If this were referred to the International Court, what we would in effect be asking the Court to do is not to interpret but rather to add an explanatory paragraph to this Charter. We wonder whether it is within the competence of the Court to decide this.

During the course of this debate, we have heard some statements from certain representatives eager to prejudge the issue and to pass favourable judgement on the merits of the Dutch case. One such statement requires comment because we think the view expressed in this statement should be rejected categorically. It has been emphasized over and over again that the majority of the inhabitants of West Irian are a people ethnically distinct from the inhabitants of the Indonesian Republic. This is used as one of the main arguments to set them apart from the rest of the Indonesian peoples who

(Mr. Arkhurst, Ghana)

inhabit that great archipelago. I think that this is a dangerous doctrine. No one seriously thinks that modern viable States can be founded only on racial or ethnic homogeneity. How many States today can boast of such homogeneity? Very few. The modern movement is towards embracing in large political units men of diverse ethnic origin, even racial origin, the crucial consideration being that guaranteed freedoms are enjoyed by all. We should be emphasizing the possibilities inherent in this development as a means of fulfilling the aims of the Charter and we should not allow ourselves to be soothed by arguments which harp on the ethnic differences between the peoples of the Indonesian Republic and the people of West Irian as sufficient justification for rejecting appeals to negotiate the West Irian problem. The members of this Committee should not take any action which even by implication can be said to endorse this false and disturbing theory of ethnic exclusiveness. If for the sake of argument one for a moment accepts this view, may one not ask what ethnic links exist between the people of West Irian and the people of the Netherlands? Clearly there are none.

We do not for a minute wish to prejudice this problem or to minimize its gravity and complexity. Like all such problems which are the residual results of a receding colonialism, they are indeed complex and are apt to be bound up with bitter memories which at times frustrate all attempts at promoting friendly relations between the peoples immediately concerned. The best course that this Committee could take in these circumstances is to pass this draft resolution, which in effect only calls upon the two parties to resume their negotiations to solve this problem. It is, in our view, an eminently reasonable draft resolution.

Before I end, I should like to remind this Committee that Article 73 of the Charter is not an invitation to countries not directly concerned to become parties to a dispute involving the status of a territory. It only urges Member States responsible for the government of non-self-governing areas to co-operate with one another to promote the development of such areas. We therefore fail to see why certain countries are so unduly exercised in trying to prove that the problem of West Irian does not exist. We cannot by an act of will conjure this dispute away. The problem exists. That is why this Assembly has been discussing it since 1954. We just cannot argue it out of existence. A solution has to be found through negotiation.

(Mr. Arkharst, Ghana)

The United Nations is one of the most effective instruments for settling disputes among States, especially when such States cannot come to agreement through their own efforts. It is our duty, therefore, to do all we can to assist in the settlement of the dispute over West Irian, a dispute whose existence cannot be denied on any ground. That is why my delegation sincerely hopes that the draft resolution before us will be overwhelmingly adopted by this Committee so that at the next session of the General Assembly we shall hear of genuine progress towards a peaceful and reasonable solution of this problem.

Mr. IVASCU (Romania)(interpretation from French): If anyone wanted to make a study of the end of the colonial system, a process which is taking place before our eyes, the material available from 1954 to date on the problem of West Irian would be particularly convincing. This material would be all the more interesting because in that part of the world more than in any other this process has involved peoples who have played an important role in the changing of the international scene. We note that today all the peoples of South East Asia are gradually liberating themselves from foreign domination and are establishing themselves as independent States. Thanks to this historical event, the number of Member States of our Organization has increased considerably. Among those States that are playing an ever more active role in the fulfilment of the principles of our Charter, we find Indonesia itself involved.

It is difficult not to be surprised by the fact that this controversy over West Irian has given rise to so many different points of view for so long. What is more serious, we find that the responsible party has been hiding behind ever more negative arguments. In fact, if we compare the historical process, we find that today it becomes somewhat anachronistic. Recent history itself proves this to be so.

No one can deny that on 27 December 1949, following the Round Table Agreement article 1, the Netherlands Government transferred to the Djakarta Government irrevocably and unconditionally complete sovereignty to Indonesia, and, under article 2, temporarily retained the administration of West Irian, whose political status was to be decided after negotiations to be held within one year. However, far from drawing the necessary and correct conclusions, the Netherlands Government has done everything in its power to bring about a stalemate in the negotiations. Finally, in May 1952, it purely and simply annexed West Irian to the Netherlands Crown.

(Mr. Ivascu, Romania)

We must stress the fact that in the course of the discussions which took place, the question of West Irian was debated from different points of view. We must come to one conclusion which is logical and in keeping with the Charter of the United Nations, namely that negotiations between the two parties must take place. The Netherlands Government, however, has placed itself in a completely false position which is not in accordance with geographical, political and historical circumstances and which threatens to turn this controversy into an arena of trouble and tension in this part of the world. Those who still want to oppose the logic of the true situation have invoked a number of arguments, including the question of the self-determination of peoples. However, everyone knows that the Indonesian people expressed their will in 1945. This expression of will covered the entire territory of Indonesia which, according to the text of the Netherlands Constitution at the time, included West Irian, as it included the 3,000 islands which made up Indonesia. Therefore, in none of these islands, in none of these component parts were different and separate plebiscites set up. Today, after twelve years have passed, why do they propose to organize a plebiscite for West Irian? If this were to be done, a dangerous precedent would be set which might then be applied regardless of circumstances to any of the component parts of Indonesia. The application of such a principle could seriously harm the national unity of any country.

The inhabitants of West Irian are an integral part of the Indonesian people as a whole. The facts of geography and history prove this point. The political and administrative relationship between these places in the course of the Netherlands domination also prove this point. In addition, recent history proves it. The people of West Irian have made their contribution to the national liberation movement of all the Indonesian people. During the Japanese occupation, the liberation movement of these people actively participated in the struggle against the invader. That struggle stressed the desire of the people of West Irian for national liberty, a people who in 1946 established the Irian party for the independence of Indonesia. The fact that members of this party have been thrown in prison and have been forced to become exiles because of persecution seems even more significant.

(Mr. Ivascu, Romania)

It is therefore a fact, and a tragic fact, that a large majority of the population of West Irian has been forced to maintain a most primitive social level. This population has been the victim of hostile movements which have made it so difficult for the views of civilization to penetrate these regions. This is the only manner in which we can explain the fact that 7 per cent of the 750,000 inhabitants of this region know how to read and write, the fact that there is a very high child mortality rate, the fact that certain endemic diseases sap the strength and health of such a large part of the population.

Therefore, to invoke today once again in support of Netherlands domination over this region the fact of the backwardness of the population of West Irian is, in our view, to take advantage of our credulity.

The fact that the population of West Irian is so backward is no reason for the Netherlands to maintain its colonial position in that part of Indonesia. It has been shown here that neither the primitive populations which existed in Burma nor certain collectives which existed in India under tribal customs made it more difficult for those countries to achieve their independence. On the contrary, the backwardness of the population of West Irian constitutes another argument in favour of this territory rejoining without delay the Republic of Indonesia.

As regards the possibility of raising the standard of living and the cultural level of these people, it is very difficult to dispute the striking difference which exists between the potential offered by the Republic of Indonesia and that offered by the colonial regime which is imposed on West Irian.

We have been shown clearly the encouraging signs of progress which have taken place in the Republic of Indonesia. This Republic possesses great constructive possibilities and can move forward in the development of a modern democratic State. This cannot be questioned even by the most unfavourable observers. The examples given to us regarding education are more than eloquent. The number of children going to primary schools in Indonesia before the war was less than one million, and today the figure is more than nine million. This makes even more striking the statement made here by the Minister of Foreign Affairs of Indonesia that his country is ready to send immediately to West Irian 100 teachers for primary schools and 500 nurses, in order to accelerate development in the field of education and the health services.

(Mr. Ivascu, Romania)

Who are better capable of helping their brothers in West Irian than the Indonesians, who are better than Indonesians to do away with backwardness, ignorance, superstition, illness and misery? Who better than the Indonesians know the situation and who has more experience in the struggle against such a characteristic situation? Who other than the Indonesians can give more encouragement to this work of humanity which is so urgently necessary?

These are the questions that we have to bear in mind when we consider the question of West Irian in a cursory manner, and these questions can only be answered in one way: the best way of ensuring the future of the people of West Irian is to facilitate the normalization of the political situation in the territory in accordance with the commitments of the Netherlands of 1949 and in accordance with the provisions of the United Nations Charter.

The way in which the problem has developed so far and the tendencies that we can see in that process for the future constitute further arguments to hasten the search for a solution and the acceptance of such a solution by both parties. In the atmosphere of procrastination that has taken root whereby the Assembly has postponed solution of this question from one session to the next, new elements have arisen and some of them are extremely worrisome. We know what can be read into the statements of the Netherlands and Australia regarding the final development of the Island of New Guinea considered as a whole.

That declaration threatens to put the United Nations in a position of having to overturn the very basis on which the discussions have taken place in the United Nations by the two parties concerned, and thus to open up before us the possibility of transforming West Irian into an even more dangerous point in that region. To uphold such a plan would mean that the problem of West Irian is being brutally placed in an absolutely inadmissible position for Indonesia and, to all intents and purposes, it would create a situation that might give rise to conflicts and to nefarious consequences for peace.

This constitutes an additival argument for the United Nations to arrive immediately at a constructive solution that would convince the two parties not only of the importance, but also of the urgent necessity to continue their negotiations in the same spirit in which they had started their discussions and which led to the Round-Table Conference in the spirit of our Charter.

Mr. OSMAN (The Sudan): I have listened with great care and attention to the statements made here by a number of representatives, statements which have thrown considerable light on this debate, notably the statements made by the Foreign Minister of Indonesia, by Ambassador Schurmann of the Netherlands, by Mr. Walker of Australia and this morning by the Foreign Minister of the Netherlands. All these statements, I feel sure, have made a deep impression on this Committee, and they have proved to be a very valuable contribution in assisting and guiding this Committee to understand the question under discussion.

If I refer only to these four statements, it is not because that the other statements made are not equally important, but because they are more directly concerned with the question under discussion.

It is clear that the representatives of the Netherlands and, for that matter, the representative of Australia have almost denied the existence of any dispute, and I say "almost" because their statements were not conclusive when they answered the question whether there is a dispute over the territory of West Irian between the Netherlands and Indonesia. I say it is not conclusive because they have at least admitted the existence of a dispute, and I quote Ambassador Schurmann's own words:

"The dispute which 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."

(A/C.1/PV.905, page 26)

What does this mean? It means that if we admit that there is a dispute over the future status of West Irian, then such a future cannot be discussed in isolation. It can only be discussed in relation to all the facts and all the circumstances which surround this case. The first question that springs to our minds is the question of sovereignty. It is inevitable that this question of sovereignty should be asked because it is in our view the cornerstone of this issue, and nowhere in the remarkable speeches made by the representative of the Netherlands, and also by the representative of Australia, can I trace directly or indirectly a categorical denial of the fact that West Irian is

(Mr. Osman, Sudan)

an integral part of the Indonesian Republic. They preferred to shift the whole emphasis of their arguments to the principle of self-determination -- a very attractive and weighty principle which has its honoured place in the Charter of the United Nations. But I should like to draw a line, even if it is a very thin line, between the principle of self-determination and the right to self-determination. The principle of self-determination in this case must never be intended to be anything more than a discretion to be accepted or rejected by the parties concerned for the settlement of this dispute. And a discretion obviously does not have the character of obligation. The dispute in this case is not between the people of West Irian and the Netherlands. If this were the case, then the right of self-determination would certainly be invoked and we would most certainly support it. But the present dispute is between two sovereign States, between the Republic of Indonesia and the Kingdom of the Netherlands, over West Irian, which is not and cannot be a subject of international law in this case, taking into consideration the framework of the Charter of Transfer of Sovereignty of 1949.

(Mr. Osman, Sudan)

The fact that the Government of the Netherlands has recognized this transfer of sovereignty to be complete and irrevocable leaves no room for doubt that West Irian was intended to be covered by that instrument, notwithstanding certain reservations, for future negotiations to settle outstanding points which apparently both Governments consider important. And since West Irian is covered by the Charter of the Transfer of Sovereignty, notwithstanding certain reservations pertaining to it -- and this cannot be denied by the Netherlands Government -- the Indonesian Republic has every right to refuse to limit its sovereignty by accepting the principle of self-determination over a part of its territory. As a sovereign State, the Indonesian Republic may only discuss what, in its considered view, is compatible with that sovereignty. It so happens that the principle of self-determination, as distinct from the right to self-determination, is not acceptable to the Indonesian Government because of the incompatibility with its basic rights and interests. There are many ways by which Indonesia may limit its sovereignty over West Irian, if it so desires, and one way is by entering into a treaty with the Netherlands Government. As far as I know, that has not been done. There is only the prospect of entering into negotiations to settle outstanding points.

We must face the fact that there is an international status quo created by the Charter of the Transfer of Sovereignty. This status quo is the emergence of the Indonesian State which finds itself immediately engaged in a dispute with the Government of the Netherlands over what the Indonesian Republic believes to be part and parcel of its State. And such points as remained to be agreed in future negotiations do not amount to anything more than an acknowledgement on the part of the Indonesian Republic of a situation which does not admit any change in its sovereignty over Indonesia, including West Irian.

It is very difficult to read what is in the mind of the Netherlands Government in relation to West Irian since it did not exclude it completely from the Charter of the Transfer of Sovereignty, but, on the other hand, one may ask whether the Government of the Netherlands is, in the words of the representative of Colombia in his brilliant speech the other day, attempting to exercise authority over a part of an independent State. It is very difficult to answer that question because there are many circumstances which must be taken into consideration before a final

(Mr. Osman, Sudan)

answer can be given, but in our view there is an attempt by the Government of the Netherlands at imposing an administration on West Irian with a view to bringing about a valid change in the status quo, as defined by the Charter of the Transfer of Sovereignty concluded in 1949. Should this be the case, one may assume that the Netherlands Government is claiming certain rights or privileges over the inhabitants of West Irian, but it is well established in international law that sovereignty over a territory covers, naturally, its nationals.

Information at the disposal of the Sudanese delegation relating to the question of West Irian clearly indicates that West Irian has, from time immemorial, been part and parcel of Indonesia. Thanks to the consciousness of the people of Asia, colonialism in those regions is rapidly approaching the stage where it will be a phase of history. There are, of course, a few outposts which are awaiting liquidation, and we earnestly hope and desire that that liquidation will be accomplished by peaceful means. During the last few decades the world has witnessed enough bloodshed and enough suffering not to wish the renewal of such tragic circumstances.

As I have already indicated, West Irian has been, from time immemorial, considered to be part of Indonesia. It was a fact that it was administered by the Dutch Government as part and parcel of Indonesia under the old and all-embracing name of the Netherlands East Indies. That West Irian constitutes a part of Indonesia can be clearly understood from article 2 of the Charter of the Transfer of Sovereignty freely entered into by the Netherlands and Indonesia and quoted by a number of delegations here. That article stipulates that the question of the political status of West Irian shall be determined through negotiations between the Republic of the United States of Indonesia and the Kingdom of the Netherlands. It is an article of faith in which the two parties have solemnly undertaken to settle this dispute by negotiations. Great credit goes to the two parties for reaching this decision, which is in conformity with the letter and spirit of the United Nations Charter. There are other articles which can be cited in support of the Indonesian case, but I need not go into those just now.

It is not the intention of my delegation to go into details about what sometimes appears to be a controversial side of this question, namely, the contention that the people of West Irian constitute a distinct ethnological,

(Mr. Osman, Sudan)

cultural and historical entity of its own as compared with the rest of the Indonesian people. It might be true that the people of West Irian appears to a stranger to follow a somewhat different social structure which is not common in the rest of Indonesia. But, taking historical consideration into account, it is found that this difference in social structure has come about because this island was neglected during the Dutch administration, and also, admittedly, long before that. Nevertheless, this should not be the paramount criterion on which the whole argument should be based to justify the contention that West Irian and Indonesia have little or nothing in common. If this theory of a different social structure, or even dissimilarity in some manifestation of character and way of life, within a country is to be regarded as the only yardstick by which the entity and affinity of a people is to be measured, I think that very few countries in the world will stand this test satisfactorily.

What is important in this case is that strong evidence can be adduced to indicate the existence of ethnological, cultural and historical connexions between West Irian and the rest of Indonesia. The world has witnessed great movements of races since the recorded history of man began, and to claim the existence of a distinct race, in the full meaning of this word, in any given part of the world is, in my opinion, to make an assertion which is very difficult to prove. Those who are doing their best to enlist the aid of science to prove the dissimilarity between West Irians and the rest of the Indonesian people would do better to be realistic and at least to admit that, neither in geographical proximity nor racial affinity, can West Irian be closer to the Netherlands than to the rest of Indonesia.

Besides, it has been proved beyond doubt, and in more than one part of the world, that ethnological considerations do not prevent the growth, development and coherence of a nation. And, whatever may be the opinion of the rest of the world, for the Indonesian people West Irian is a major issue, the settlement of which can no longer be delayed.

(Mr. Osman, Sudan)

In examining the Charter of Transfer of Sovereignty, article 2, as I mentioned before, is of special interest. And, since this article stipulates that the question of West Irian shall be determined through negotiations between the Republic of the United States of Indonesia and the Kingdom of the Netherlands, the Indonesian Government is not asking more than has already been agreed to by the Government of the Netherlands, namely, to determine this question through negotiations.

It is the duty of Member States represented here to assist in this task, which is not only democratic in character but is conformity with the letter and the spirit of the United Nations Charter. This line of action affords the best means of settling this issue. If this is done, tension will be lessened, world peace will be consolidated and will be brought a step nearer to final realization.

Finally, it is gratifying to my delegation that, while the Indonesian Government is firm in its attitude in seeking urgent and immediate settlement of this burning question, it is keeping its mind open to any suggestion or proposal which might prove helpful in achieving this end.

My delegation sincerely hopes that the draft resolution submitted by nineteen Member States will be unanimously approved.

Mr. WALKER (Australia): I propose during this intervention to reply to some of the points made during the general debate on which several delegations appear to have genuine doubts. But, before doing so, I cannot let pass without comment the continued unsupported allegations made Soviet and other Communist spokesmen to the effect that Netherlands New Guinea is being developed as a military base of SPATO. I flatly deny this. I will reply very briefly, because these fabrications have nothing to do with the real substance of the matter under discussion and because I do not believe that the Committee will have been impressed by what these Communist speakers have said. The Committee will, I think, have been more impressed by the words of the representative of the Philippines. With his permission, I should like to remind the Committee of those words:

(Mr. Walker, Australia)

"... the representative of the Byelorussian SSR has made a reference to SEATO, alleging that SEATO is attempting to make West Irian a base for launching operations. The Philippines is a member of SEATO, and I say most categorically for my Government that no such plan has ever been broached or mentioned in SEATO.

"With respect to the Bangkok correspondent quoted by the Byelorussian representative regarding the activities of the Netherlands in West Irian, I know I do not need to speak for the Netherlands. But I say that it is quite far-fetched to connect SEATO with the Netherlands, because the Netherlands is not a member of SEATO.

"I merely wish to say that arguments such as this -- which are not really arguments -- will not help us in solving this problem, and will not gain the sympathy of countries which otherwise would be sympathetic regarding the situation in West Irian." (A/C.1/PV.908, page 57).

These arguments will speak for themselves. I should like to say only one more thing on this point. It is this: Our friends in Indonesia will remember the consistent support and friendship which Australia gave them in their movement for independence. They will also remember that, at a critical point in 1948, the Indonesian Communist Party, with the blessing of the Soviet Union, revolted against the government of President Sukarno and Dr. Hatta, and, in so doing, imperiled the whole independence movement. Of course, Indonesia is not the only place in South East Asia where the Communists have sought to undermine newly independent governments. These are the people who now set themselves up as the friends of Indonesia.

I shall say no more on this matter. I should like to concentrate instead on the real substance of the matter we are considering. I believe it amounts to this: Has the Indonesian delegation presented a convincing case that the people of Netherlands New Guinea wish to associate themselves with Indonesia, and should the United Nations seek to promote negotiations which, in the intention of Indonesia, are to be directed to bringing about the annexation of the territory and its people?

My delegation has no doubt that the Indonesian case has not been established. In the first place, it has not been proved that there has been what the representative of Indonesia called "centuries of living together" between the

(Mr. Walker, Australia)

Papuan people of Western New Guinea and the people of Indonesia and that this has given rise to a feeling of common destiny. All that has been adduced as evidence under this head, in this and previous debates, amounts in effect to the fact that there was formerly a tenuous link between the coastal parts of Western New Guinea and The Sultanate of Tidore, and that New Guinea was for a time administered from Batavia -- purely, however, as a matter of administrative convenience. I submit that, if we were to carry to its logical conclusion the argument that, because two areas were once under a common colonial administration, they should now form one State, this would call in question the right of a number of countries to be represented in this Committee today. In any case, my delegation is unable to agree that the Indonesian delegation has established that there have been "centuries of living together" between Indonesia and Western New Guinea.

Secondly, we do not consider that Indonesia has any legal case in claiming that Western New Guinea is already part of Indonesia, despite the remarks of the representative of the Sudan. Any objective reading of the Charter of Transfer of Sovereignty, which has been referred to by previous speakers, must lead to the conclusion that article 1 is qualified by article 2 and by the accompanying exchange of letters in which the Indonesian delegation at the Round Table Conference specifically agreed that the continuance of the status quo in New Guinea meant "through continuing under the Government of the Netherlands". In any event, the interpretation of these agreements is a matter for the International Court and not for this Committee. I have no need to remind my colleagues again that Indonesia has refused to agree to have the matter referred to the Court.

Thirdly -- and this is the vital point -- the Indonesian representative has brought forward no new evidence to show that there is any desire on the part of the people of Netherlands New Guinea for association with Indonesia. The Committee has not been convinced by this argument before, nor should it be now. My Indonesian colleague has said, as a reason for denying the people of Western New Guinea the opportunity of a free choice as to their future, that "if the Dutch do not know the will of the inhabitants of West Irian, we know that it is freedom that they want". But how does he know -- how can any of us know at this stage -- what political future they want? I do not question that the representative

HA/ja

A/C.1/PV.910
24-25

(Mr. Walker, Australia)

of Indonesia sincerely believes that the people of Western New Guinea want their political development to take this form. But only the people of the territory themselves can tell us this. For the Committee to accept the unsupported statement of the representative of Indonesia would be a grave mistake. Moreover, it would be a mistake which, once made, could not be corrected later, since it is clear from Indonesian statements that any incorporation into Indonesia would be final and irrevocable.

(Mr. Walker, Australia)

For these reasons, my delegation does not believe that the merits of the Indonesian claim justify a call for negotiations. Are there any other arguments which might nevertheless justify such a call? It has been suggested that, because the Netherlands agreed in the Round-Table Conference Agreement to talk with Indonesia about the future of the territory within the next year, the Netherlands is under a continuing obligation to agree to negotiations. But, clearly, Indonesia cannot properly now invoke a legal agreement which it has unilaterally denounced; and in any event the negotiations referred to did take place and failed because Indonesia refused to countenance anything less than the outright transfer of sovereignty. That this is still the Indonesian attitude has been made plain in this debate in the statement of the representative of Indonesia, in which he said that:

"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." (A/C.1/PV.905, page 13-15)

He then went on to say that he thought that:

"... this issue of sovereignty could play a far less decisive role for the Netherlands" (Ibid.) --

not, let it be noted, for Indonesia, because it is clear that Indonesia still insists, as it did in 1950 and in 1951, on the transfer of sovereignty as a prior condition for any negotiations. We may try to conceal from ourselves the unpalatable fact that this is the only type of negotiations that Indonesia is interested in, but what I am stating is plain fact. What Indonesia is seeking is negotiations for the transfer to its control of the people of Western New Guinea, without ascertaining their wishes and without their being given any prospect of altering this relationship if they should wish to do so in the future.

It is not surprising that, in these circumstances, the Netherlands Government says that there is no point in discussions and that it intends to continue to discharge the responsibilities towards the people of Netherlands New Guinea which it has assumed under the Charter. There can be no discussions or negotiations on the basis insisted upon by Indonesia.

The only new element in the Indonesian case at this session has been the attempt to sway the United Nations by vague threats, including the statement that this might be the last time the matter is raised in this forum. On the one hand,

(Mr. Walker, Australia)

the representative of Indonesia told us that:

"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..."

(Ibid., page 6)

But, later in his speech, he referred to the possibility of:

"... unforeseen and undesirable -- even explosive -- events in the international field" (Ibid., page 13-15),

if the Indonesian demand for negotiations in this matter were not met. What is this but an attempt to put pressure on the Assembly? In view of all the strongly-expressed statements made by Indonesian public leaders in the last few weeks, members of the Committee might be forgiven if they concluded that Indonesia had decided that its case in the United Nations needed strengthening and that this could best be done by creating a state of tension -- tension which, I repeat, exists only in Indonesia itself and does not extend to New Guinea.

Against the background which exists, my delegation believes that any weakening by the United Nations in the attitude which it has so far taken in this matter would be interpreted by some countries as indicating that the United Nations was responsive to threats; and we can expect that the future policies of these countries would be shaped accordingly.

In relation to this background of threats of ^{tive} punitive action to be read into statements by Indonesian representatives, I wish to make the following statement on behalf of the Australian Government.

Spokesmen in Indonesia have referred variously to the possibility of war, the use of power and the use of action of one kind or another. Mr. Subandrio in his address to the First Committee introduced the implication that there might be an explosion of some kind. In spite of these statements, the Australian Government will continue to assume that the Indonesian Government has no intention whatsoever of instigating or tolerating the use of armed force against the territory of West New Guinea. We believe that the United Nations General Assembly will make the same assumption. It would be an intolerable state of affairs if the General Assembly allowed itself to be influenced by the statements of a claimant Power -- arguing its case for sovereignty over territory -- that the controversy is one involving questions of peace or war.

(Mr. Walker, Australia)

It is regrettable indeed that before and during the present debate there have been references to any kind of punitive action.

The Australian Government greatly deplores the injection into a debate in the United Nations of concepts -- whether uttered in New York or elsewhere -- so alien to the spirit of the United Nations Charter. Reassurance on this crucial matter of armed force or punitive action would be greatly welcomed by all the friends of Indonesia.

My attention has been drawn to a Press release this afternoon of a further statement by the Indonesian Foreign Minister to, I believe, a group of delegates. In that Press release, the Foreign Minister is quoted as having said the following: "If we can't get a compromise from the Netherlands, we must do something. There is no way of return. We would have to break off relations, which would be very bad." I should like to know whether this is, in fact, the announced position of the Indonesian Government. I would hope not. I would hope that we may receive the assurances for which we ask.

In contrast to the negative attitude of Indonesia towards the question of self-determination for the people of Netherlands New Guinea, the joint statement issued by the Netherlands and Australian Governments represents a positive and constructive policy based on the principle that there should be an uninterrupted development of the territory, in accordance with principles to which the Netherlands is committed under the Charter, until the local population is in a position to determine its own future. The Committee will have noted that the people of Western New Guinea are to be offered a completely free choice as to their political status. We have heard this repeated this morning by the Netherlands Foreign Minister. As the representative of the Netherlands pointed out, this choice does not exclude the possibility of the local population joining Indonesia if that should prove to be their eventual decision. The difference between the Netherlands and Indonesia is that the Netherlands has proposed a policy whose purpose is to end its control of Western New Guinea as soon as the people of the territory are ready to bear the responsibilities of self-government. Indonesia, on the other hand, proposes an irrevocable annexation of this territory with no provision for the local population to be consulted, either now or in the future.

I know that some speakers have claimed that the draft resolution is moderate and conciliatory, even timid, and that it does not pre-judge the political future of Netherlands New Guinea. Indeed, the representative of Japan made it very clear that Japan, for instance, does not countenance the claim of sovereignty before negotiations take place. However, the Japanese representative suggested that the adoption of the draft resolution and the holding of negotiations might make available "a fuller and more impartial investigation" of matters that require more research. This is clearly not what Indonesia is asking for. The Indonesian delegation has not said anything to indicate that it expects to negotiate on any other basis than the simple surrender of the territory to Indonesia's exclusive jurisdiction. If the General Assembly adopts this draft resolution, I fear that this will undoubtedly be interpreted by Indonesia, and perhaps by other countries, as endorsing the Indonesian claim to sovereignty over Netherlands New Guinea; and whatever be the intentions of those who vote for the draft resolution, they should recognize that they may be believed to be supporters of such an interpretation.

The future of Netherlands New Guinea is of direct interest and importance to Australia.

I shall conclude my remarks by summarizing very briefly the substance of my two interventions in this debate.

First, my delegation is obliged to reject the Indonesian claim that Netherlands New Guinea is already legally part of Indonesia. It is not the function of the Assembly to interpret the international agreements on which this claim would have to be judged. This is a matter for the International Court, before which body Indonesia has refused to place its claim.

Secondly, the Netherlands New Guinea question is not a colonial issue. It is a question of sovereignty over a particular territory. Indeed, the choice is between annexation and self-determination: annexation by Indonesia, or self-determination by the Papuans of Western New Guinea.

Thirdly, the effect of Indonesian policy would be to deny the people of Netherlands New Guinea any chance of eventual self-determination. The joint Netherlands-Australian statement offers this promise in the clearest possible terms.

(Mr. Walker, Australia)

Fourthly, the only conceivable threat to the peace arises from statements by Indonesian leaders. The Assembly cannot allow itself to be coerced by such statements.

Fifthly, any call for negotiations on this issue is entirely out of place. Indonesia is interested in nothing less than the outright transfer of sovereignty.

Finally, pressure for negotiations can, in these circumstances, only lead to greater, not less, tension. To involve the office of the Secretary-General in any such negotiations would be a disservice to this office and to the United Nations itself.

For all these reasons, the Australian delegation feels bound to oppose the draft resolution and hopes that other delegations will do likewise.

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

Mr. KRAJEWSKI (Poland): The Polish delegation has followed very closely the debate on the question of West Irian which is now before this Committee. The many statements we have heard so far, their general tenor, the importance of the arguments contained in them, give proof that the question of West Irian has assumed its proper weight in the work of our Organization, that it goes beyond the limits of a dispute between two States Members, and that it has evoked the interest of public opinion not only in South East Asia, but also in the whole world.

A number of representatives who spoke against the Indonesian demands have dwelt upon the legal aspects of the problem. Allow me to enumerate briefly what, in the opinion of my delegation, are the undeniable elements of the case.

In the first place, Indonesia was part of the colonial possessions of the Netherlands. With the establishment of an independent State of Indonesia, all sovereign rights over its territory were vested in the newly created State.

Secondly, the political and geographical name of Indonesia has comprised, and now comprises, not only the territory over which the Indonesian Government exercises effective authority, but also the territory of West New Irian.

(Mr. Krajewski, Poland)

Thirdly, the legal consequences of this have been recognized in the Charter of the Transfer of Sovereignty signed by Indonesia and the Netherlands in December 1949, with a proviso in article 2 of the said charter that the question of West New Guinea -- that is, West Irian -- was to be the subject of further negotiations between the Governments of the Netherlands and Indonesia.

Fourthly, it is also the fact that these negotiations have broken down.

Fifthly, starting from the premise that the right of Indonesia to independence and sovereignty over its whole territory, including West Irian, was based upon its inherent rights and not upon the charter, the latter should be considered as recognizing these rights by the Netherlands and not as creating them. In other words, irrespective of whether or not this treaty is now implemented, it can be invoked as a proof of the recognition by the Netherlands of the already existing rights of Indonesia.

Sixthly, the one year period envisaged in the said agreement for conducting the negotiations cannot in any circumstances be treated as preclusive. On the contrary, it must be considered as an indication that the problem should be solved as soon as possible and, consequently, not as a deadline for closing the discussion, but rather as calling for its speedy conduct. Whatever time-limits are contained in such agreements, they cannot deprive a State of its basic rights to territorial sovereignty. From whatever point of view we look at it, the twelve months' period cannot in any circumstances be construed as prescriptive in international relations.

West Irian forms a part of Indonesia -- and that fact is beyond any doubt. It was acknowledged by the Netherlands Government itself in reports submitted to the United Nations in the years 1948-1949.

At the conference at Den Pasar in 1946 the Lieutenant-Governor-General of the Netherlands East Indies at that time, Doctor Van Mook, declared:

"It is decidedly not the intention of the Government to exclude New Guinea from Indonesia."

Against these facts, the arguments about ethnical differences which allegedly separate West Irian from the rest of Indonesia sound unconvincing.

(Mr. Krajewski, Poland)

During the debate, the representatives of Ceylon, Bolivia and Ghana have rightly stressed that there are not many States which are homogeneous from the ethnical point of view. The example of Switzerland was quoted where, if I am right, four ethnic groups speaking four different languages form one State. Besides, the Netherlands Government itself states in the official report presented to the United Nations in 1948:

"Racially, the indigenous population of Indonesia may be divided into Malays in the west, the Papuans in the east. As these races have to a considerable extent intermixed, they are not separated by clearly defined boundaries."

(Mr. Krajewski, Poland)

So much as regards the legal arguments, as well as the actual facts. What I said here was only an attempt at a brief resume of the well-documented and most convincing interventions of the representatives of Indonesia, Ceylon, Malaya, Bolivia, Saudi Arabia and others who had established a prima facie case for the return of West Irian to Indonesia.

But the question of West Irian has not only legal aspects. Its implications stretch far beyond the field of law. The Netherlands and the States who support it suggest that the question be brought to the International Court of Justice.

May I be allowed to say that the problem of independence of peoples, their sovereignty, their right to self-determination, cannot be settled in courts.

The question of West Irian is one of the aspects of a process now under way in the world of liquidating the remnants of colonial systems. There is no doubt that vestiges of this system, especially since the end of World War II, are nearing their inevitable end. The process of liberation of peoples from the colonial dependency cannot be stopped by force.

Some States have realized quite early the logics of this historical development and under the pressure of national liberation movements have withdrawn from some of the territories occupied by them, transferring the authority to the lawfully elected representatives of the local population. In other cases, peoples have gained the much-desired freedom as a result of struggle. But there are States who try to hinder, to retard, this process. It is by no means finished yet, and it might be well if we bear this in mind during our discussion.

The representative of the Netherlands referred here to the alleged lack of knowledge as to the wishes of the inhabitants of West Irian and tried to prove that the interests of this people will best be safeguarded if they will be kept in the colonial dependence of Holland. The partisan movement which, despite denials, still exists and grows in West Irian gives proof to the contrary.

At the time when Indonesia was a non-self-governing territory within the meaning of Chapter XI of the Charter, West Irian, as its component part, shared its fate. At the moment when Indonesia, after having regained independence,

(Mr. Krajewski, Poland)

was no longer subject to provisions of Chapter XI, the same should have been applied to West Irian as an integral part of the new sovereign State of Indonesia. Application of a different criterion to a part of the same territory is a result of attempts at artificial separation of West Irian from Indonesia. This, together with undisputed proof of existing links between West Irian and Indonesia which have been given here, is an answer to the thesis put forward by the representative of the Netherlands that the Dutch administration aims at ensuring for the population of West Irian the expression of their will in the future.

During the discussion the representative of Australia said that every State could put forward a claim against another State and in case of refusal could say that there exists a dispute and request assistance of the United Nations in solving the problem.

With all due respect, I would like to draw attention to the fact that the argument put forward by the representative of Australia is not correct. I think we are all unanimous here that the provisions of the Charter should be implemented in accordance with its basic purposes contained in Chapter I, namely the promotion of peaceful relations among States, the strengthening of world peace and security. The authority of our Organization is undoubtedly a sufficient guarantee against presenting unwarranted demands. In the light of what I have said, from all our discussions to date, it can be clearly seen that the question now before us is a very important political problem. It has been put forward by a State which, in the short period of its independence, gave much proof of its attachment to the cause of peace and actively contributed to international co-operation, as witnessed by the Bandung Conference, of which Indonesia was not only the host but one of the principal architects.

This Conference was undoubtedly one of the most important political events of the post-war era. It made, as we all know, an important contribution to the formulation of principles of peaceful co-existence. Thus, its importance goes far beyond the frontiers of the countries which participated in this Conference. The Bandung Conference, acting in the interests of peace and trying to bring about the relaxation of international tension, pointed the way towards the solution of the question of West Irian.

(Mr. Krajewski, Poland)

The representative of Italy, in his statement today, referred to the Bandung Conference and stated that even this Conference was very cautious as to Indonesia's claims, because it asked for the continuation of negotiations based upon the existing agreements between the Netherlands and Indonesia. But the representative of Italy drew the wrong conclusions because, in the opening remarks of the relevant paragraph of its final communique, the Conference gave unequivocal support to the Indonesian case. Starting from the premise that the existing agreements between the Netherlands and Indonesia fully acknowledged the right of Indonesia to West Irian, the Bandung Conference asked precisely for implementation of the same agreements. The relevant part of the final communique reads as follows:

"The Conference, in the context of its expressed attitude on the abolition of colonialism, supported the position of Indonesia in the case of West Irian (Dutch New Guinea).... It urged the Netherlands Government to re-open negotiations as soon as possible to implement their obligations under the (Netherlands-Indonesian) agreements, and expressed the earnest hope that the United Nations would assist the parties concerned in finding a peaceful solution to the dispute."

It showed the international character of this problem which cannot be considered as a local dispute between two States. It is a dispute of a par excellence international character, the peaceful solution of which should be the task of the United Nations.

Although West Irian is far away from Poland, the Polish delegation, in taking the floor on this matter, is motivated, first of all, by its deep desire to prevent the increase of international tension. Both because of the principles involved and of the international aspects of the case, the Polish delegation is of the opinion that the dispute should not be left in abeyance. It should find its solution precisely here, with the active help of the United Nations. We cannot allow this situation further to deteriorate. For any aggravation of the situation, wherever it might occur, must endanger international peace and lead to the rise of international tension. I submit that no one assembled in this Committee wishes this to happen.

(Mr. Krajewski, Poland)

We have now before us the draft resolution presented by nineteen Powers (A/C.1/L.193). It is a very moderate resolution indeed. It calls for "both parties to pursue their endeavours to find a solution of the dispute in conformity with the principles of the United Nations Charter" and "Requests the Secretary-General to assist the parties concerned as he deems it appropriate..." In view of the undisputed rights of Indonesia to West Irian the moderate tone of the resolution gives testimony to the moderation and sense of responsibility of the Government of Indonesia.

I would like to stress that the question of West Irian is really a touchstone of the attitude towards one of the important problems of our times namely putting an end to the vestiges of colonialism.

The Polish delegation will vote in favour of the draft resolution submitted by the nineteen Powers and hopes that it will receive the overwhelming support in our Committee.

Mr. LOUFI (Egypt) (interpretation from French): Egypt has joined with twenty-one States Members of the United Nations in asking for the inclusion in the agenda of the Question of West Irian. In the Explanatory Memorandum (A/3644) accompanying this request for inclusion, these States emphasize in particular that the draft resolution presented at the eleventh session failed to obtain the required two-thirds majority and that nevertheless, "the absence of a specific recommendation for a peaceful approach did not contribute, in fact, to the lessening of tensions between Indonesia and the Netherlands..." The Memorandum went on to say: "Moreover, it" -- that is, the dispute -- "continues to exist as a persistent deterrent to the encouragement and improvement of friendlier relations between Indonesia and the Netherlands." I quote further "... the continuance of the present situation is only likely to increase the dangers inherent in the dispute."

Therefore, the conclusion I draw from this Memorandum is that the States that asked for the inclusion of this item in the agenda had a praiseworthy purpose in mind. They wanted to find a solution of this problem by way of negotiations in accordance with the United Nations Charter.

In his speech in our Committee last Wednesday, 20 November, the Minister for Foreign Affairs for Indonesia emphasized in clear and precise terms the repercussions to which this dispute between the Netherlands and Indonesia may give

(Mr. Loutfi, Egypt)

rise if no equitable solution of the problem is found by way of negotiations. In particular he declared, and I shall remind you of his words:

"No nation with any sense of self-respect can continue to allow its reasonable request for negotiations to be ignored... This is a very dangerous attitude to assume and might lead to unforeseen and undesirable -- even explosive -- events in the international field." (A/C.1/IV.905, p. 13/15)

It is in order to reduce tension and to ease the atmosphere and in order to find a fair solution to the problem by way of negotiations that my delegation has joined in the request for inclusion of this item and that it co-sponsored the resolution submitted by nineteen Powers to which I shall refer in a moment.

As for the statement attributed to President Soekarno about the alleged use of force, I have some doubts whether the attribution is quite accurate and I am sure that the representative of Indonesia will clarify the point.

The General Assembly is discussing the Question of West Irian for the fourth consecutive year. For this reason I shall not dwell at length on the facts of this dispute in which Indonesia and the Netherlands are opposed to each other and of which you are all aware. I shall merely emphasize two points which my delegation finds very important. First, that West Irian was a Residency which was an integral part of the former Netherlands Indies. Since the Netherlands Indies have become Indonesia, that sovereignty over Netherlands Indies passed from the Netherlands to Indonesia. Therefore West Irian is part of Indonesian territory. As a number of speakers who spoke before me have emphasized this flows clearly from Article 1 of the Charter of the Transfer of Sovereignty where it is stated: "The Kingdom of the Netherlands unconditionally and irrevocably transfers complete sovereignty over Indonesia to the Republic of the United States of Indonesia..." Article 2 of the Charter of the Transfer of Sovereignty deals only with the status quo of West Irian whose disposition was to be taken care of within a year after the date of the Transfer of Sovereignty. As a number of other speakers have pointed out this is merely a matter of transfer of administration and of status quo of West Irian within the framework of the sovereignty of Indonesia to which the Netherlands had carried out the transfer. Therefore these negotiations which we request in our resolution proceed from a contractual **act** which was in fact placed into force since negotiations on this topic were undertaken on a number of occasions, although unsuccessfully.

(Mr. Loutfi, Egypt)

In our opinion there has in fact been a transfer of sovereignty. In fact even if there were no contractual relationship, the Charter of the United Nations enjoins negotiation.

I will moreover seek to deal with an argument which the representative of the Netherlands mentioned in his speech of 20 November last. This argument is based on the provisions of Article 73, Chapter XI of the United Nations Charter, concerning Non-Self-Governing Territories. He said:

"... 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."

(A/C.1/EV.905, p. 23/25)

"...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." (Ibid.)

I regret, but I am unable to share the view of the representative of the Netherlands on this point. Chapter XI of the Charter is designed to remedy some imperfections that have become evident in the administration of colonial Powers and imposed certain obligations on these colonial Powers. But that Chapter in no way sought to determine or to adjudicate the sovereignty of a specific Territory which must be left to its legitimate holder, which in the circumstances is Indonesia as the Charter of the Transfer of Sovereignty specifies. In imposing obligations upon the Administering Powers, the Charter had in mind Powers whose administration was based on valid rights. Chapter XI does not have the effect of transferring to a State a right of sovereignty which it did not possess or validate an occupation which was invalid to begin with. That is why Chapter XI and the legal consequences flowing therefrom will not in themselves suffice to rule out any discussion on the sovereignty of West Irian.

(Mr. Loutfi, Egypt)

The identify of the holder of sovereignty is a previous question which has arisen which must be solved before Chapter XI of the Charter can be invoked at all. We must not lose sight of the fact that this is not a demand for annexation. As other speakers have pointed out, all that is being asked is the resumption of negotiations. If there has been any annexation in this question, it is surely the Netherlands Government which has carried it out.

We consider that it is difficult for the United Nations to sidestep its responsibilities and fail to encourage the resumption of negotiations which, in our opinion, would help to bring about co-operation and friendly relations which should exist between Indonesia and the Netherlands and which the present dispute is likely to jeopardize. We do not in fact share the point of view of the representative of Australia who feels that a resumption of negotiations in view of the different positions of the parties might, in case of failure, increase tension between the Netherlands and Indonesia. We have often noted that the points of view diametrically opposed at the outset of negotiations have been modified and that a solution of the problem has in fact been achieved. We note also that the United Nations, for example, in the opinion of the members of this Committee, has always subjected to negotiation the disarmament question, which is a highly delicate question, very difficult to solve and which surely raises great difficulties and complex problems. The opinion has always been that negotiations in this field could and would reduce international tension.

We hope that the Netherlands will not continue to pursue an obsolete and antiquated colonial policy but will accept recourse to negotiations in order to find an equitable solution of the problem.

There is no need to recall that the States represented at the Bandung Conference, as you have been told, have all given their support to Indonesia. Permit me to repeat the contents of the final communique of the Conference:

"The Afro-Asian Conference, in conformity with the attitude already expressed by it as regards the abolition of colonialism, has supported the position of Indonesia with regard to the question of West Irian, a position based on agreements signed between Indonesia and the Netherlands.

"The Conference of the Asian and the African countries asks the Netherlands Government to resume negotiations as soon as possible and to respect obligations flowing from that agreement. The Conference expresses the fervent hope that the United Nations will help the parties concerned to find a peaceful solution of the dispute."

Therefore, it is very clear from the above that the countries represented at Bandung supported Indonesia's claim with regard to West Irian, in spite of the doubts which the representative of Australia sought to cast on this fact. At all events, the position of the Egyptian delegation on this matter has not changed since that decision of the Conference. We feel that no new circumstance has occurred of such a nature as to call for an alteration of our position.

As for the draft resolution which we have presented, it is very moderate in its terms and only asks the parties to continue their efforts to find a solution of the dispute in accordance with the principles of the United Nations Charter. I believe that it would be very difficult for any one to vote against such a draft resolution. I can only regret the attitude adopted by certain Powers on this question.

In conclusion, I ask the members of the Committee to vote in favour of this draft resolution.

Mr. GEBRE-EGZY (Ethiopia): In the view of my delegation, a close study of all the instruments involved in the question down to the Charter of Transfer of Sovereignty of 1949 shows that there is a dispute regarding the administration of West Irian and that this dispute was to be settled by negotiation. This is our first reason for co-sponsoring the draft resolution before the Committee. We do not believe that the attempt to disregard this fact by the arguments of self-determination etc. should be accepted by the General Assembly.

In this connexion, it must be remembered that in 1955 the General Assembly refrained from considering the question of West Irian because the two States had agreed to open negotiations regarding many matters, including the question of West Irian. This attempt was not fruitful, but it did show that the arguments against negotiations have no foundation.

The statements of most of the representatives who are opposed to the draft resolution before this Committee show beyond any doubt that there is a dispute, but each in his own way and to varying degrees seems to prefer silence. This is a rather strange course of logic which admits the existence of a dispute but opposes attempts at negotiations. This is a startling development in the United Nations, which must be opposed vigorously. For if accepted it would mean that the United Nations would be no more a forum or a machinery to assist States in reconciling their opposing views.

Nineteen Member States coming from different parts of the world have co-sponsored the draft resolution before the Committee. That, we believe, is a concrete indication that the question of West Irian is a serious matter and cannot be taken lightly.

The draft resolution is simple in terms, but it is based on a very fundamental consideration of the Charter; namely, that the United Nations should assist Member States to settle their differences peacefully by negotiation. This is our second reason for co-sponsoring the draft resolution.

This, I think, is the fourth time that the question of West Irian has been brought to the United Nations by the Government of the Republic of Indonesia, seeking the assistance of the Organization in its attempt to settle the question of West Irian by negotiation. No matter how that attempt

may be considered or looked upon by those who disagree with the Government of the Republic of Indonesia, it is to the credit of that Government that it has not lost faith in the Organization. The principles and purposes of the United Nations make it the duty of each Member State to pursue continuously the solution of disputes by peaceful means, and that is what the Government of Indonesia is doing. That is also one of our reasons for co-sponsoring the draft resolution under consideration.

We believe it to be the duty of all Member States to try to bring together States Members who have differences, that is, make it easy for them to meet and negotiate so as to dispose of disputes which cause friction. That, as I said earlier, is the fundamental point of the draft resolution before the Committee regarding the question of West Irian and the reason why we have decided to co-sponsor it.

The representative of Indonesia has convincingly stated the case of his country in resolving the question of West Irian by negotiation to the benefit of the entire world. He represents, after all, the country directly involved in this question and what he presented here regarding the peace and security of the area must be taken very seriously. It would be a great mistake if this question was not dealt with appropriately this year. The General Assembly can and should do all in its power to prevent this question from poisoning the relations of the two States any further.

The representatives of Ceylon, Malaya, the Sudan, Saudi Arabia, Burma and many others have at great length dealt with the substance of the dispute and there is little that my delegation can add to their considered and very wise statements. We wish only to add our sincere hope that each Member will carefully weigh those statements and do justice to the request of the Government of the Republic of Indonesia.

Mr. TARABANOV (Bulgaria) (interpretation from French): The question of West Irian which is on the agenda of the present session of the General Assembly is only one of the instances of the painful heritage left by the policy of enslavement of backward peoples which has for centuries been carried out by the colonial Powers.

At the time of the liberation of Indonesia from the colonial domination of the Netherlands, part of this territory was artificially sundered from it; on the pretext that its status was to be considered separately, colonial enslavement was maintained there. The Government of Bulgaria and responsible Bulgarian statesmen have repeatedly made clear that the People's Republic of Bulgaria is resolutely opposed to the policy of colonial subjugation and oppression of peoples, a policy engaged in by certain Powers with regard to backward peoples and countries. For centuries the Bulgarian people were under a foreign yoke, and they watch with admiration the struggle of oppressed peoples for their national liberation, national independence and the defence of their territorial integrity. That is why all the sympathies of the Bulgarian people now go out to the Indonesian people, who are making supreme efforts to secure their national independence and territorial integrity despite the intrigues of imperialist colonial groups. The sympathy of the Bulgarian people goes out to the oppressed Indonesian population of West Irian.

Some delegations, particularly that of the Netherlands, have endeavoured to transform the question of the liberation of West Irian from the colonial yoke and its reunification with the Indonesian Republic, a purely political question, into a legal issue bearing on the interpretation of certain texts of international agreements. In this manner, attempts are being made to transfer the question to the International Court of Justice, which, because of its specific functions, cannot take into consideration all the interests of peoples and countries but would necessarily be confined to the legal framework of the question and would have to pronounce itself on the basis of the ability displayed by the two States to manipulate and defend the legal formulae of the various instruments. In view of the difficulties inherent in the problem,

(Mr. Tarabanov, Bulgaria)

in this manner an attempt would be made to clear the way for a political solution which would be in accordance with the interests of the Netherlands colonizers. But the interests of a million human beings and the territorial integrity of a Member State of the United Nations can surely not be left to the tender mercies of the colonizers. Quite recently, in fact, the colonizers have proclaimed their intention of preparing a solution of the problem which would leave this part of Indonesia under their permanent domination. The procedure they used during the negotiations on the independence of Indonesia was a perfect illustration of their true intentions. Forced to give ground, under the pressure of the powerful national liberation movement, they sought at that time to defer the solution of some outstanding issues, particularly the question of West Irian, in the hope and expectation that the international situation would change in such a manner as to make it more favourable to their designs.

In their report to the United Nations in 1948, the Netherlands officially recognized that Indonesia consists of the islands of the Sunda Archipelago the Moluccas, and New Guinea to the west of the 141st parallel. Before the Security Council on 22 December 1948, the representative of the Netherlands declared:

"The population of Indonesia [including West Irian] comprises about seventeen distinct ethnic and linguistic groups, which in turn comprise an even greater number of sub-groups. The unity of Indonesia, which has been forged gradually, is a result of Netherlands sovereignty. Life in common under the Netherlands Crown has given rise to a sense of Indonesian nationality and the will to establish an Indonesian national State."

In 1948 the national liberational movement among the dependent and colonial peoples was coming to a climax. The struggle of the Chinese people was rapidly progressing towards final victory. After the defeat of the Hitlerite and the reactionary forces, the people of Indonesia and several other peoples of Asia and Africa, as a crowning of their long and persevering efforts, won their independence.

(Mr. Tarabanov, Bulgaria)

Constrained to undertake negotiations for the establishment of Indonesian independence at the very time when the national liberation movement of the peoples of Asia and Africa was being crowned with striking and signal success, the colonizers sought to obtain credit at least for the formation of the Indonesian nation. Many of them, under the pressure of historical developments, under the pressure of the struggle of the oppressed peoples, renounced their privileges and then they attributed to themselves credit for the civilizing, the advancement and even the independence of these peoples. Why should they not do the same and act as liberators of these peoples? Why not clear the way for congratulations and applause, at least in other countries, for their alleged great merits as regards the Indonesian people? Why not make a virtue of this disagreeable necessity, which would then become a useful strategem?

However, colonialism is such that it is unable to give up its privileges of its own accord. The liberation of colonial and dependent peoples goes against its grain. It cannot forego the great profits it gets out of the colonial peoples by way of pitiless exploitation. This is the very essence of colonialism. Fables about so-called good colonialists, ready to renounce their own nature, are mere inventions designed to cover up their retreat, which took place under the pressure of the struggle of the peoples in the colonial countries, a struggle which in turn was dictated by certain historical developments.

This does not mean that certain groups, certain classes, certain personalities, certain political parties, in the colonialist countries cannot occasionally assume anti-colonialist and anti-imperialist positions. On the contrary, in the framework of the struggle of the popular masses which in some nations in their enormous majority take a stand against the colonial policy of the ruling circles of their own countries, there is every reason to believe that such positions will be assumed more and more frequently in the future by various leaders and groupings. But the popular masses of the colonial countries and the colonizers are two different things; in fact they are diametrically opposed.

Faithful to their nature even when they claim every credit for the establishment and building up of the Indonesian nation, the Netherlands colonizers were already calculating how to defer the solution of the West Irian problem for a year, with the object of bringing about a severance of West Irian from Indonesia. The joint declaration issued by the Governments of the Netherlands and Australia on 6 November 1957 completely revealed the true nature of the

NR/en

A C.1/PV.910
54-55

(Mr. Tarabanov, Bulgaria)

colonialists' designs. It was stated in that declaration:

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

It was stated that, in view of the ethnological and geographical affinity of these peoples, this process would be continued until such time as the inhabitants of the territories themselves would be in a position to determine their own future.

(Mr. Tarabanov, Bulgaria)

This is the future which is in store for West Irian: to be lopped off from Indonesia and, under the pretext of unification with an Australian-administered Trust Territory -- which is inadmissible to begin with -- it is to be kept under the colonial yoke for all time.

Before the negotiations on the transfer of sovereignty to the Indonesian State and on the relations to be subsequently instituted between Indonesia and the Netherlands, in official Netherlands documents the population of West Irian was always, as a matter of course, stated to be part and parcel of the Indonesian nation. Now it is revealed that it had hitherto unrevealed affinities with the population of Eastern New Guinea. Even when the foundations of the future relations between the fledgling Indonesian State and the Netherlands were being made, the population of West Irian seemed to be conceded to be part of Indonesia. If the future relations were to develop in a manner favourable to the Netherlands, they would in fact have been allowed to belong to Indonesia. However, since relations between the Netherlands and Indonesia are not to the liking of the Dutch colonizers, the population of West Irian is not allowed to belong to the Indonesian nation. This is the logic which is adopted on this question. This logic, however, cannot and must not be endorsed by the United Nations and by its Members.

This is a strange logic which is dictated by selfish interests. Moreover, certain changes in the international situation have likewise considerably influenced the position of the Netherlands. Whereas in 1948-49 the development of the national liberation movement of the oppressed peoples was at its peak and, under the pressure of those developments, the Dutch were constrained to negotiate, towards the end of 1949 the aggressive NATO alliance was set up and the Netherlands became one of its charter members. One of the principal tasks of this aggressive alliance is to safeguard the colonial privileges of its members and to secure new ones, and to devise new forms for subjugating colonial peoples. This is the source of the novel inspiration of those who in 1948 were making desperate efforts to save what they could of their erstwhile privileges and colonial territories.

Since the formation of SEATO, the aggressive bloc of the principal colonial Powers who are attempting again to dominate the people of South East Asia, a bloc to which certain countries of this region have chosen to adhere, West Irian has

(Mr. Tarabanov, Bulgaria)

acquired new value and new importance for the colonialists. The possibility of transforming it into a military base appeared on the horizon, and those who were able to cling to that territory found their position enhanced. It is not difficult to draw the connexion between the establishment of these aggressive alliances and the fluctuations in the position of the Netherlands on this question.

But the prolongation of Dutch colonial domination over West Irian poses a real danger to peace and tranquility in this important region of the world. There is no doubt that the Indonesian people will not abandon their brothers and leave them to the tender mercies of the colonial yoke. Pathetic appeals from responsible leaders of the Indonesian people and addressed to world public opinion and to the United Nations are not instigations to war, nor do they represent a threat of war; they are the genuine expression of an agonized sentiment, they are an appeal for justice coming from the Indonesian people as a whole, they are an expression of the determination of the Indonesian people to help their brothers in distress.

The struggle of peoples for freedom and justice has never posed a danger to peace; but a danger to peace is posed indeed whenever colonialists and imperialists seek to maintain their privileges over colonial peoples, and seek to do so by armed force in the attempt to prolong, if only for a brief time, the unworthy regime of slavery and oppression in the teeth of the rising wave of wrath and anger of the colonial peoples.

In this situation it is the urgent duty of the United Nations to intervene effectively in order to facilitate the solution of a question which might indeed endanger peace in South East Asia.

We have been treated to many bizarre arguments, one less acceptable than the other, in support of the continuation of the Netherlands colonial yoke over West Irian. We have heard about the "civilizing role" of the Dutch colonizers in West Irian. But what is the value of these arguments when even their supporters have had to concede that after 150 years of unremitting civilizing efforts on the part of the colonialists, the population of West Irian is still living, by their own admission, in a totally primitive condition? Emphasis was placed on the interests of the indigenous population, of which these same circles proclaim themselves to be the champions. But is it not clear to everyone the type of

(Mr. Tarabanov, Bulgaria)

champions of the indigenous population these colonizers can be, these colonizers who, during 150 years of colonial domination, kept them in a state of misery and backwardness?

The true reasons underlying the great interest of the Netherlands colonizers in West Irian and its population must be sought elsewhere: it is the vast profits which these colonizers harvest from the exploitation of the natural resources of this great territory and from the ruthless exploitation of the indigenous population. A number of speakers have already referred to this matter, and it is therefore not necessary for me to dwell on it in detail.

The nineteen-Power draft resolution does not ask the Netherlands to do much. All it requests is that negotiations for the settlement of the question should be resumed. Are the arguments so weak of those who defend, with an exaggerated zeal, their domination over West Irian and over this unhappy population that they do not even have the courage to show up at the negotiating table with them?

(Mr. Tarabanov, Bulgaria)

In the situation which has arisen in connexion with West Irian, the United Nations cannot fail to intervene with the full weight of its authority in defence of the principles of the Charter. The United Nations cannot permit these principles, which are at the very basis of its existence, to be flouted or adulterated. The United Nations cannot allow action against these principles on the pretext of defending them and applying them. This attitude towards the Charter can only subvert the authority of the United Nations.

It is intolerable that the population of this part of Indonesia, West Irian, should be kept pining away in colonial slavery in order to defend the privileges and interests of an insignificant group of colonizers. The Bulgarian people is wholeheartedly sympathetic to the struggle of the Indonesian people for the liberation of its land from the yoke of colonial oppression. That is why the Bulgarian delegation wholeheartedly supports the draft resolution presented by Indonesia and eighteen other States and why it will vote in favour of it.

Mr. CASILLON (Uruguay) (interpretation from Spanish): The delegation of Uruguay is sad that the political status of West Irian should be the cause of increasing tension in the relations between two States Members of the United Nations with both of which the people and the Government of my country maintain very friendly relations. My delegation also deplores the fact that, because of the adamant stance taken by the parties in this dispute, obstacles are gradually being created. In this matter, obstacles that may be insurmountable and which may make it impossible for this Organization to serve one of its noblest purposes, namely, to contribute to the situation that has been created, to be a centre of harmonizing conflicting interests, amongst which is the settlement of international disputes by peaceful means, safeguarding such important things as peace, security and justice as proclaimed by the Charter in Article 2, paragraph 3.

This is the third time that the First Committee of the United Nations has had to discuss this delicate subject, having already approved as many resolutions; two of them have different significance and scope.

In the course of the ninth regular session of the General Assembly, this Committee adopted a first resolution which was later nullified in the General Assembly because it lacked the necessary two-thirds majority. That resolution

(Mr. Charles Uruguay)

was worded in such a way as to have the General Assembly express its hope that Indonesia and the Netherlands would continue their efforts to achieve a solution of the dispute pending between them. We voted in favour of that resolution.

In 1957 this Committee adopted a resolution which once again failed to obtain the necessary two-thirds majority in the General Assembly, a resolution according to which, and in view of the fact that thus far negotiations between Indonesia and the Netherlands had not succeeded in solving the problem, the President of the Assembly was requested to set up a good-offices committee composed of three members, and that committee was to have the duty of assisting the parties with their negotiations. At that time we abstained both in the Committee and in the General Assembly when the resolution came to a vote.

In both of these cases, our attitude was quite in keeping both with the letter and the spirit of the Charter, as we feel it to be and as we felt it to be. The explanation why we took the positions that we have stressed here -- voting in favour in the first case and abstaining in the second -- justifies the position that we take regarding the draft resolution before us now (A/C.1/L.193) in which the parties are invited to pursue their endeavours to find a solution to the dispute between them in conformity with the principles of the United Nations Charter and whereby the Secretary-General is requested to assist the parties, as he deems appropriate.

As far as we are concerned, it is obvious that the system set up by the Charter is based on the initial obligation on the part of all countries and parties to a dispute to try to solve this dispute by peaceful means of their choice, as is set out in Article 33. The United Nations intervenes when the parties by themselves cannot come to a solution, and in order to do this any Member of the United Nations may bring such a dispute to the attention of the Security Council and the General Assembly in accordance with Article 35.

Naturally, this type of dispute between States is one which falls within the joint competence of the General Assembly and of the Council. But even if this were not the case, the Charter tries to avoid a duplication of functions and powers. This seems crystal clear to us from reading Article 11, paragraph 2 and Article 35, paragraph 3, which reserve to the Council the "action" to be taken, and in this one word is included all the types of action that the Council has the power to carry out in accordance with the provisions of Chapter VI on the "Pacific Settlement of Disputes."

(Mr. Charlene, Uruguay)

The Assembly can obviously discuss situations of the nature that we are now discussing, and it can also express the hope that the parties will endeavour to solve those problems which were proposed in 1954 during the ninth regular session of the General Assembly -- and we voted in favour of it at that time.

However, we believe that the Assembly has no power to act and cannot intervene in a controversy in such a manner as to indicate to the parties the methods of negotiations to be followed, nor can the Assembly set up a Commission or nominate a person to act. This type of action is an action which falls within the purview of the Security Council in accordance with the provisions of the Charter. That is the flaw contained in the resolution adopted last year by the Committee. That is why we abstained from voting on it. We preferred taking that position rather voting against it because even though the resolution did contain the flaw that I have mentioned, the objectives of that resolution were still those of the great ideals of the Charter.

The same reasons led us to adopt a similar position on the draft resolution before us now although in paragraph 1 the parties are invited to pursue their endeavours, an exhortation which the Assembly can make. In paragraph 2 it defines a type of "action" similar to that contained in the draft resolution discussed at the ninth session of the General Assembly. Instead of setting up a three-man good-offices committee to help the parties -- which was proposed then -- today the Secretary-General is asked to assist the parties concerned, as he deems appropriate.

Apart from these juridical considerations, we too have certain political doubts. We wonder if we are not anticipating matters and anticipating to what extent the parties are ready to negotiate. Would it be right to entrust to an official of such a high position as the Secretary-General the impossible task of having them negotiate when they do not want to do so? His inability to do this might make world public opinion suppose that the Organization had failed because it would be the Organization that would be called upon to act according to paragraph 2 of the operative part of this draft resolution.

(Mr. Charlone, Uruguay)

Having examined the procedural or legal aspect of the problem in order to make up our minds whether the draft resolution (A/C.1/L.193) before us is in keeping with the provisions of the Charter, we still have the kernel of this problem to break open. Here I refer to the adamant positions taken by the parties to the dispute, which frustrate a priori any possibility of negotiation. We believe that no inflexible positions should be taken within an Organization based upon love of peace, an Organization whose Members have committed themselves to solving their disputes by peaceful means in order to safeguard those sacred assets peace and security, and also justice and law under the Charter. We understand that both Indonesia and the Netherlands believe in all good faith that their ideas are good and that their title deeds are valid -- one to sovereignty, the other to administration over the territory which is being discussed here. But, as far as we are concerned, the positions of the two sides are not clear enough in a matter of extraordinary complexity which brings into play the most delicate problems of both a juridical and a political nature. I believe that I have sufficient reasons for thinking that our attitude in this respect is one that is shared by other delegations.

We do not hesitate to say that, after having heard for the fourth time the allegations made by the parties, as far as we can see neither party has the monopoly over truth or over the facts themselves. The title which Indonesia claims over the territory does not seem clear to us. Had it been so, the future fate of West Irian would not have been left open to be discussed at later negotiations; nor do we see why Indonesia, which bases its claims on the stipulations of a treaty, would be unwilling to accept the Netherlands proposal to submit its case to the International Court of Justice. Surely that is the doctrine of the United Nations and the meaning of our Organization. Surely it is the method which, according to the Charter, should be followed as a general rule for the solution of legal disputes, as is borne out by Article 36 (3).

But, with the same sincerity and frankness, may I say that we deplore seeing the Netherlands in the same inflexible kind of position, ready to maintain the present status of this territory and alleging that the obligations imposed on it by the Charter also make it impossible for it to hand over the trusteeship of the area as yet and necessary for it to retain it so that the inhabitants may themselves choose their future of their own free will when that is possible.

(Mr. Charlone, Uruguay)

That is a superb doctrine which, since it comes from the Charter and was already in existence and in force when the agreements between the Netherlands and Indonesia were signed, is the basis on which the present status rests. At that time the Netherlands admitted that changes in the status of West Irian should take place on the basis of negotiations which would be conducted later between it and Indonesia. The changes which did occur later in the institutional structure of the State cannot, we believe, lead to the final conclusion that that commitment to negotiate has been wiped out.

Among the juridical elements that must be taken into account there is a very important document, namely, the United Nations Charter. That Charter contains the principle of self-determination as one of the essential bases for the peaceful coexistence of States. The principal meaning of that is the right of every people to choose its own institutions by the free expression of its sovereign will, and the United Nations, according to Article 2, is based on the sovereign equality of all its Members. And may we add that, "in the event of a conflict between the obligations of Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail". This is stated in Article 103.

In view of all this we wish to express our sincere hope that Indonesia and the Netherlands will give up their present intransigent positions and agree to negotiate with all the necessary flexibility of mind. Between extreme positions lie the positions of conciliation, and I am sure that the parties can come to such positions of conciliation. During the meetings held by this Committee at the ninth and eleventh sessions we expressed our view on this matter. We remember that during the ninth session we said that since this question was one of a winding up a colony the final fate of West Irian could not be divorced from the rights of the peoples to make their views known. They were unable to make their views known at the time because of their then lack of culture, but one day they would be able to speak and to choose their political future. We cannot despoil, and no one has the right to despoil, a people of rights which are inalienable because they are inherent in liberty and the dignity of the human person and not, therefore, to be limited in time.

(Mr. Charlone, Uruguay)

That is the idea we expressed at the ninth session of the General Assembly. At the eleventh session we expressed the thought that, within the framework of the United Nations, a temporary system of administration could be set up, and in that we agreed with the carefully considered and most valuable suggestion which had been made a few days earlier by the representative of Costa Rica -- a suggestion which we believe to be covered by Chapter II of the Charter. May we recall that at the second session of the General Assembly Article 77, sub-paragraph 1a, according to which the Trusteeship System could apply to territories held under mandate, was going to be interpreted on the lines of an Indian draft resolution according to which Member States were to be asked to place under trusteeship territories which were not then ready for self-government. In the draft resolution which was then adopted by the Fourth Committee it was stated that when the United Nations was established it had been understood that non-self-governing territories would be placed voluntarily under the Trusteeship System, and the hope was expressed that Member States responsible for the administration of such territories would propose trusteeship agreements for them in accordance with Article 77, sub-paragraph 1c. Unfortunately, although adopted by the Committee, the draft resolution was not passed by the General Assembly because it failed to secure the required two-thirds majority. Nevertheless, this is a very important precedent. In the light of that precedent we believe that at least suggestions should be made on the possibility of leaving the future fate of West Irian to a system of trusteeship under the United Nations. Actually, the sole extent of this is that of an idea expressed in a committee for possible consideration by the parties, in the hope that, in renewing negotiations, they may find in this idea the seeds of possible agreements and friendly solutions.

In conclusion, we wish to say that even more important than the suggestions we can make in this debate is the result of the debate itself, because that result will effect the efficiency of an Organization that we must all safeguard. We have to adjust our conduct to the principles and purposes of the Charter. The delegation of Uruguay would feel extremely happy if we were able to see the States in conflict in this dispute leave aside the intransigence that separates them and agree to negotiate with constructive minds. We do believe that we have a right to expect this of the Netherlands, whose great contribution to the welfare and culture of

FGB/pim

A/C.1/PV.910
69-70

(Mr. Charlone, Uruguay)

peoples has warranted general recognition. There is also reason to expect it from Indonesia, a young nation whose independence we cordially saluted a short while ago, because that independence was one of the expressions of the greatest ideals of our Charter -- our Charter which brought us all together in one same desire for friendship, peace and law.

Mr. GEORGES-PICOT (France) (interpretation from French): My delegation has listened to the preceding statements with great care. As the representative of the Netherlands has very aptly pointed out, these speeches were superimposed upon about 200 speeches on this topic which we have heard in the past three years. As might have been expected, no novel element has been introduced since the eleventh session, and the French delegation therefore sees no grounds for altering the position it has consistently espoused on this topic, a position which was re-affirmed by it on 18 September at a meeting of the General Committee devoted to the question of the inclusion in the agenda of item 62.

As stated at previous sessions, the French delegation continues to feel that the so-called question of West Irian should never have been included in the agenda of the General Assembly. This position does not proceed, as some have suggested, from a priori solidarity between the friendly and allied Powers of Western Europe. It flows from three distinct considerations which relate to the law, the facts and, lastly, reality.

On the legal plane, which in this particular case is paramount, the situation is quite unambiguous. Under Article 2, paragraph 7, of the Charter of the United Nations, the question of West New Guinea belongs unchallengeably to the domestic jurisdiction of the Netherlands, and this Assembly is not empowered to deal with it. We do not deny that Indonesia and the Netherlands differ as to their interpretation of the scope of article 2 of the Charter of Transfer of Sovereignty of 1949. The representative of Cuba had the splendid idea of quoting that article verbatim, since its actual provisions are only too often lost sight of. He thus gave us proof of the fact that West New Guinea was not in fact included in the transfer of sovereignty provided for by the Round Table Agreement. Indonesia feels that the reverse is the case, but she surely cannot draw arguments in support of her position from agreements which she herself has denounced. The Indonesian delegation, indeed, is so fully aware of the weakness of this line of argument that this year it is no longer pressing this aspect of the question at all.

To the extent to which, as has been established, the question is limited to a difference of interpretation as to the application of an international agreement, it is the International Court of Justice, and not the General Assembly, that should

(Mr. Georges-Picot, France)

deal with the matter and adjudicate it. The Government of the Netherlands has clearly stated its readiness to accept this procedure, and I must say that I cannot understand why the Indonesian Government, if it considers its position as strong as it says it does, has consistently refused to follow this procedure.

A number of delegations have argued here that there is a dispute between the Netherlands and Indonesia within the meaning of the Charter. This is a fallacious argument, and one which also disregards the imperative provisions of Article 2, paragraph 7. In the course of the present debate, in which, to use the expression of a famous French moralist, La Bruyère, everything has already been said, it has been repeatedly stressed that international life would surely become impossible if every Member State, after having artificially created a political dispute, came to the General Assembly and asked the Assembly to deal with the matter and to support its action.

In the case before us, it is clear that what exists is not a dispute within the meaning of the Charter, but a unilateral and manifestly unjustified attempt by a Member State to annex a part of the territory of another Member State. This policy, as we have argued, surely is not in the province of the General Assembly.

The supporters of the draft resolution presented by nineteen States have declared, and have repeated ad nauseum, that this is a colonial question -- or, to be more accurate, a question of freedom as opposed to alleged colonial servitude. On this occasion, the French delegation would have felt happy if those representatives -- and their name is legion -- who have mentioned "colonialism" had taken the trouble to reflect on the matter a bit more and to develop their thoughts. At the eleventh session, in a speech made eight months ago, the representative of Belgium pointed out that the term "colonialism" was used, rightly or wrongly, as a stimulus designed to provoke stereotyped responses. Mr. van Langenhove said that the emotional power of this expression was used in order to attain concrete purposes and to foster particular interests. This is precisely the case in the matter before us. May I add that the systematic exploitation of the term "colonialism", as we have noted in the course of the present session, seems to proceed from a fundamental hostility of certain countries -- not all of which, by any manner of means, belong to Africa and Asia -- to the States of Western Europe, to which, through an honourable association, some of the countries of the

(Mr. Georges-Ficot, France)

Commonwealth have been joined. But is colonialism truly a monopoly of Western European countries alone? Some States which, less than twenty years ago, appeared on the map of Europe have been expunged from that map today. Is the destiny of those States of interest to those countries which today accuse the Netherlands? The French delegation, for its part, refuses to believe that the solicitude displayed by certain delegations of Asia or Africa or other parts of the world is a one-sided solicitude. The French delegation would like to hope that the attitude of those delegations will be prompted by somewhat more balanced considerations. May I add, lastly, that the violent and unjustified accusations leveled here against the Netherlands and Australia by the representatives of Communist States might have been turned against their own Governments without changing a single word.

In the case of West New Guinea, nobody can question that this is a territory whose population, for various reasons, is still incapable of self-government. Nobody is unaware of the fact that, in its administration of this territory, the Government of the Netherlands has scrupulously followed the obligations entered into under the Charter, especially Article 73. The Government of The Hague has solemnly committed itself -- and this undertaking was solemnly re-affirmed here a few days ago -- to make it possible for the Papuan population to exercise, freely and knowledgeably, at the proper time, the fundamental right of self-determination. In return, the representative of Indonesia has let it be understood again that his Government has no solution in mind other than the solution of a total transfer of sovereignty -- a transfer of sovereignty, mind you, without any previous consultation of the will of the population concerned.

(Mr. Georges-Picot, France)

In this connexion, we have been told that the peoples of West Irian had expressed their wishes in 1945, and had even sent deputies to the parliament in Jakarta. Now, that is a particularly specious argument for the simple reason that in 1945 there was no such thing as an Indonesian State and, moreover, the populations involved, even if they had been consulted -- which never happened -- would have been totally incapable of expressing a motivated and knowledgeable opinion.

We have been told, furthermore, that the Indonesian authorities are far better qualified than the Netherlands authorities to take up this sacred mission, of which, it must be noted, the General Assembly is not empowered to relieve the Netherlands. The French delegation in no way underestimates the various achievements of the Indonesian Government on its own territory, but the French delegation nevertheless does not consider that Indonesia has the calling to extend its civilizing mission westward to the 141st degree of longitude. Moreover, that is not the question at all. One can never repeat often enough that the Netherlands is administering West New Guinea in full sovereignty and that the results of this administration are totally outside the purview of the First Committee of the United Nations General Assembly.

It has likewise been argued that for the Netherlands a question of prestige is involved. But, since the Netherlands is not the complaining party, who is pursuing a policy of prestige in this affair?

Finally, it has been argued that the Powers of Western Europe support Netherlands policy for economic reasons -- and some went so far as to invoke the common market. Need I remind the representative of the Byelorussian SSR that the position of France and Belgium -- which were cited by name -- was adopted well before the establishment of the common market?

Lastly, I mentioned considerations relating to the reality of things. This is the fourth time that the General Assembly is dealing with the question of West New Guinea. Going beyond its competence, the Assembly has devoted to the discussion of this question a considerable number of meetings and,

(Mr. Georges-Picot, France)

in the light of the results, has shown a zeal which might well have been devoted to a better cause. The draft resolution submitted at the last session of the Assembly did not obtain the necessary majority. It is well known what will happen to the draft resolution that has been submitted this year. During his statement on 20 November, the representative of the Netherlands said that:

"...the Netherlands... 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." (A/C.1/FV.905, p. 23-25)

That fully-justified position is not a new one. Indeed, it was expressed at the General Committee's meeting of 18 September. It demonstrates once again -- if there was any need for this -- the fruitlessness of this debate which it may be hoped, rebus sic stantibus, will not be resumed at the next session.

The Indonesian Government, its representative has told us, wished to use this opportunity to emphasize before the world its concern over the question of West New Guinea. But do not the statements of general policy which are made at each session during the general debate in plenary meetings of the Assembly suffice for that purpose? And are not those statements of general policy precisely designed to enable Member States to inform the Organization, with a solemnity fitting to the circumstances, of their point of view on the various subjects which preoccupy them?

As regards the draft resolution (A/C.1/L.195) before the Committee, the French delegation considers that it has adequately outlined the reasons why it will find it impossible to support this proposal, or any other text which would consecrate United Nations intervention, no matter how limited, in the so-called question of West New Guinea.

Mr. AL HAMDANI (Yemen): My Government has joined with twenty other Governments of Member States in bringing this question before the present session of the General Assembly. We have done so because we believe that the question of West Irian constitutes a dispute between two States and that such a dispute, if it continues to be unresolved, will stand in the way of the establishment of friendly relations between the two Governments.

We have given careful consideration to the various statements made before the Committee. This question, as we see it, involves: (1) a dispute between two States Members of the United Nations: Indonesia and the Netherlands; (2) an issue of liberation from colonial rule; (3) a situation which, if permitted to continue, will cause international friction in the Pacific area, which, in turn, may cause the further deterioration of international peace and co-operation in that area.

The dispute relates to this: Indonesia maintains -- and its statement in this respect is both clear and convincing -- that West Irian is a part of Indonesia and is now wrongly held by the Netherlands, and that the Charter of the Transfer of Sovereignty recognizes this fact. Indonesia also claims that both parties, by their acts and by their deeds, have recognized the legal validity of this fact. The Netherlands, on the other hand, denies that West Irian is a part of Indonesia. We do not agree with this latter contention. The Netherlands cannot rewrite history. Historically, politically and legally, West Irian has always been part of Indonesia.

It is obvious that the problem is one of colonialism. We need not dwell on this question, however, because it has already been discussed very fully during the last three sessions and has been dealt with in this debate very ably and fully by the Foreign Minister of Indonesia and many other representatives. Suffice it to say that Indonesia today is what used to be called the Netherlands East Indies. The Round-Table Conference stated that the transfer of sovereignty to Indonesia would be complete, unconditional and irrevocable, and that the transfer was to take place on 27 December 1949. The Netherlands Constitution itself throws light on this question.

(Mr. Al Hamdani, Yemen)

Indonesia's case has the support of more than two-thirds of the people of the world. Indonesia's legitimate and just case has been endorsed by many international conferences. To cite one of these conferences, I deem it necessary to refer to the Bandung Conference, in which my country had the privilege of participating. This Asian-African conference supported Indonesia's position on West Irian; it urged the Netherlands Government to reopen negotiations; and it expressed the hope that the United Nations would assist the parties in this connexion.

The draft resolution, which is sponsored by my delegation and eighteen other delegations, invites the parties to pursue their endeavours to find a solution to 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 be difficult for us to ignore the fact that there is a dispute between the two parties, and it would be impractical for us not to invite the parties to resume negotiations in order to find a peaceful solution. It would be a sad thing indeed if the United Nations were to close its doors and leave the situation to deteriorate further. The United Nations is morally and legally bound to work for the achievement of peaceful settlements between parties.

(Mr. Al Hamdani, Yemen)

We cannot but express the hope that the Government of the Netherlands will try to help us and will not frustrate our endeavours. By so doing, the Netherlands will help in easing the situation and in developing greater understanding between the Netherlands and Indonesia. The Foreign Minister of Indonesia, in a very moderate statement on 20 November, expressed a desire to establish economic relations with the Netherlands and to normalize relations in general between the two States. We can only hope that the Netherlands Government will show a similar spirit.

We think that the adoption of this draft resolution will be a step in the right direction and that, by adopting it, we shall be helping the parties to reach a just and peaceful solution.

Mr. ASTROM (Sweden): The debate on the item before us -- the question of West Irian, or West New Guinea, whatever name we prefer -- has made quite clear to us how the two countries directly concerned look upon the problem at the present time. We have noted that there is a complete deadlock between them and that the chances are small indeed of arriving at a political solution of the problem through negotiation and agreement. Such a solution would, of course, be highly desirable. It would prevent a further deterioration of relations between these countries and it would make it possible for them to continue and develop further the close co-operation which history has initiated and from which both stand to gain so much.

We have also had the opportunity, during the debate, to acquaint ourselves with the thoughts and feelings of many countries in Asia with regard to this problem. We are indebted to some of the Asiatic representatives for moderate, clear and sincere expositions which we have every reason to study with great seriousness.

Irrespective of whether this is a political dispute or not, we have to take into account the strong emotions which it generates in many countries. If the problem is allowed to continue without settlement, this will no doubt have wide and pernicious political repercussions, first of all in Asia. Also for this reason, a solution by agreement is much to be desired. An agreement, if it is at all possible, should be reached by peaceful means and without resort to threat or violence.

(Mr. Astrom, Sweden)

We are now faced in this Committee with the problem how the General Assembly can and should deal with this question once it has been placed on the agenda. As to the legal competence of the Assembly to discuss the matter, the Swedish delegation considers that the relevant provisions of the Charter should not be interpreted in a narrow and restrictive spirit. Such an interpretation might well prove harmful to the prestige of the United Nations. Therefore, when the Swedish delegation voted against the inclusion of the item on our agenda, we did so only because we felt that a debate here on the premises, advocated by the proposers of the item, would serve no useful purpose at the present time, and the more so since we cannot look upon the problem as it now appears as a question of a people utilizing its right to self-determination.

So much for the competence of the General Assembly.

When we come to consider the substance of the matter we cannot fail to note that the Indonesian claim is based on the assumption that the Netherlands has already given up its sovereignty over West New Guinea and that, the negotiations having failed, it is now illegally occupying that territory. The further talks which the Indonesian Government wishes to conduct with the Netherlands Government could, in the Indonesian view, have only one objective, and that is to bring the territory under Indonesian administration.

The Netherlands Government, however, takes the view that the Indonesian assumption is illegal and invalid and that the claim based thereon is a political move to acquire foreign territory. The draft resolution before us must be viewed against this background.

In view of the circumstances to which I have just referred, an invitation "to pursue their endeavours to find a solution of the dispute", in the words of the draft resolution, could be interpreted as being, in fact, an appeal directed to the Netherlands Government to give up what it considers to be its lawful title to a certain territory and to hand over that territory to the administration of another country.

The Swedish Government feels that such action on the part of the General Assembly would set an unwelcome precedent which might well return to plague us in later years. My delegation cannot, therefore, be a party to such a decision by the Assembly and will be obliged to vote against the draft resolution.

Let me add that the situation facing the Assembly would be a completely different one if the legal problems involved had been previously settled either by the two countries themselves through renewed negotiations or arbitration, or else by reference to the International Court of Justice asking for an advisory opinion. These legal problems may involve not only the present status of the territory, but also the possible existence of any international obligations on the parties to enter into renewed negotiations.

Mr. HAJAR (Israel) (interpretation from French): In this matter, in which so many eminent speakers have already analysed the various points of view, I should like to confine myself to a number of simple observations which determine the position of my delegation.

Some days ago the representative of Colombia very aptly emphasized the point that, in this discussion, legal and political aspects are variously invoked, the line of demarcation between the two orders of arguments usually not being clearly traced. It might, therefore, serve a useful purpose to reduce the problem to its fundamental data, attempting to strip away the passionate and polemical aspects that have been superimposed upon it in the last few years.

Without repeating everything that has been said in the historical and geographical aspects of the question, it is, I think, proper to recall that New Guinea is a very large island directly to the north of Australia and administered in part as a self-governing territory and in part as a Trust Territory, one part being under Netherlands administration and the other under Australian administration.

The ethnic and sociological characteristics of the people of the territory have been commented upon at length. West Irian was at one time part of a vast and administrative whole, created as such not by a decree of nature, but by the Kingdom of the Netherlands. Out of that entity, the Republic of Indonesia emerged in 1949. Essentially, what is called the question of West Irian relates to the precise claim by the new Indonesian State that it has the right of sovereignty over West Irian, which the Netherlands, as we have seen, administered well before the appearance of that State and which it continues to administer.

The first question which normally comes to mind is whether one can validly say that at any particular moment in the past, sovereignty over West Irian was in any

form transferred by the Netherlands to Indonesia. I think that it is difficult to contest seriously that, at the time of the proclamation of Indonesia's independence -- and independence which my country at the time welcomed -- the territory of West Irian was not part of the newly established State. Article 2 of the Charter of Transfer of Sovereignty, so frequently quoted, specifies that the question of the political status of New Guinea shall be settled by way of negotiations between the Republic of the United States of Indonesia, on the one hand, and the Kingdom of the Netherlands, on the other.

(Mr. Najjar, Israel)

What does this mean? Obviously, a clear distinction is drawn in the text between the Republic of the United States of Indonesia on the one hand and the territory of West Irian on the other. It is true, for that matter, that the Charter of the Transfer of Sovereignty of 1949 stipulated that negotiations were to be entered into by Indonesia and the Netherlands as to the future political status of West New Guinea. But it is likewise evident that the object of these negotiations is nowhere defined, nor is there anything to indicate what would be the consequences of the failure of the negotiations that were called for. Nothing is there that would allow one to argue that this failure would in any way affect the status quo, the status quo being Netherlands sovereignty, which the very text of this treaty expressly reserves.

This reservation was so important in the eyes of the negotiators that it figured immediately after article 1, that is, it was placed in article 2 of that Charter.

As regards these negotiations, we are in duty bound to note that the agreements of 1949 provided that the new Indonesian State would be democratic and federal in structure, leaving a large degree of self-government to the composing territories, especially as regards relations with the Netherlands, and that in particular the United States of Indonesia wished to associate itself with the Netherlands in a union the nature and purpose of which was carefully defined and described in the treaty. Subsequently, the Indonesian State chose to adopt a unitary structure in lieu of a federal structure. It put an end to its union with the Netherlands. It recently, in fact, denounced the whole body of Round-Table Agreements and it clearly declared that in its judgement negotiations with the Netherlands on the political status of New Guinea were only to be designed to transfer sovereignty of the territory to Indonesia -- an extreme point of view which is obviously diametrically opposed to the one of the Netherlands.

In offering these observations, I would like to say unequivocally that I am not questioning the right of Indonesia to manage its own internal and external affairs as it deems fit. But I did wish to analyse objectively the facts which account for the circumstance that the negotiations envisaged in 1949 became, first difficult, and then impossible. Whatever the case may be, a careful analysis of the dispute gives valid ground to state that there is not a simple

(Mr. Najjar, Israel)

document or act in the records which suggests that the sovereignty of the Netherlands over West Irian had at any time been transferred to Indonesia, in any way, shape or manner, even conditionally. One must also dispassionately recognize that the points of view of the Indonesian and Netherlands Governments with regard to West New Guinea are incompatible with each other and would be difficult to reconcile.

This being said, we should emphasize the point that all 1949 arrangements between Indonesia and the Netherlands have, as the representative of Japan so aptly pointed out, been concluded under the auspices of the United Nations. It would surely be proper for us now to look into the situation in West New Guinea, not from the point of view of the parties but from the point of view of our Charter. The fact that the Dutch-Indonesian agreements of 1949 reserve the status quo in West New Guinea, subject to subsequent negotiations that were ill-defined as to their object and as to their result, this fact, which some have deplored and which others have rejoiced at, entails specific and precise juridical consequences which, I am afraid, our Organization cannot sidestep or escape.

There exists in fact a fundamental distinction between sovereignty exercised by the Netherlands Kingdom over West New Guinea and sovereignty over that territory claimed also by Indonesia. Netherlands sovereignty is not absolute. It is strictly covered by Chapter XI of the Charter. It is a sovereignty which the United Nations as such has the right to look into in a clearly defined way, on the basis of the principle that the interests of the inhabitants of West Irian shall be paramount. To the contrary, the sovereignty claimed by Indonesia, would, if granted, be definitive, absolute and irrevocable.

The question which this Assembly faces is whether the 1949 agreements, being as they are, the United Nations is entitled to forego and renounce the prerogatives conferred upon it by Chapter XI of the Charter with regard to West Irian. Does the United Nations have the right to do so without ascertaining whether the population of that non-self-governing territory has in fact gone through the stages of development called for in Article 73 of the Charter?

(Mr. Natar, Israel)

My delegation does not believe that this Organization is entitled to do so. As far as the United Nations is concerned, the right to self-government of the people of West Irian, the right of that people to decide on its own destiny is a fundamental and primordial paramount factor which, under the Charter, enjoys absolute and necessary priority as against any claim such as the one formulated by Indonesia. Even if, under impossible circumstances, the Netherlands decided to give full satisfaction to Indonesia, even in that unlikely case, this Organization would be precluded by the Charter from ratifying this transfer of sovereignty without having ascertained in advance that the objectives of Chapter XI of the Charter had in fact been attained as regards the population of West Irian.

It would be unfortunate, though rather odd, that a situation defined and covered by Chapter XI of the Charter of the United Nations should be condemned by some on the grounds that it was the mere expression of so-called colonialism. The objectives set forth in Chapter XI, like the ones of Chapter XIII, are noble and humane and they are held in common by all Members of the United Nations without exception. Each and every one of us knows full well that when an administering power expresses the wish to put an end to its responsibility under that text, passionate debates take place in the Fourth Committee on the issue of whether the objectives set forth in Chapter XI had in fact been achieved. And it is precisely the so-called anti-colonial States -- those which call themselves anti-colonial -- which are most vehement in stating that the populations of non-self-governing or trust territories should not prematurely forego the protection of Chapter XI.

It would be of poor taste and judgement if the First Committee proclaimed as false what the Fourth Committee has proclaimed, quite properly, as being true. As far as the population of West Irian is concerned, it seems to my delegation -- and the representative of Costa Rica said so very eloquently -- that general interest requires that the standard of living of the population should be raised in this territory, in such a manner that in the future the populations under Netherlands and Australian administration should be able to merge into one free

(Mr. Najar, Israel)

people, the people of New Guinea. This is the path which the Netherlands and Australia have chosen to travel, as the joint statement of 6 November 1957 indicates. My delegation considers that this evolution will best serve the interests of peace, as well as the interests of the people of West Irian.

In answer to your suggestion, Mr. Chairman, I should like, in conclusion, to comment on the draft resolution (A/C.1/L.193) presented to us by nineteen States Members. Eighteen of these States Members are among those which presented document A/3644, the explanatory memorandum which attends the request for the inclusion of the question of West Irian in the agenda of the General Assembly.

(Mr. Najjar, Israel)

Unfortunately, this memorandum takes the position on the question of West Irian that it would settle that question by defining it as "concerning the most eastern part of the Republic of Indonesia." According to this document, all that is involved is to ask the Netherlands to deliver unto Indonesia a territory which originally belonged to Indonesia. Now, we have already explained that the actual problem is far different from this disingenuous explanation. In the opinion of my delegation it is difficult to disassociate the draft resolution from the intentions of its sponsors. On those grounds we would find it difficult to support the draft resolution.

It has been said that the draft resolution is moderate. Can it truly be argued that paragraphs 2 and 3 of the preamble are moderate? Is it moderate to ask the Assembly to say that it views "with deep concern that the prolongation of this political dispute is likely to endanger the peaceful development of that area"? Is it moderate to say that the General Assembly realizes "that a peaceful solution of this problem should be obtained without further delay"? Is it moderate to say that a non-peaceful solution may result from any delay in giving satisfaction to the so utterly unconvincing claims of Indonesia? For my part and especially in the light of the rather threaten^{ing} speeches which have been made, I venture to question this.

As for the operative part of the draft resolution, the first paragraph deals with West Irian as if it were a mere ~~territory~~ which Indonesia and the Netherlands can dispose of freely without consulting the people of that territory, utterly ignoring at the same time the prerogatives of the United Nations under Chapter 11 of the Charter. The same considerations impel my delegation to state that we cannot request the Secretary-General under paragraph 2 of the operative part to be associated in an endeavour which we feel runs counter to the Charter.

Finally, the automatic inclusion of the question before us now in the agenda of our next session, which is likewise called for by the second paragraph of the operative part, is in our opinion a practice which should not be encouraged.

My delegation will therefore vote against the draft resolution in document A/C.1/L.193.

The meeting rose at 6.15 p.m.