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Chairman: Mr. ABDOH (Iran)

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

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

Mr. Jawad	(Iraq)
Mr. Rodrigues	(Brazil)
Mr. Krishna Menon	(India)
Mr. Shahi	(Pakistan)
Mr. Sastramidjojo	(Indonesia)
Mr. Walker	(Australia)
Mr. Schurmann	(Netherlands)

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AGENDA ITEM 62

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

Mr. JAWAD (Iraq): The Committee is debating, for the fourth time, the question of West Irian, a question which has lost none of its important and dangerous features as a dispute between two States Members of the United Nations. The fact that the United Nations has not in the past succeeded in reaching a decision regarding a settlement does not in any way diminish either its importance in the relationship between States or its bearing upon the peaceful existence in that part of south east Asia.

On the other hand, it would be extremely wrong, and even dangerous to world peace and security, to imagine that because the General Assembly has not been able to take a clear and decisive stand with regard to this dispute the question should therefore be treated in a light manner, or dismissed as a matter of indifference.

(Mr. Jawad, Iraq)

No reference would have been made to such matters had they not been helpful in understanding the present problem and the stand taken by the Netherlands Government in this regard. Their implications are clear enough and require little or no elucidation. They indicate, on the one hand, the struggle of a colonial Power for the maintenance of its colonial status by all means -- but, principally, by the use of force -- irrespective of the exigencies of law and international order and, on the other, its determination to obstruct, impede and frustrate the peaceful, political and economic development of its previous colonial territory.

Such kind of action, in our opinion, is neither new, nor peculiar, to the Netherlands alone. It is in the very nature of a declining colonial system -- a system built and maintained by sheer naked force. It obeys no law but that of force and conquest. On the other hand, it utilizes all means, however unacceptable morally and historically, for justifying its actions. For example, it breaks accords, violates agreements, obstructs negotiations and destroys opposition. But in all such actions, the defeated colonial system invents and fabricates all kinds of arguments and calls them legal, moral, political, and so forth, in order to mislead opinion and thus prolong its withering existence.

We should like to refer to certain matters by way of illustrating this type of colonial pattern of behaviour. It has been repeatedly stated by the representative of the Netherlands that West Irian did not form part of Indonesia politically, racially, linguistically, and so forth. This claim is refuted by the fact that West Irian was an integral part of the Netherlands East Indies, an agglomeration of colonial territories composed of a large number of islands from which the Dutch authorities were chased out by the Japanese invasion and which marked the end of the Dutch rule therein.

The Indonesian nation's declaration of sovereign status replaced the Dutch authority, which the Netherlands Government fought to regain. In all these events and changes, that part of Indonesia that is West Irian was not in question either in the Dutch mind or in the establishment of the new and independent nation of Indonesia. In fact, the authors of the Netherlands Constitution of 1922 and the 1948 amendment to it saw no necessity for mentioning West Irian then it stated that: "The Kingdom of the Netherlands consists of the Territories of the Netherlands, the Netherlands Indies, Surinam and the Netherland Antilles". That is the reason why, in the negotiations between the Netherlands and Indonesia, West Irian was explicitly and implicitly accepted as part of the territories subject to the transfer of sovereignty. This fact is confirmed by the study of the provisions of the various agreements, and that is why the agreement resulting from the Round Table Conference in 1949 recognized, in article 1, that the Netherlands unconditionally and irrevocably transfers complete sovereignty over Indonesia to the Republic of the United States of Indonesia.

At that stage both parties agreed to maintain the status quo with regard to the administration of the Residency of West Irian and the political status was to be regulated by negotiation within a year. The failure of the negotiations neither constituted a denial of the right of West Irian to remain a part of Indonesia nor caused West Irian to revert to the position of a Dutch colony.

What the Netherlands Government comes here to argue is, in fact, that West Irian is still a colonial territory. Having arbitrarily taken this line in stating its position in West Irian, the Netherlands indulges in all kinds of arguments to justify that position. For example, it raises racial, ethnological, philological and other reasons to show that the people of West Irian are different from the people of the rest of Indonesia. Although there are a large number of Dutch scholars who scientifically -- and I emphasize the word "scientifically" -- deny such official arguments, no proof has ever been produced by the Netherlands Government to show that the people of West Irian desire to remain under Dutch rule. The absence of such proof leads the Government of the Netherlands to indulge in a theoretical argumentation regarding the right of the people of West Irian to self-determination. Apart from being a completely irrelevant argument, this game of self-determination, as played by colonial Powers, is nothing but a hypocritical

endeavour to prolong their presence in colonial territories. Before taking such a position, it would be wise for the Netherlands Government to go over its negative voting record on matters involving self-determination over the past ten years.

The representative of the Netherlands stated in his first intervention that:

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

It should be asked why the Netherlands Government has chosen this particular part of Indonesia, tried to convince the world that its population was completely distinct and separated by race, language and so forth from the rest of the Indonesian nation, and assumed the burden of responsibility of preparing it for political independence. The reasons are as clear as they are simple. The Netherlands, after its defeat, both politically and militarily, wished to maintain a foothold in that part of Indonesia. It was supported by Australia and the rest of the colonial Powers because of the discovery of an oil potential, a discovery which has, according to certain circles, been kept secret for the present.

I need not refer in any detail to the strategic importance of New Guinea, as I am sure that it has not escaped the attention of all those who are acquainted with the positions of power in South East Asia. That is, the Netherlands position in West Irian is supported by the colonial Powers who endeavour to keep South East Asia in perpetual economic and political subjugation.

It is not, therefore, on ethnological grounds that the Netherlands finds itself opposing the union of West Irian with Indonesia and co-operating with other Powers. If it were a question of ethnology, how would the Netherlands explain the statement of its representative, Mr. van Royen, in the Security Council in December 1948? He stated:

"The population of Indonesia consists of about seventeen main ethnic and linguistic groups which, in their turn, contain still greater numbers of sub-groups. ...common existence under the Netherlands Crown has created a sense of Indonesian nationality and the will towards an Indonesian State".

This shows clearly that during the long negotiations between the two parties for transfer of sovereignty, the Netherlands Government was viewing the Netherlands Indies as one territorial unit, irrespective of race and language. It was only as an afterthought, and in an endeavour to justify the continuation of its presence in West Irian and its maintenance as a colonial territory, that the Netherlands Government envisaged ethnic arguments. The world knows, in fact, that such arguments stand on no real ground; they are mere myths.

A United Nations report written in 1948 states that:

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

Without going into any further analysis of the dispute, one is bound to admit that the holding of West Irian by the Dutch is nothing but a mere military occupation contrary to the spirit and letter of the agreement between the two parties. It is, furthermore, contrary to the principles of the United Nations Charter. Therefore, by bringing the question of West Irian to the General Assembly, the Indonesian Government is, first, seeking to explain to this world forum the illegal presence of a State Member of the United Nations in part of its territory; secondly, trying to solve this conflict through peaceful means; thirdly, to enlist the support of the peace-loving nations in its effort to maintain peace and tranquility in that region; and fourthly, to show how colonialism, as a decadent institution, could hamper the peaceful development of new nations.

In its approach, Indonesia is supported by a large number of States which aspire to a new existence, free from all vestiges of the colonial regime. That is why my Government supports the draft resolution and hopes that it will receive the necessary support of this Committee and the General Assembly. The failure of the United Nations to direct the two parties, with the help of the Secretary-General, to resume negotiations with a view to settling the dispute in conformity with the law of nations, will surely be a failure in the political field and, hence, a betrayal of the lofty objectives for which the United Nations was established.

The perpetuation of this purely political conflict will not only poison the international atmosphere in that part of the world, but it will also constitute a denial of the rights of the newly liberated nations from colonial rule to advance in peace and tranquility. The consequences of such a situation will undoubtedly annul a large part of the efforts expended by the United Nations to lay the foundations of a world of nations living in peace and mutual trust. Without mutual trust, especially between the advanced and the so-called underdeveloped nations, not only will the progress of the world as a whole be retarded, but a gap between the peoples on a basis of colour will be perpetuated. It would be most unfortunate if this United Nations has come into existence not to create one world, but two or more worlds.

Mr. RODRIGUES (Brazil): The question of West Irian, or West New Guinea, may be approached at least from two main but different angles. First, we have to consider the legal approach. Indonesia, indeed, claims that West Irian, having been an integral part of the Netherlands East Indies, is an integral part of Indonesia. The Charter of Transfer of Sovereignty, it contends, entitles Indonesia to exercise its sovereign power over the whole of the Dutch territories in the East Indies, including West Irian.

The Netherlands, on the other hand, maintains that the status of West New Guinea was explicitly reserved in the agreements of 1949 and that its being mentioned in a separate provision, namely, article 2 of the Charter of Transfer of Sovereignty, is a recognition that the Residency of New Guinea was not included in the domain of the Indonesian State.

If we follow that approach, then the question to be decided is a matter of law. It involves legal rights and the interpretation and binding force of international instruments. It is quite evident that the General Assembly of the United Nations is not the proper body to pass judgement on the conflicting claims and that the decision should be sought from the competent judicial body of the United Nations, or other tribunal which the parties may choose.

The second approach is what we might call the legal-political approach. It has not been formulated clearly here but the gist of the argument seems to be as follows: colonialism being an outdated and disreputable institution, West Irian should be handed over by the Netherlands, which is a distant colonial power, to Indonesia, which is a neighbouring free nation.

If we were to pass judgement on colonialism in abstract general terms, if we had to pronounce ourselves for or against the colonial system, there is no doubt as to the side my delegation would take. If we had to divide, here, between colonialists and anti-colonialists, Brazil would be on the anti-colonialist side. We have always faithfully upheld the principle of self-determination, which we consider one of the foundations of our Charter. We have never hesitated in demanding from the colonial Powers full compliance with the obligations they have towards the people for whom they are responsible while they have not attained a full measure of self-government. We would be denying ourselves, our own fight

(Mr. Rodrigues, Brazil)

for freedom, as well as the deep aspirations of our people, had we not been always on the side of the peoples who have been striving for a life of their own. Each new nation born in Africa or Asia is a new friend we welcome in the family of nations and we take pride in being engaged with them in a common effort for a better world.

But our adherence to the principles of the Charter and our sense of responsibility are precisely the reasons why we are quite unable to follow the view that for anti-colonialism's sake West Irian should be moved from its present status of a Non-Self-Governing Territory under one Member State into the status of an integral part of another Member State. The inhabitants of the whole of New Guinea, it is admitted, are in a very backward stage of development and it has not been suggested that they are at present able to express any political views and to decide their own political future. Therefore, the most sensible course seems to be the maintenance of the present system.

In accordance with its obligations under the Charter, the Netherlands Government transmits, regularly, to the United Nations information relating to economic, social and educational conditions in West New Guinea. We are thus able to follow developments in the Territory and we can express our views as to the way in which the interests of the inhabitants are cared for in the light of Chapter XI of the Charter and the goals therein set forth.

Of course, I have a great respect and admiration for the Indonesian people. Indonesia is striving with courage and determination to overcome the difficulties in its path and its efforts deserve the highest praise. Yet our Indonesian friends must understand our position in this particular case. It is not impossible, quite the contrary, that the inhabitants of West Irian may one day decide to cast their lot with Indonesia, in some form of union, even as an integral part of the Republic of Indonesia. But they are the ones -- the only ones -- who may decide it and they are not yet in a position to speak for themselves. The United Nations must see to it that the right of self-determination of the inhabitants of West New Guinea is, in due time, duly exercised.

Of course, there could be improvements in the present arrangements regarding the Territory. Since Indonesia, a neighbouring State, feels so keenly about this matter, and since many Member States of the United Nations have shown their interest, the Netherlands might conceivably consider the possibility of voluntarily widening the scope of the information it has been sending the United Nations on West New Guinea so as to include information of a political nature. This, of course, is a question for the Netherlands alone to decide but I feel confident that it may see some merit in the idea.

I have already taken too much of the time of the Committee, and the considerations I have submitted show, I hope, why we cannot agree to the formula of somewhat vaguely inviting "both parties to pursue their endeavours to find a solution of the dispute in conformity with the principles of the United Nations Charter". The "dispute" -- if there is a dispute -- being basically a legal dispute, the way open to the parties is obvious: the International Court of Justice. Yet we know that this course, suggested by one of the parties, was rejected by the other, which now is one of the sponsors of the draft resolution before us. It seems quite evident, therefore, that the judicial solution is discounted in the draft resolution.

On the other hand, we could not possibly agree if, in the draft resolution, it were implied that the principles of the United Nations should be interpreted so as to constrain the Netherlands to negotiate the cession of a territory for which it feels responsible. Under these circumstances, the proposed negotiations, in the view of my delegation, could serve no useful purpose. They would be meaningless and could only lead to further bitterness and misunderstanding.

Much as my delegation appreciates the sincerity of the views of the delegation of Indonesia, and the other delegations which joined in sponsoring the draft resolution contained in document A/C.1/L.193, we shall vote against it.

Mr. Krishna MENON (India): The Assembly has been debating the question of West Irian for the last three years and now it appears on our agenda for the fourth time. As the representative of the Netherlands pointed out, nearly two hundred speakers have taken part in those debates and the legal issues, the issues relating to the Charter of the Transfer of Sovereignty, all these matters have been discussed threadbare. So far as we are concerned, we regard this problem as merely the completion of the independence of Indonesia. Indonesia was a colonial territory, formerly called the Dutch East Indies; and by the efforts of the Indonesian people, assisted of course by the circumstances that arose during the war which caused a relaxation of the hold of imperial Powers on their Eastern territories, the political power of Indonesia was established. And Indonesia did not establish its political power and the right to be independent in regard to two thousand nine hundred and ninety nine islands or three thousand and one islands; it was for the whole of the territory over which the Netherlands had had hegemony. It is rather late in the day for us, therefore, to speak in terms of the abrogation of the charter or the maintenance of the charter. If we had the time to argue its legal niceties, whether the charter stands or whether it is abrogated, in either case the sovereignty of Indonesia would stand. If the charter was abrogated, it would be only article 2 that was abrogated, and it is well known in international law that what is executed is executed and if what is executory is not performed, it is not performed, that is, it has sovereignty over the whole of Indonesia.

On the other hand, if it is held that because part of the charter has not been performed, we must not talk about the charter any more. In that case, then the fact of the establishment of Indonesian independence, for which the United Nations bears great responsibility, is a political fact to which my colleague from Iraq referred a while ago. Therefore the problem before us -- and here I differ, with great respect, from my colleague from Brazil -- is really a problem of the completion of the liberation of Indonesia from colonial rule.

It is quite understandable that in the United Nations, and particularly among the countries of Latin America, any argument to which the word "self-determination" can be tagged always arouses a favourable response. It almost looks as though one's left pocket will have self-determination in a different way from the right pocket. There cannot be self-determination in regard to a territory that is already sovereign. If that were so, many countries -- and I shall not mention them -- around this table would suffer disintegration today; that is to say, if we are to

(Mr. Krishna Menon, India)

take sovereign powers and say that the peoples must have self-determination, the unity of those territories may well be decided by some local squabble, by some momentary issue, by the desires of some political adventurers, or a neighbouring country, or anything of that kind. Therefore, the issue of self-determination as such does not enter into this matter. The Indonesians did not win their independence by cries of self-determination but on the basis of their right as a nation to be free; and they established it to a very considerable extent -- although Australia and other countries came in and on their initiative the Security Council intervened to give final shape to it -- by dint of their own efforts.

If it were unfortunately true that Indonesia was still the Dutch East Indies, a colonial territory, then they would be entitled today to demand sovereignty over the whole territory. In our submission, the sovereignty of a country is not justiciable. You can have disputed territories, but if each country were to go to court and say: am I sovereign, or am I not sovereign? there would be no countries in the world.

The representative of Brazil whom we have just heard -- and therefore his speech is especially in my mind -- referred to the material submitted, very accurately and well planned -- as is customary with the Dutch -- to the Committee on Information from Non-Self-Governing Territories. If this information is valid in regard to, shall we say, one year, it must be regarded as equally valid for the previous year; and in our submission, in order to establish what was Indonesia -- and that is the problem that has been raised -- there were not two Indonesias; there was not in that part of the Pacific a Dutch East Indies and a West Irian; there was only one territory. Of course, one cannot speak in constitutional terms about the sovereignty of that territory because the sovereignty really rested with the Queen of the Netherlands because it was her colony. But there was only one entity. And on 24 August 1948, before Indonesia became free, the Dutch Government submitted information and that information is factual; it does not contain any political argument and it is simply in regard to what Indonesia is. It says in the report submitted to the United Nations:

"The Netherlands Indies (Indonesia) consists of a series of island groups in the region of the equator, extending from the mainland of Asia to Australia. The principal groups are the Greater Sunda Islands (Java, Madura, Sumatra, Borneo and Celebes, with their adjoining smaller islands), the

(Mr. Krishna Menon, India)

Lesser Sunda Islands (Bali, Lombok, Sumbawa, Flores, Timor, ... and New Guinea west of 141 degrees E. longitude" -- this is the important part. It goes on to say that the from the East to the West the island area extends for 5,000 kilometres and from North to South 2,000 kilometres, and then it gives the population and so on.

This longitude of 141 degrees E. includes West Irian; it is on the other side of West Irian. So there was no separate West Irian territory. West Irian was a residency, it was not even a province of the Dutch East Indies. So whether this charter is valid today or not is immaterial -- the struggle for independence of the Indonesian people was for their homeland, which is described here by the then rulers, at a time when this struggle was not anticipated. So West Irian is merely part of Indonesia, that theatre in which independence and self-government has to appear -- the unfinished part of the process of liberation from colonialism.

(Mr. Krishna Menon, India)

That is what the struggle is about. It is quite true that the majority of the countries of South-East Asia, and particularly those which have had their problems brought before the United Nations in the years of nascent idealism, often enter into the exploratory discussions, often accept methods whereby the completion of that process can be peacefully accomplished. And that is where this charter comes in. Article 2 of this charter makes no reference to sovereignty; it simply talks about the political status of New Guinea, as it was then called -- now West New Guinea or West Irian. Article 2 is bounded by article 1 which says:

"The Kingdom of the Netherlands unconditionally and irrevocably transfers complete sovereignty over Indonesia" -- why did they not say over Indonesia subject to article 2 -- "to the Republic of the United States of Indonesia...".

It will be recognized that the United States of Indonesia at that time had not in its political arrangements completed the unification of its various parts, which is all part of history, but that Government in its wisdom -- and I repeat, in its wisdom -- though rather belated and under the pressure of liberal opinion in the Netherlands itself, transferred to the United States of Indonesia "unconditionally and irrevocably" complete sovereignty over Indonesia. There is no difficulty about understanding the words "unconditionally and irrevocably transfers complete sovereignty". No; the difficulty is over "Indonesia". Now the Dutch themselves explained what Indonesia was. Therefore, in our opinion, what is before us today is not all these problems but how in terms of a peaceful approach we may proceed to resolve the situation, and that is the only purpose of the resolution that is before the Assembly.

I note that Indonesia sponsored this draft resolution and if I may say so -- not because its representative is sitting next to me or because he is an old friend -- it does show a great deal of generosity and a spirit of conciliation, because it says that, despite their unquestioned sovereignty over these areas, please come and negotiate -- negotiate, probably, with regard to the political status, with regard to time, with regard to joint arrangements, with regard, probably, to getting the Dutch to invest their considerable surplus money in the country and so, therefore, to their mutual advantage. All those things can be negotiated.

(Mr. Krishna Menon, India)

What does the draft resolution say?

"Realizing that a peaceful solution of this problem should be obtained without further delay," -- there is very little preamble in this --

"Invites both parties to pursue their endeavours to find a solution in conformity with the principles of the United Nations Charter".

Looking over Mr. Schurmann's statement on behalf of the Netherlands, the first point he makes, and quite rightly, is that the Kingdom of the Netherlands has obligations under the Charter which must be performed. We may differ as to what the contents of those obligations are but we all agree that all of us have obligations under the Charter, and since this resolution says "Invites both parties... to find a solution... in conformity with the principles of the United Nations Charter", the argument about what they are can come as the negotiations progress. They cannot be pleaded as a bar to negotiations.

During these three years, different positions have been taken. The Indonesians, if my memory serves me right, took up a position on the basis of the round table conference and the charter and so on in the beginning, and they stated it. All that was required was that it should be known that their best endeavours had failed and it asked the General Assembly to call on the Netherlands to complete the contract.

The position of the Netherlands, subject to correction, and as far as can be judged from the documents and the law in this case, is that the sovereignty over West Irian was in dispute or that the transference of sovereignty and all that goes with it was in dispute. The Indonesians had never said, to the best of my recollection, either in Indonesia, or here, or anywhere else, that sovereignty was in dispute. But the position taken up by the Netherlands today is that they will not negotiate because the Charter is abrogated, it is their sovereign territory, you are asking us to negotiate about the sovereign territory of the Netherlands, which is not the position because it was transferred as part of the executed contract. Therefore, I submit that if the Assembly would be good enough to address itself to the limited task before it, it does not call upon particularly some of the Latin American States to pronounce themselves on these questions at the present time, but asks the parties to negotiate. We ourselves would not dare to tell the Indonesians, publicly at any rate, to negotiate

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unless they had taken the initiative. I say, therefore, that Indonesia's sponsoring of the resolution is an indication of generosity which often is misplaced in public discussion. Very often it has been our experience that any willingness to explore a tentative proposition is pinned upon you as a commitment afterwards and the basic fundamentals are forgotten. But here, Indonesia is willing to negotiate, wants to negotiate, and, what is more, negotiate in conformity with the principles of the United Nations Charter. Well, how can that proposition be objected to? It can only be objected to if the Netherlands Government now goes back on the facts of the case, namely, the establishment of Indonesian independence which is the same as the establishment of American independence by the revolt of the thirteen colonies against the Britain of that day, unless they go back against those facts, or unless they go back against what was intended and what is shown in article 1, which is part of the executed contract, that is, the transfer of sovereignty, and article 2 only deals with the political question -- "the question of the political status of New Guinea be determined through negotiations" and so forth. And that is what is suggested, not necessarily in terms of the article but in terms of the resolution. And since it is bounded by the principles of the United Nations Charter, I submit that everyone can feel reassured that such obstacles as there may be are further away and there need be no opposition.

(Mr. Menon, India)

What is more, in paragraph 2 of this resolution it does not ask for self-determination. It again asks for conciliation; it asks the Secretary-General, an organ of the United Nations, to assist the parties concerned, as he considers it best -- it is not laid down by the sponsors of the resolution; it does not say that only to this extent is assistance welcome -- as he deems appropriate in the implementation of this resolution, in other words, in the implementation of negotiations. This resolution is merely a recommendation by the Assembly to both sides to come together in conference, in terms of the Charter. This would be valid; it would be in place whether there was a round-table agreement, whether there was a charter or anything else. Assuming, for argument's sake, that there was no West Irian problem but that another problem arose concerning mineral rights, royalties, waterways etc. in the former Dutch East Indies over which the Kingdom of the Netherlands has rights. Well, that would call for negotiation. That is the position as we see it.

Finally, I have no desire to go into the various extraneous matters which have been brought into the discussion, particularly in regard to a joint communiqué because it concerns one of our very close friends with whom we have not had the opportunity of consultation. For the present time we shall therefore say nothing about it. There is, however, one matter to which my delegation should like to make reference. First of all, metropolitan countries are very loud about self-determination when nationalism asserts itself. If self-determination is such an article of faith, why are there any colonies in the world? Why do not they all have self-determination?

In the Trusteeship Council, for instance, we cannot even get a time-table: it is either a part of metropolitan territory or some other excuse. But, it has already been said here that these populations -- the populations of West Irian -- are a different people; they are of different racial origins. No one has suggested that they are of Teutonic or Viking origin. But they are of different origin -- they are Papuans -- and therefore that may be what is misleading people into thinking that this is a case of two rival colonial claims: one by

(Mr. Menon, India)

Indonesia -- does its representative look like a colonialist? -- that is, between the colonialists in Indonesia and the colonialists in the Netherlands. That is not the position. Here again I fall back upon the extremely accurate presentation of information by the Kingdom of the Netherlands in 1946. Information is more likely to be accurate when there is no heat of debate. At that time there was none. This question therefore of the population being different seems to be the special pleading of the moment. This is what the Netherlands said about the people, not of West Irian, but of Indonesia as a whole, which is described in the paragraph I read to you.

The indigenous inhabitants of Indonesia consist of many widely divergent groups. That itself rules out the problem that you have got to be homogeneous. What would happen to the United States of America, for example, if there must be a homogeneous race, language, national background in order for there to be a nation? What would happen to a country like mine? We do not even know where we came from. The indigenous inhabitants of Indonesia consist of many widely divergent groups, the largest being that of the Javanese who, in 1930, totalled 27,808,623 people. The population of Java rose from nine million in 1845 to forty-eight million. All that may be irrelevant.

Now we come to the racial composition. As asserted by the Kingdom of the Netherlands, "racially the indigenous people"-- not of West Irian but of the whole of Indonesia -- "may be divided into Malays in the west and Papuans in the east. These races have to a considerable extent intermixed; they are not separated by clearly defined boundaries." This is not a statement by Indonesia at the present moment. It is a fact established by the then-administrators. As these races have to a considerable extent intermixed they are not separated by clearly defined boundaries. "The religious heritage of the indigenous peoples consists largely of a foundation of animism, on which was superimposed, first, Hinduism, and second, Islam. Christianity among Indonesians...etc." We can go on in this way. Therefore, any argument that here is a separate ethnic, language group -- all the discussions of an anthropological, ethnological and philological character are entirely irrelevant. There is no evidence in history that a common language necessarily unites people; very often it divides people. Look at all the frontier wars that have been fought by people speaking the same language. Any suggestion, therefore, that in West Irian there is a separate

(Mr. Menon, India)

nation is not supported by evidence submitted to the United Nations, that is, by the information submitted to the Committee on Non-Self-Governing Territories contained in document A/571/Add.1 of 24 August 1948.

We therefore submit that the simple problem before the Assembly at the present time is merely to take the first step in regard to a situation. Even if we have reservations on the question of sovereignty, or whatever it is, they will come in the negotiations; if the negotiations are sterile, then we may take other steps. On the other hand, if the negotiations are fruitful, then we will have done something that is useful.

My delegation has purposely -- and, I hope, with good reason -- tried to refrain from going into the details of this problem which have been dealt with in past years. We are anxious to confine ourselves at the present time to the national unity of Indonesia, the independence it has established through its own efforts, very largely, which have been crowned by its admission to the United Nations, mainly on the initiative of Australia and other countries, and to this resolution. We say, therefore, that charter or no charter, you cannot argue a country out of its independence. You can take it by force; people do, for some time. But there are no logical, no ethical, no philosophical, no international law arguments that would ever argue a people out of their national independence.

(Mr. Shahi, Pakistan)

Mr. SHAHI (Pakistan): The Pakistan delegation has listened carefully to the statements made in this Committee on the question of West Irian.

The arguments put forward in support of the respective stands of the Netherlands and Indonesia have served, in our opinion, to bring out the complexities of this unfortunate dispute, involving as it does legal, political, moral and emotional factors which, taken together, point up the difficulties of the problem.

As has been pointed out by so many delegations -- including those of the Netherlands and Indonesia -- the heart of the controversy is article 2 of the Charter of the Transfer of Sovereignty from the Netherlands to Indonesia, with regard to the Residency of New Guinea, on which the two parties agreed as follows:

"... that the status quo of the Residency... 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 shall be determined through negotiations between the Republic of the United States of Indonesia and the Kingdom of the Netherlands."

It is the contention of the Netherlands that as the parties failed in their negotiations to determine the political status of New Guinea, and as Indonesia by its unilateral action abrogated the terms of the Charter of ~~Transfer of~~ Sovereignty, it is absolved from any further obligation to negotiate with Indonesia on the political status of West Irian.

My delegation finds it difficult to accept this view. The dispute between the parties would not automatically come to an end if the United Nations were to endorse the Netherlands contention. On the contrary, it would grow more complicated and would lead to further deterioration of the relations between the two countries. The end result might well prove dangerous to the security and stability of South East Asia and the western Pacific, which both the Netherlands and Australia are most concerned to prevent.

Neither can the dispute be resolved by a request to the International Court of Justice for an advisory opinion on the interpretation of article 2 of the Charter of Transfer of Sovereignty -- that is, on whether or not the terms of this Charter should be construed to mean that West Irian was also included by implication in the territories of Indonesia over which the Netherlands surrendered its sovereignty.

For the dispute, in the view of my delegation, is essentially political. Even though the legal interpretation might clarify the meaning of article 2 of the instrument of transfer, the question would remain whether the former colonial power would be justified in retaining under its rule a large portion of its former empire -- a portion in which the majority of the inhabitants have, admittedly, not arrived at that stage of political consciousness which would enable them to express their wishes regarding their future political status.

My delegation notes the joint statement of the Netherlands and Australia, of 6 November 1957, in which the two Governments have pledged themselves to base their policies with respect to the two parts of the island of New Guinea under their respective control on the interests and the inalienable rights of their inhabitants, in conformity with the provisions and the spirit of the United Nations Charter. We also note their pledge to continue to pursue policies directed towards the political, economic, social and educational advancement of the peoples in their territories until such time as the inhabitants concerned will be in a position to determine their own future.

In spite of the understandable uneasiness caused, among a number of countries, by the joint statement made by the Netherlands and Australia, it must be said that the explicit recognition in it of the paramount interests of the inhabitants of West Irian is a matter of some satisfaction. We consider the principles enunciated in the joint declaration to be in accordance with the provisions and the spirit of the Charter of the United Nations in regard to Non-Self-Governing and Trust Territories. But on the other hand, we do not believe that the association of the territory of West Irian with the Republic of Indonesia, on the basis of an agreed settlement of the question with the Netherlands, must necessarily result in the subordination or sacrifice of the interests of the inhabitants of West Irian to colonial ambitions. We certainly do not subscribe to the view that either the Netherlands or Australia intend to use West Irian as a bridgehead for subversive action against Indonesia.

While we recognize that colonialism is neither inherently nor exclusively European in all its forms and manifestations, we do not consider that the settlement of the problem of West Irian by negotiation between the two sides would lead to the emergence of a new colonialism. Therefore we do not believe that the provisions of Chapter XI of the Charter of the United Nations would be violated by an agreement as to the future political status of the territory.

(Mr. Shahi, Pakistan)

Hence, the nineteen-Power draft resolution does not, in the opinion of my delegation, violate either the spirit or the provisions of our Charter. All it seeks to do is to bring together the two parties for the purpose of continuing negotiations for a settlement. It does not prejudice the rights and claims of either party in regard to West Irian. It does no more than urge them, by implication, to fulfil the terms of article 2 of the Charter of Transfer of Sovereignty by which both the parties are bound.

Indeed, my delegation's support of the terms of the joint draft resolution will be in conformity with our past attitude towards the dispute over West Irian. By the terms both of the communiqué of the Conference of Colombo Powers in Bogor in December 1951 and of the Bandung Declaration of April 1955, Pakistan expressed itself in favour of the proposition that a settlement of the West Irian dispute should be sought through negotiations between Indonesia and the Netherlands. The draft resolution submitted by the nineteen Powers does no more. It is the submission of my delegation that it does even less than what the countries subscribing to those statements called for.

Equally, the joint draft resolution does not go beyond the terms of the Bandung Declaration in requesting the Secretary-General to assist the parties, if he deems appropriate, in bringing the parties together to negotiate.

Objections have been raised in the debate to involving the United Nations in the dispute. My delegation cannot but disagree with this contention. The United Nations has been involved in the Indonesian question from its very inception. As has been pointed out by the representatives of Jordan and Japan, it was the United Nations Commission for Indonesia which suggested -- and in the context of the time and the surrounding circumstances, we believe suggested wisely -- the wording actually used in the text of the Charter of Transfer of Sovereignty as a compromise between conflicting views, in order that the dispute over a particular territory should not hold up the independence of Indonesia and the removal of a danger to peace. It is therefore both logical and appropriate to seek to enlist the good offices of the United Nations, through the Secretary-General, to adjust the last remaining cause of friction between Indonesia and the Netherlands.

It is in the hope that such a consummation may bring about greater understanding and good will between the peoples of Asia and Africa and the West that my delegation will support the joint draft resolution.

Mr. SASTRCAMIDJOJO (Indonesia): My delegation has listened with the greatest interest to the many speakers who have so eloquently taken part in the debate on the question of West Irian.

I agree with the representative of the Netherlands, as he noted in his statement of 20 November last, at the opening of this debate, that this dispute between our two countries has been amply and almost exhaustively discussed in the past three years. The repetition of arguments by both sides may add little towards illuminating the real content of the dispute. On his part, the representative of the Netherlands even admitted that it would be presumptuous to think that much more new material could be injected into the pleas and propositions, the reasoning and dialectics, and so forth, of this dispute. And indeed, with all respect to his eloquence, he has not added much more new material in setting forth his pleas and reasoning, and certainly -- including the statement of the Netherlands Foreign Minister, Mr. Luns, yesterday -- he has added nothing which could contribute to the peaceful solution of the dispute between Indonesia and the Netherlands, which remains unsolved.

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In fact, he has tried to bring the issue even further from the track of a solution which the two Governments -- Indonesia and the Netherlands -- are bound to settle. As Mr. Schurmann himself fortunately still admitted in his statement of 20 November, the dispute is one "between my country and Indonesia", and whatever interpretation he might place upon this it remains, indeed, a "dispute" between these two countries. Mr. Schurmann tries to link West Irian with East New Guinea in order to complicate the matter. We do not. He tries to emphasize the interests of the inhabitants of West Irian, which rings hollow in view of what the Netherlands Government has done in past centuries and up to the very present for the people of West Irian. Why this belated interest, when the people of West Irian should already now, at present, be taking their full place in the life of a national independent country, the Republic of Indonesia?

I do not think that this Committee can be confused by the introduction of the slogan of "self-determination" on the part of the Dutch, since this slogan is here so obviously introduced in order to prolong, if not to preserve, colonial rule in a part of a country which is already free and independent and in which West Irian is already legally and constitutionally accorded appropriate proportional representation in its Parliament, its Constituent Assembly and its National Council. It is really strange, to say the least, that a Member of the United Nations, bound by the principles of freedom and equality as enshrined in the Charter, can come here with an argument that uses the sacred principle of self-determination only to flout the very meaning of that principle. The principle of self-determination, both in its origin -- as so eloquently enunciated by the late President Woodrow Wilson of the United States of America in his famous Fourteen Points in 1918 -- and in its practice in the struggle of nations for freedom, is inevitably and, indeed, logically linked to the principle of national independence, national freedom and national sovereignty.

As is known to the world, as is known to the United Nations and, in particular, to the Security Council, the struggle of the Indonesian people for national independence for so many years, which culminated in the proclamation of independence in 1945, followed by the Netherlands-Indonesian conflict, was nothing else than the realization of the principle of self-determination of peoples. It was born of the struggle for freedom of a colonized people living within the boundaries of the Dutch colony -- the Netherlands East Indies. When the Netherlands Government was forced by the world, through the intervention of the

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United Nations, to recognize the right of this struggle and was induced to reach a peaceful settlement, the Netherlands representative, Dr. van Royen, could not but state emphatically to the Security Council on 22 December 1948:

"As I explained at the outset, this dispute is not about the question of whether or not Indonesia will become independent. All parties agree that what used to be the Netherlands East Indies should become an independent State as soon as possible."

And the following year, the year of the conclusion of the peace settlement, the representative of the Netherlands in a letter sent to the President of the Security Council, dated 2 March 1949, said:

"The Netherlands Government has reached the conclusion that the best solution of the pending problem is to be found in accelerated transfer of its sovereignty over Indonesia to an Indonesian Federal Government, which will be fully representative of the whole of Indonesia."

Mind you, "the whole of Indonesia".

Indeed, it is only those who choose to violate the facts of history, the political and constitutional map of Indonesia, who now try to suggest that West Irian is not part of that entity formerly known as Netherlands East Indies and thus not part of the whole of Indonesia. I do not think that I need to elaborate on this fact of history. Many other speakers have already so lucidly and eloquently pointed at this deliberate distortion of the facts of history, not only with regard to the geographical and political entity of Indonesia, but also the history of the Indonesian struggle for independence, its relationship to Dutch colonialism and, indeed, the legitimate rights and claims of Indonesia to West Irian as its integral part. It is amazing indeed how the Netherlands Government and some of its supporters attempt to violate these facts and alter the character of the dispute altogether.

During the debate on this issue at the eleventh session of the General Assembly, it was, among others, the distinguished representative of Ecuador, Ambassador Trujillo, who so ably warned this Committee against this amazing attempt on the part of the Netherlands to sow seeds of confusion in this matter. He pointed out in his statement of 27 February 1957 how the Dutch argument on self-determination and the like is, as he puts it, "altering the problem completely", and turning the problem upside down.

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Let us now analyse more closely what the Netherlands and its supporters really mean by self-determination and their so-called mission sacré with regard to West Irian. Their conception obviously falls into three stages.

The first stage occurred when the Indonesian people proclaimed their independence for the whole of Indonesia, including West Irian. In this first stage, the Dutch suppressed the right of self-determination of the people of West Irian, which they now so loudly champion. The leaders who were the articulate spokesmen of the people of West Irian knew soon enough what the Dutch meant in preparing them for self-determination because these leaders were killed, imprisoned or forced to flee their homes as a penalty for expressing the true aspirations of their people.

Let us now consider the second stage of the so-called "preparation for self-determination" as seen through the Netherlands' eyes. This stage is a systematic effort of the Netherlands to alienate the people of West Irian from the rest of Indonesia.

Our lingua franca, the Indonesian language, which has been previously used as the official language in West Irian and which is still in use among the educated, is presently officially hampered in its development. The West Irianese are not permitted to show their sympathy for the Republic of Indonesia on penalty of imprisonment. Therefore, this second stage is deliberately designed to destroy Indonesian national feelings among the West Irianese. Is this preparing them for the exercise of their right of self-determination? Obviously, the Dutch have already determined, without consulting the West Irianese -- I repeat, without consulting the West Irianese -- that their right of self-determination should not be exercised in favour of reuniting with the rest of Indonesia. They are not even permitted to prepare themselves to make the free choice which the distinguished representative of the Netherlands so frequently expounded before this Committee.

In the third stage, the Netherlands position is even more clearly exposed. Much to our regret, the Australian Government has joined the Netherlands in instigating a policy of creating a new nation consisting of the populations of both West Irian and East New Guinea on the obsolete basis of ethnical, racial and geographical unity. By this policy it is obvious that they intend to apply all kinds of pressure to avoid any possibility that the West Irianese would choose to be reunited with the rest of Indonesia.

Such is the real meaning of the Netherlands and Australian concept of self-determination. To speak in this connexion of a mission sacrée is indeed a mockery.

Yesterday, the Netherlands Foreign Minister, Mr. Luns, was pleased to remark in his statement before this Committee that the Foreign Minister of Indonesia, Mr. Subandrio, must have lost his memory in suggesting that the term "self-determination" was only lately invented and introduced into the West Irian problem. That is to say that in order to enable the Netherlands Government to maintain its colonial rule in West Irian and to separate it from the political entity, Indonesia, this term was brought into the issue. I thank him for his politeness, but I really do not know whose memory is faulty. We maintain our contention that this injection of the word "self-determination" in the case of West Irian -- I repeat, in the case of West Irian -- in order to separate it from the Indonesian State, has never been a subject of discussion prior to the existence of the dispute itself. Much less has it been the subject of any agreement either in the Round Table Conference or in the preceding agreements mentioned by Mr. Luns, such as the Linggadjati Agreement of 1946 and the Renville Agreement of 1948.

Curiously, however, what Mr. Luns wishes to forget is that the Linggadjadi and Renville Agreements, in which he probably wishes to point out some references to self-determination of the areas, were wiped out, not by Indonesia but by Dutch military aggression at that time which prompted the United Nations Security Council to intervene actively. What is more, he ignores altogether the solemn pronouncements and agreements of Netherlands representatives, such as the explicit statement of Mr. van Mook at the conference in 1946 that there was no intention to separate West Irian from the rest of Indonesia; and the Netherlands representative on the Security Council, Mr. van Royen, stated much the same thing, as I have shown previously.

These are the facts, should we care to refresh our memories.

In this connexion, I should like to comment, very briefly, on the remarks of the distinguished Foreign Minister of the Netherlands concerning statements made by President Sukarno. Of course the statements quoted by Mr. Luns are incorrect since they are distortions, or at least mistranslations of what President Sukarno really said. The President of the Republic of Indonesia never used the word "force" in any of his speeches on the West Irian problem. What he used was the Indonesian word which means strength, not the word meaning force. Indeed, it is strength in the unity of the Indonesian people in the struggle for the reunification of West Irian which forms the basic theme of all of President Sukarno's statements in this matter.

Another point in this connexion was made by the representative of Ireland on the question of self-determination. I listened with great interest to the magnificent statement of the representative of Ireland. We did so because that statement came from the representative of a great nation whose valiant struggle for independence has been an inspiring example of the Indonesian movement for national independence and human dignity. My delegation regrets, therefore, that the conclusions reached by the representative of Ireland were not consistent with his premises. He stated, if I am not mistaken, that colonialism must be abolished from the comity of free nations, but at the same time the distinguished representative of Ireland holds that the "education" for self-determination of colonized people in under-developed areas should be entrusted to the colonizer. Therefore the representative of Ireland seems to contradict himself because he abhors colonialism but, at the same time, defends it for the sake of education for

self-determination. He seems, therefore, to be in favour of a kind of educational colonialism without, however, making it clear how long such education should go on.

I am grateful that most of the members of this Committee know full well the real nature of this dispute. So many, countering all side-tracking arguments of the Netherlands Government, have pointed out that this dispute is unmistakably a colonial issue and that it cannot be camouflaged with legalistic, racial or mission sacrée arguments. In fact, the arguments of a mission sacrée are the typical arguments of colonialism. The Indonesian people heard this argument of mission sacrée for hundreds of years, but it took years of bitter struggle, even armed revolution and pressure from the Security Council of the United Nations, to convince the Netherlands Government that its mission sacrée should not be a hollow phrase, but should be implemented.

And now, as if nothing had happened, as if one should not draw a lesson from the past and from past experience, the Dutch speak serenely of that same mission sacrée for primitive people, presumably found only in the non-Western world and who can only be "educated" by Western Powers.

That this song of mission sacrée has always been a false tune is even apparent to the people of West Irian. The fact is that the Dutch, ever since the proclamation of independence in 1945, have suppressed forcibly the desire of the people of West Irian to assert their legitimate rights as part of a free, independent Indonesia in which there is no place whatsoever for the continuance of Dutch colonial rule. The jails and even the concentration camp in West Irian today -- which is only an extension of the notorious concentration camp known as Boven Digul, that is, in West Irian in pre-war Indonesia -- which are again filled with national fighters, are only proof that the proclaimed mission sacrée of the Netherlands Government is again merely a hollow phrase which can give comfort to no one.

Some legal arguments have again been introduced and stressed by the Netherlands and Australian representatives. However, these arguments have been refuted by so many speakers and so effectively that I can be rather brief on this matter. We are actually faced, not with a problem concerning the interpretation of a legal agreement, but with the case of an independent State whose territory was not subject to dispute or interpretation until the Netherlands chose to raise the issue for the first time at the very moment when they were to acknowledge the reality of this independent State. As was known to insiders, the Netherlands Government raised that issue only to satisfy, to some extent, a certain section of the Dutch people who were unable to admit so soon the inevitable fact that the Netherlands had to relinquish formally its colonial sovereignty over the whole of Indonesia, due to the establishment of Indonesia's independence. That is why the provision of article 2 of the Charter of Transfer of Sovereignty does not speak of sovereignty, since this was conclusively dealt with in article 1 of the Charter, nor of a territorial dispute, but only refers to West Irian as a "residency", as an administrative unit in the administration of Indonesia. The term "political status" of the "Residency of New Guinea" -- meaning West New Guinea -- was drafted by the United Nations Commission which thought that this was the best term for defining, or indicating, the issue in dispute. Clearly, there was here also not involved any kind of issue concerning the ethnic exclusiveness of the people

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of West Irian, because, apart from the fact that that exclusiveness does not exist in Indonesian national life, even if it did exist, then the whole Indonesian people would have had to be divided into several ethnic groups, each of them to be treated differently. But that was not done. It would have been not only against the realities of Indonesian national life, not only against what was intended by the formal transfer of sovereignty, as confirmed in previous solemn statements of the Netherlands Government or its representatives, but would also have created a precedent dangerous for many States in the world, as was, indeed, pointed out by several speakers in this Assembly.

As to the abrogation of the Round Table Conference Agreements by Indonesia, this does not at all affect the rights of Indonesia in regard to West Irian. First, because these rights are based on the historical, political and constitutional realities which we have, on many occasions, outlined and which have been acknowledged by so many speakers in this responsible body; and, second, because the obligations undertaken by the Netherlands with respect to the formal transfer of sovereignty had already been performed by them prior to the effective date of abrogation, namely, by virtue of the delivery of the act of transfer of sovereignty on 27 December 1949. In any case, the Charter of Transfer of Sovereignty constitutes a relinquishment of their colonial claim and a formal acknowledgement of the complete sovereignty of the formerly colonized people of Indonesia. Such a relinquishment and acknowledgement, relating to the facts as they then were, could not be affected by any subsequent termination of the charter.

Referring again to the nature of West Irian's tied to Indonesia as a whole, undoubtedly many of you in this Committee are familiar with the fact that over the centuries West Irian and the other almost innumerable islands of Indonesia were complementary to each other in a variety of significant ways. Economically, the islands could not exist without each other's products which were traded throughout the centuries. The line of communications between the islands was always a matter of first importance. They also had strong cultural and religious ties. For example, West Irian, as far as the Christian section of the population is concerned, belongs still, as it belonged before the war, to the Geredja Maluku, that is, the Christian Church of the Moluccas, with its headquarters in Ambon, in East Indonesia.

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As far as the Catholic population is concerned, I would like to draw the attention of this Committee to the fact that, up until now, the Inter-Nuncio, the appointed representative of the Pope in Indonesia, who resides in Djakarta, still assumes, as before the war, jurisdiction over the whole of Indonesia, including West Irian. Therefore, it is quite understandable that Monsignor Antonios Thyssen, the apostolic vicar of Central Flores, an island in the eastern part of Indonesia, stated early this year, with reference to West Irian, as follows:

"As far as the Catholic Mission is concerned, West Irian is without question a part of the territory of Indonesia. The Roman Catholic religion does not approve of colonialism, because all nations and all races are treated alike and are given equal rights under God."

Needless to say, the Moslem part of the population of West Irian is closely linked with the Moslem population of the rest of Indonesia.

It is obvious indeed that the issue is one of reunification of West Irian with the rest of Indonesia, not so-called annexation, or so-called self-determination. In the world today even the highly developed nations recognize that they cannot live alone and they strive to bring about the greatest measure of unity, as indicated in the movement for a common market, and even for a United States of Europe. When Balkanization, or fragmentization, which has been so detrimental to the fabric of the European political and economic structure, is being abandoned on that continent, is it reasonable to suggest that it should be imported into Asia, particularly with respect to a certain area which is admittedly highly under-developed and which no one can honestly expect to constitute a viable entity by itself?

The attempt to impose such Balkanization, or fragmentization, would constitute a clear case of the application of the double standard -- one for the highly developed people and one for the less developed nations. We have had enough of double standards in the past. Let us abolish those which continue to exist rather than create new ones.

But let us see what this theory, based on ethnic or linguistic groups, would mean for the Netherlands themselves, if applied to them. Zeeuws Vlaanderens, that south-western part of the Netherlands, has close racial, linguistic and

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religious ties with the bordering region of Flanders forming the northwest part of Belgium. So, politically, there is Zeeuws Vlaanderen which is Dutch and part of the Netherlands, and there is the bordering Flanders which is part of Belgium. Suppose, now, there is a third country which exercises de facto power over Flanders, including Dutch Flanders. Suppose, further, that this country, with the best intentions, should decide to form a Flemish nation, including Flanders and Dutch Flanders, on the grounds of the unity of their culture, race and religion. What would the Netherlands and Belgium do? They would certainly oppose it strongly and argue -- and rightly so, Mr. Chairman -- that unity of culture, race and religion may be helpful in the formation of a nation, but not decisive. Suppose, finally, that the third country, which I just mentioned, is not prepared to listen and insists on carrying out its good intentions, its mission sacrée. What would the Netherlands and Belgium do then? We know that in such a case they would resist with all the means at their command.

This illustration, although at present hypothetical, is exactly analogous to the Netherlands-Australian joint statement concerning West Irian.

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The issue in essence, as has been stated so pointedly by several speakers, is indeed the reunification of West Irian with the rest of Indonesia or its continued separation. It is an issue of integration against segregation of West Irian. It is, as was so clearly stated by the representative of Saudi Arabia, Mr. Shukairy, "an issue of freedom within the confines of the national unity of Indonesia."

Then we come to the question posed so clearly by the representative of Colombia:

"Does the Netherlands have the right to maintain its colonial domination over part of an individual State?... that is to say, whether the Indonesian Republic can have part of its territory lopped off from it over which it has sovereignty, that part being the island known as West Irian or West New Guinea."

And further, he said:

"Has the Netherlands the right to divide a country that is juridically a whole? I refer to the State of Indonesia. Has the Netherlands the right to divide and segregate it, to take away part of the territory and to treat it differently from the way it has treated the rest?"

The answer to these questions can only be no.

The attempt of the Netherlands and Australian Governments to link West Irian with East New Guinea only because they happen to form one island, without regard to the historical and political orbit to which West Irian belongs, is a dangerous proposition indeed. And if that is done, it will create a most dangerous precedent. I may ask now, what will happen then with regard to the two parts of Borneo, one belonging to Indonesia and the northern part to the British? What about the small island of Timor, of which one part is Indonesian territory and the other part is administered by Portugal? As far as Indonesia is concerned, we have no claims on any territories which are not part of the former Netherlands East Indies, today called Indonesia. Let no one suggest otherwise or advance dangerous theories in this respect.

One more thing: the Netherlands representative, in his initial statement of 20 November advanced the theory that their colonial administration in West Irian was "imposed" upon them by the United Nations Charter, referring in this respect to Chapter XI and in particular Article 73 of that Chapter. This theory is in clear violation of the facts, as well as a misguided use of the Charter of the United

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Nations. The United Nations Charter has never "imposed" anything with regard to the continuation of Dutch colonial rule in West Irian. It was the Netherlands Government which, unsolicited, seized on Chapter XI in the attempt to justify its continuance of colonial rule over West Irian. The United Nations, represented by the United Nations Commission for Indonesia, under whose auspices the Round-Table Agreements were concluded -- including article 2 of the Charter of Transfer of Sovereignty dealing with the dispute on West Irian -- never, I repeat never, entertained the slightest idea of applying Chapter XI to the territory of West Irian. Chapter XI is not intended to be applied to disputed territories or disputed administrations over a certain territory as in the case of West Irian. In fact, the Netherlands Government did not, and indeed could not, apply Chapter XI of the Charter to West Irian, but seemingly complied with the agreement to solve the dispute through negotiations with the Indonesian Government, in 1950 and until 1952. Only in 1952, when the Netherlands Government unilaterally and in violation of the Round-Table Agreements prepared to annex, I repeat that, because it has been alleged that only Indonesia was going to annex West Irian, West Irian into the territory of the Kingdom of the Netherlands, only in 1952 did the Netherlands Government begin to cast about for a legal way to justify their illegal action.

It is sad that they then resorted to Chapter XI of the Charter by submitting so-called information about West Irian to the United Nations, misusing Article 73 e of the Charter. And now to say that the United Nations Charter "imposed" upon them an obligation to apply Article 73 e of Chapter XI is again a matter of turning the question upside down, as they have tried to do all along in order to justify their untenable position with regard to their case on West Irian vis-à-vis Indonesia.

I do not want to weary this Committee with further detailed arguments not only because I may only fall into repetition but also because they have already been advanced by several other speakers so adequately and eloquently. But one thing I must add. It has been suggested, in order to oppose the draft resolution presented by the nineteen Powers, that since legalities are involved in the dispute this Assembly cannot pass such a resolution. This is of course an artificial argument.

In the first place, the draft resolution does not request this Assembly to pass any judgement on the legalities or legal controversies which may be involved in the dispute. That there is a dispute -- a serious dispute -- between the two countries which has been dealt with by the United Nations in the past three years, consuming now, I believe, at least two hundred and fifty statements by representatives of

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Member States who are interested in finding a solution to the dispute, must be unmistakably clear by now. This dispute, according to the Charter of Transfer of Sovereignty, is one over "the political status" of West Irian. Even if it has juridical aspects, it was and remains a political dispute. It has been rightly dealt with by this Committee, the Political Committee of the United Nations. No juridical argument can alter this fact.

Let us recall, however, that the General Assembly, under the terms of the nineteen-Power draft resolution, is not being asked to pass on the substance of the dispute in any way, and much less to determine any legal questions. This draft resolution only invites the parties to find their own solution to the dispute and requests the Secretary-General to assist in this effort. The artificiality of this objection becomes clear if one asks whether the relief requested in the draft resolution presents a legal issue on which the International Court could pass; namely, whether the parties should continue to pursue their endeavours to reach a solution.

It is also obvious that even if the merits of the dispute were before the Committee, the presence of legal elements in a political question would not preclude this body from its consideration nor from making recommendations with respect to it. The Committee is well aware that scarcely a political question arises which does not in some way or another have one or more legal aspects. The United Nations has often had to consider questions in which the claims and counter-claims had their original source in some international instrument, as was the case in the Suez Canal controversy and in the alleged violation of human rights under certain peace treaties. And what about the question of Algeria? In its relationship to France it certainly has a legal aspect and yet this question of Algeria has been fully recognized and dealt with by this Committee as a political problem of the highest order since it affects the freedom of a people, of a people struggling to abolish colonialism and to assert themselves in full national life in freedom and dignity.

This is, in essence, also the issue of West Irian in the context of the Indonesian struggle for freedom vis-à-vis Dutch colonialism. The nineteen-Power draft resolution recommends nothing else but that the United Nations should lend its assistance or establish an instrument to find the peaceful road to the solution of the problem.

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I do not understand why the Netherlands and some of its supporters should oppose the United Nations endeavours to recommend a peaceful solution of this long-standing dispute unless -- and I wish to stress this -- the Netherlands Government is unwilling to seek a peaceful solution with the Indonesian Government, the other party to the dispute.

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This is the reality that this Assembly now faces. The Netherlands Government does not want a peaceful solution, even the establishment of an instrument leading to the road of a peaceful settlement which the United Nations, under its Charter, is entitled to provide, as requested in the draft resolution. This is the serious problem which we are now facing. And the representative of Australia, in his statement yesterday, complained that Indonesia might not come to the United Nations again to attempt to find that road to a peaceful solution, consonant with the Charter; that this might be the last endeavour of the Indonesian Government to seek a solution through the United Nations. He even referred to this as a kind of threat. Where is the logic of this veiled accusation?

What has the Indonesian Government done in the past three years and what has this Political Committee proposed in resolutions, which the Netherlands Government and its supporters opposed, unfortunately to the extent that they were able to block the adoption of the Committee's resolutions in the General Assembly?

In 1954, this Committee adopted a resolution expressing "the hope that the Governments of Indonesia and the Netherlands will pursue their endeavours in respect of the dispute that now exists between them to find a solution in conformity with the principles of the Charter of the United Nations".

This very mild resolution of this Committee was opposed by the Netherlands and some other Powers. The General Assembly was not even allowed to express the hope that the parties concerned would continue to try to find a solution of the dispute in conformity with the principles of the Charter.

Nevertheless, the Indonesian Government pursued its endeavours in seeking the assistance of the United Nations to find a peaceful solution of the problem, which the Netherlands showed no indication of solving in accordance with the definite stipulations of the round table conference agreements. My Government, together with many other countries of Asia and Africa, bound by the Bandung Conference resolution recommending a peaceful settlement, brought the issue again before the United Nations in 1955. And it was again opposed by the Netherlands Government. However, due to some understanding between the Indonesian Government and the Netherlands Government, formulated in the joint

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statement of 7 December 1955, the General Assembly was allowed merely to give -- without any discussion -- its blessings to the implementation of that joint statement. Nothing more.

The negotiations, based on that controversial joint statement, failed. Again the Indonesian Government and members of the Asian-African group in the United Nations were not discouraged from turning to the United Nations in yet another attempt to find a peaceful settlement. And this Committee again recommended the way towards a possible solution: the creation of a three-member Good Offices Commission to be appointed by the President of the General Assembly "with a view to assisting in negotiations between the Governments of Indonesia and the Netherlands in order that a just and peaceful solution of the question may be achieved, in conformity with the principles and purposes of the Charter".

But again, due to the strong opposition of the Netherlands Government and some of their supporters, this Committee's resolution was not adopted by the General Assembly because of the application of the two-thirds majority rule.

This is a factual account of how the Government of Indonesia, supported by the resolutions of this Committee, has tried for some years to seek the intermediary of the United Nations as the central organ for the peaceful settlement of disputes between Member nations. But every time it met only with the opposition of the Netherlands Government. Is it surprising then that sentiments in Indonesia have begun to run high and that the people of Indonesia are beginning to lose their patience and tolerance? Do they -- the Dutch and their supporters -- really think in good conscience that the Indonesian people could be treated indefinitely so unreasonably, especially when it affects a national cause of such importance? And while the patience of the Indonesian people to solve this issue peacefully through the United Nations is almost exhausted, the Indonesian Government, with the support of many responsible Members of the United Nations, has again brought this item before the United Nations, now for the fourth consecutive time.

The position of the Indonesian Government, due to the pressures at home, is not an easy one. Moreover, the West Irian issue has, in the context of recent developments both in Indonesia and in the international scene in general, as

(Mr. Sastroamidjojo, Indonesia)

indicated in the initial statement of the Foreign Minister of Indonesia on 20 November last, become even more grave and serious. As the Indonesian Foreign Minister stressed, "we do not live in a static world nor in a world which cannot be harmed by the prolongation of such a political dispute remaining unsettled in a sensitive region of the globe". If we say this, believe me we say this not only in the interests of peace and the democratic reconstruction of Indonesia, but also in the best interests of this changing world as a whole.

In the last few weeks my delegation has received, nearly every day, cables from organizations and people in various parts of Indonesia suggesting and demanding the kind of attitude the Indonesian delegation should take on behalf of the people of Indonesia on this burning issue. They show how high the sentiments are running at this present juncture. Channelling all these sentiments in the right direction, my delegation is bound to take a determined stand to seek the best possible way to a solution of this dispute.

As should be clearly understood, this question of West Irian does not only affect the relationship between Indonesia and the Netherlands, but in its political and emotional aspects also the relationship between resurgent Asia and the troubled West. It is not without reason that the twenty-one States Members of the United Nations, which sponsored the inclusion of this unsolved question in the agenda of the present session of the General Assembly, pointed out that the continuance of the present situation is only likely to increase the dangers inherent in the dispute.

The nineteen-Power draft resolution is a reasonable one and, in the opinion of my delegation, the least that the United Nations can do to avoid a further deterioration of the situation and, at the same time, provide a peaceful way out of the present delicate impasse. If this resolution is adopted by the Committee and the General Assembly, my Government will co-operate fully in paving the way to the satisfactory solution of the problem in the best interests of Indonesia and the Netherlands, in the framework of the United Nations efforts towards peace and progress in the world. I may recall in this respect, as the Minister for Foreign Affairs of the Republic of Indonesia clearly stated, that we are even prepared, at a conference with the Netherlands on the question of West Irian, to discuss other problems of interest to both countries.

(Mr. Sastroamidjojo, Indonesia)

However, we cannot allow the Netherlands and its supporters to continue preventing the adoption of a resolution which merely seeks an adequate way to a peaceful solution. We cannot allow the Dutch to prevent our search for a peaceful solution by utilizing the rule of a two-thirds majority in the General Assembly of the United Nations. The situation is too serious to be dealt with in this irresponsible manner. But if they should succeed again -- and I hope not -- I do not think that anyone, and especially the Netherlands and Australia, can have anything to complain about if we say that this attempt to seek a peaceful solution through the United Nations may be our last one.

(Mr. Sastroamidjojo, Indonesia)

Any other stand on our part would in effect mean that we are willing to allow the serious dispute over West Irian, with all its aspects and implications, to remain unsolved. And that is a proposition which we, and indeed this Assembly, cannot accept. Consequently, the representative of Australia should have no concern in regard to our statement that if the United Nations General Assembly, owing to the actions of a small minority of its Members, including Australia itself, is of no avail in finding a solution of this hazardous situation, we of Indonesia would have no alternative but to seek the solution of this pressing problem in our own way. After all, we have our national and international responsibilities which we cannot avoid carrying out in the best interests of our people and possibly in the best interests of all concerned.

The concern of the Australian delegation is, moreover, devoid of logic. It is concerned that Indonesia would no longer make use of the machinery of the United Nations in seeking a peaceful solution of the dispute and the removal of the precarious implications of the present situation. Does the representative of Australia want to say that Indonesia should stand idly by, even when the United Nations is unable to or prevented from lending its assistance, and that he should be given another opportunity and the satisfaction of opposing the inclusion of this item in the agenda of the next session of the General Assembly? This would be strange logic indeed.

No, Indonesia has not lost its self-respect; nor is Indonesia a helpless nation. It is sad that a neighbour such as Australia should be unable to evaluate properly the forces at work in and around Indonesia which are not only vital to the progress of Indonesia but vital also to the peaceful development of that general area of South East Asia as a whole, Australia not excluded.

But fortunately the official Australian attitude is not one shared by the whole Australian people. Constructive voices with greater understanding of the situation in Indonesia are gaining more and more ground in Australia. In the parliamentary debate on foreign affairs in Australia on 19 November last, only a few days ago, Senator Obyrne stated that the Australian Government seems unable "to look into the minds of the Indonesian people on this question of West Irian." He said further:

(Mr. Sastroamidjojo, Indonesia)

"Indonesia is a country with which we-- Australia-- "are very vitally concerned. It is the nearest country to our territory of Papua and to that part of New Guinea over which we hold the United Nations Trusteeship. Those areas are our responsibility and whatever happens in Indonesia affects us vitally. We should support the application of Indonesia for some settlement of this dispute in the halls of the United Nations. After all, we subscribe to and believe in the great principle of the United Nations that all people shall have the right to self-determination. For some reason or another, the foreign policy of this Government" -- that is, the Government of Australia -- "has been such that the Government has never come to grips with this one matter which is so close to home. It is a grave reflection on the Government's foreign policy and on the Minister for External Affairs that at this stage, twelve years after the end of the war which gave to the Indonesians an opportunity to assert their independence, Australia has not supported them. Australia believes in fair treatment, not only for themselves, but for all people; yet we have consistently refused to support the consideration of this matter by the United Nations... This is an area which could lead, if not to conflict, at least to a very delicate situation."

This is the voice of a responsible and understanding Australian senator, to whose heart the interests of Australia are certainly very dear, although his view is entirely different from that expounded by the representative of Australia in this Committee; and it is because of voices such as this that -- notwithstanding what the representative of Australia has said in this Committee -- we of Indonesia have never lost hope of achieving real understanding between the Indonesian and Australian people, whose fate as neighbours is closely linked in the common search for peace, security and welfare.

It is in the light of the present delicate situation that the pronouncements of the Indonesian people, including those of my President and the Minister of Foreign Affairs, should be viewed and evaluated. They are leaders who represent a people facing a situation in Netherlands-Indonesian relations that demands a speedy solution. And they are determined to seek that solution in the best possible way.

(Mr. Sastroamidjojo, Indonesia)

They threaten no one. If their statements sound like threats to some, they are only the reflection of an appalling situation created by the intransigent attitude of the Netherlands and, unfortunately, also of the Australian Government.

After all, the Indonesian people are not blind nor unaware of what the Dutch have done and continue to do in West Irian; and for all their actions and policies in and about West Irian, the Dutch have never consulted the people of West Irian. If one speaks of a threat, it is the Indonesian people who are feeling the impact of the threat posed by the military and political -- not juridical -- machinations of the Netherlands Government in and around West Irian, without ever bothering about the people's wishes. This is a challenge against which the Indonesian Government and people cannot stand idly by; and no force in the world can prevent the Indonesian people from seeking all possible measures to defend their rights, their security, their freedom and their peace.

I still hope that the United Nations will be able to lend its assistance in seeking a satisfactory and peaceful solution of this problem. But this is up to the members of this Committee. If we, by concerted efforts here in this august body, are unable to do our duty, the consequences will be very grave indeed. Let us therefore not lose hope; but let us also make no mistake.

The CHAIRMAN (interpretation from French): The list of speakers in the general debate on the question of West Irian is now completed. This debate also referred to the draft resolution before the Committee, and is also now concluded. The representatives of Australia and of the Netherlands have stated that they would like to exercise their right of reply and I shall therefore call upon them to do so a little later. Some other representatives have stated that they would like to speak on the draft resolution.

According to the decision taken by the Committee, the general debate covered the draft resolution as well as the substantive aspects of the question. If there is no objection, however, I shall call on these speakers also. I now call on the representative of Australia to exercise his right of reply.

Mr. WALKER (Australia): I wish to thank the Chairman and the Committee for allowing me to exercise this right of reply.

The first point that I should like to make, very briefly, is that the distinguished representative of Indonesia has quoted a member of the Australian Senate -- I might add, a member of the opposition party in the Senate -- and has recalled certain views expressed by that Senator.

In a country like Australia, the expression of opinion in Parliament -- as in the press and in public generally -- is, of course, entirely free, absolutely free, and there is nothing surprising in the expression of opinions in Parliament by members of the Opposition that are not exactly in accordance with the position of the Government. Members are quite free to express their own personal views, also. I doubt very much whether the views mentioned here represent the views of a particular political party in Australia.

I merely mention this in passing, as I do not think it is necessary for me to read to the Committee the very different views which were expressed in the same debate by other members of the Australian Parliament -- views supporting the general position adopted by the Australian Government in this matter.

This year the debate on this item in the Committee has been conducted, on the whole, in moderate terms. The Australian delegation welcomes this. We have tried, for our part, to avoid unnecessary offence, and to argue the case strictly on its merits as we see them. We have endeavoured, of course, to bring out the full strength of the Australian delegation's position. My two main statements in the general debate have made clear the Australian views both on the substance of the Indonesian claim to sovereignty over Netherlands New Guinea and on the draft resolution before the Committee which endeavours to secure United Nations support for Indonesia in the prosecution of its claim.

We believe, from the debate that has taken place, that many delegations share our views and entertain doubts -- as we have shown that we do -- about the basis of the Indonesian position as presented here. We hope, therefore, that these delegations will join us in voting against the draft resolution, which my delegation believes should be rejected.

The representative of Indonesia has just completed a lengthy statement, in the course of which he has again taken up a number of familiar arguments. I do not think there is any need for me to endeavour, at this stage of our discussion, to try to score any debating points. My reply will be brief, and confined to just a few matters that I think do require a little attention.

(Mr. Walker, Australia)

I would note that in relation to the Indonesian claim that Netherlands New Guinea is already legally part of Indonesia, there has been no move by Indonesia, in the course of our discussion here, to express willingness to refer this matter to the International Court, which is the body that should deal with any such legal argument or claim.

It is quite evident from the debate here that the question under discussion is sovereignty over a particular territory. This is the matter that Indonesia has brought before the Committee. As I said before, it is a choice between annexation and self-determination for the people of Netherlands New Guinea -- annexation by Indonesia, or self-determination by the Papuans of West New Guinea. Many speakers have recognized that the effect of Indonesian policy would be to deny the people of Netherlands New Guinea any chance of eventual self-determination. On the other hand, the Netherlands-Australian statement, to which reference has been made, offers this promise in the clearest terms.

I said in one of my previous statements that the only conceivable threat to the peace in the area seems to arise from statements by Indonesian leaders, and I said that the Assembly must not allow itself to be coerced by such statements.

At an earlier stage of the debate -- in fact in the first Indonesian intervention -- the Indonesian Foreign Minister asked for clarification or denial of a fear lest the Netherlands-Australian joint statement might have military implications. At the first opportunity I gave him, in this Committee, a categorical assurance on behalf of the Australian Government that the joint statement has no military implications, and a similar statement was made by the Foreign Minister of the Netherlands in the Committee. I assume that the Indonesian delegation has noted and accepted these declarations.

In view of various Indonesian statements, however, I myself felt obliged, in my second main intervention, to seek an assurance from the Indonesian Government that it is not their intention to use force or punitive measures in an attempt to get their way in Netherlands New Guinea. Although we assume this to be the case, we are still awaiting any explicit assurance from Indonesia on this point. Mr. Sastroamidjojo has explained that President Sukarno has spoken not of using force, but only of using strength. We trust this means that forceful means will not be attempted, but I could wish to have a more formal assurance on this.

(Mr. Walker, Australia)

I would, of course, not describe a decision by Indonesia not to bring the matter again to the United Nations as a threat, but Indonesia has forecast other measures. I repeat that we are concerned, both over the use of such arguments here and over the prospect of any possible action by Indonesia that might be inconsistent with the Charter and might endanger the peaceful development of this area.

The matter before us is not a question of the independence and unity of Indonesia. I have said, in my first statement, that Australia wishes to see a strong and united Indonesia. But we do not regard West New Guinea as part of Indonesia, and I do not see how the absorption of Netherlands New Guinea by Indonesia would make Indonesia stronger or more united than it is today. Therefore we feel that any call for negotiations on this issue is entirely out of place, that this issue of a transfer of territory is entirely out of place. It is quite clear that Indonesia is interested, in this connexion, in nothing less than the outright transfer of territory.

We are told that Indonesia's request is moderate and conciliatory, that Indonesia merely wishes to negotiate -- but on what? Mr. Sastroamidjojo has yet again emphasized that Indonesia maintains its claim to sovereignty over Netherlands New Guinea. Then what is left to negotiate over?

The representative of India suggested that there could be negotiations about time, possible joint arrangements, capital investment by the Netherlands -- in other words, negotiations on the basis that sovereignty has already passed to Indonesia. That seems to be what we are asked to endorse.

For these reasons, the Australian delegation opposes the draft resolution, and again expresses the hope that other delegations will vote against it.

Mr. SCHURMANN (Netherlands): In exercising the right of reply which the Chairman has graciously granted me -- and for which I thank him -- I shall endeavour not to exceed the limits set by the title of an intervention based on that right, and shall confine myself to answering a few of the points raised by some distinguished representatives after our two previous interventions had been made.

(Mr. Schurmann, Netherlands)

As these points have been mentioned by more than one representative, I shall not reply to reach speaker separately but try to deal with their arguments one by one.

The first contention calling for a rebuttal is that the territory now known as Netherlands New Guinea has from time immemorial formed part of Indonesia, but that it had always been intended that this territory should be included in the transfer of sovereignty to Indonesia and that it was only at the eleventh hour that the Netherlands decided to exclude it from that transfer of sovereignty.

Concerning the first part of this argument, the distinguished Foreign Minister of Indonesia stated in his first intervention:

"That Indonesian unity" -- a "unity" which, according to him included Netherlands New Guinea -- "is based not on any theory of racial or ethnical unity but on a unity derived through centuries of living together which is the true meaning and test of nationality."

Several other speakers have repeated this assertion; what they have been saying is, in effect, that for centuries there has been an Indonesian nation made up of different ethnical components, each of which live together with the others, and that Netherlands New Guinea, through partaking in that convivencia -- to use the term beloved by our highly respected friend, Dr. Belaunde -- has become a part of that nation. To those who advance this argument, I am obliged to point out that when the Netherlands gradually came to extend its influence over Java, Sumatra, and the adjacent islands, the population of that region did not form one nation but was divided into a large number of small sultanates that lived in a state of almost perpetual warfare with each other. Of course, it is undeniable that under Netherlands rule peace and convivencia were established between the populations of the various parts of the Malayan archipelago and that they were thereby welded into one nation. The inhabitants of Netherlands New Guinea, however, over whom any kind of effective Netherlands rule could not be exercised until the beginning of this century because the inaccessibility of the territory was a bar to any penetration from outside, have never had any share in this convivencia of the other parts of the Dutch East Asian Empire. To this day, the majority of the population of Netherlands New Guinea has never seen an Indonesian and would not know what the term meant.

(Mr. Schurmann, Netherlands)

Other speakers have not ventured so far back in history but have simply contended that as the Netherlands New Guinea was part of the former Netherlands East Indies it is, therefore, now legally part of Indonesia. I wonder whether these speakers have realized -- to mention just one instance -- that Ceylon also formed part of the Netherlands East Indies until the Peace of Amiens in 1802. A logical application of their arguments would imply that Ceylon should, therefore, also be incorporated in Indonesia.

The second part of the argument, to which I referred in the beginning of my statement, was that it had always been intended that Netherlands New Guinea should be included in the transfer of sovereignty and that exclusion was only an afterthought. The representatives who supported this contention were obviously not aware of the long history of the negotiations and agreements between the Netherlands and Indonesia that preceded the round table conference. For their information, allow me to mention the following facts. On 25 March 1947, the Netherlands and Indonesia signed the so-called Linggadjati Agreement in which it was stated that due account was to be taken of the letters exchanged between the parties ten days earlier; those letters, dated 15 March 1947, contained on the one hand a reiteration of the statement made by the Netherlands Government on 10 December 1946 and that statement said:

"Further to what has been stated concerning New Guinea in the commentary of the General Commission" -- the "General Commission" was the name of the Netherlands delegation that had taken part in the discussions -- "the Government" -- that is, the Netherlands Government -- "desires that in the spirit of articles III and IV of the Linggadjati Agreement" -- those were the articles that dealt with the right of self-determination -- "New Guinea should obtain a separate status of its own with regard to the Kingdom and to the United States of Indonesia."

That was at the Linggadjati Conference in 1946 and the statement which I have just quoted was made in December 1946.

My Indonesian colleague challenged me to state whether we had ever made such an assertion before 1949; here is the answer to his question.

On the other hand, the exchange of letters referred to contain the acknowledgment by the Indonesian delegation of this principle. That Agreement -- the Linggadjati Agreement -- was subsequently confirmed in the Renville Agreement

(Mr. Schurmann, Netherlands)

of 1948 and when Dr. van Royen made his often-quoted statement -- a statement which was quoted this afternoon again by Dr. Ali Sastroamidjojo -- that:

"The dispute is not about the question of whether or not Indonesia will become independent. All parties agree that what used to be the Netherlands East Indies should become an independent State."

When he made that statement, he added -- and this part those who have quoted him have carefully left out:

"We shall stand by the political principles we accepted in the Linggadjati and the Benville Agreements and we shall carry them into effect."

Now, one of these principles was and had always been that New Guinea should obtain a separate status of its own. Consequently, when the Netherlands continued to support this principle at the round table conference, this Netherlands stand was no new departure but the upholding of a principle that the Netherlands had consistently defended right from the start of its negotiations with Indonesia.

Another line of reasoning followed by some representatives found expression in the contention that it is wrong for the Netherlands to argue that, after the period of one year mentioned in article 2 of the Charter of Transfer of Sovereignty had elapsed, it -- the Netherlands -- had no further obligation to continue the negotiations. I feel obliged to point out that the Netherlands has never advanced such an argument and that it has shown by its deeds that it did not in fact hold such a view; for, even after that period had elapsed, it continued to negotiate with Indonesia for another two years. Curiously enough, it was not the Netherlands but Indonesia which held the view for which we have now been blamed; and I shall prove that to the Committee.

On 17 August 1950 -- that was at the time when the year set for negotiations had barely run half its course -- President Sukarno declared:

"After this year neither of the parties will be bound by this round table conference provision" -- he was there referring to the provision of negotiations.

And, shortly afterwards, the Indonesian Government stated:

"Article 2 of the Charter of Transfer of Sovereignty does not provide any grounds for a continuation of the discussions."

In spite of these Indonesian assertions, which, by the way, I have quoted before in previous years and therefore I am not bringing any new element into the debate here, we continued to negotiate. When the second series of negotiations failed in 1952 -- that is, three years later -- because Indonesia would not hear of any other solution except unconditional surrender of sovereignty over Netherlands New Guinea to Indonesia, President Sukarno was again the one to announce that he desired no further negotiations. In November 1952 he declared:

"From now on, we will discuss the future of New Guinea exclusively amongst ourselves. We will take unilateral measures on the basis of our own plans and we will no longer discuss these matters with the Dutch."

The results are known to all of us.

With these statements before me, I ask: Who was it that first refused to continue negotiations, the Netherlands or Indonesia?

Another accusation that has been levelled against us is that the Netherlands is trying to hang on to the outmoded form of colonialism which it exercises in Netherlands New Guinea and that it is our intention to keep that country within our grip for several hundred years or more. To those who consider that every form of colonialism, except, of course, that exercised over such countries as Hungary, is an evil, all forms of colonialism, bar their own, are outmoded. Fortunately, not all representatives show such disdain for the provisions of the Charter of the United Nations, provisions which have indeed inaugurated a new form of what one may call colonialism, or, as the Charter calls it, administration of Non-Self-Governing Territories. This modern form of colonialism, approved by all States which have signed the Charter, finds its justification not in the interest of the Administering Power, but in that of the inhabitants of the Territory who still need some assistance in order to achieve their own self-government. It is this administration, this new form of what might term "Charter colonialism", that the Netherlands does indeed exercise in Netherlands New Guinea. That administration, as the distinguished representative of Israel has so eloquently pointed out, is strictly limited by its clearly-stated objectives. The most important of these objectives are the development of self-government and the preparation of the population for self-determination. When these objectives have been achieved, the raison d'etre for the administration, under the terms of Chapter XI of the Charter, disappears and that administration should be terminated.

We are quite in agreement with that. We have declared many times that the Netherlands Government will do everything in its power to hasten the arrival of the time when it can, in good conscience, consider its task in Netherlands New Guinea as accomplished. When we estimate the probable duration of the period which must elapse before we can do so, we think not in centuries, but rather in terms of decades.

Great emphasis has been given by a number of representatives to the fact, as they put it, that the Bandung Conference has endorsed Indonesia's claim. Let me say, with all due respect to the statesmen who participated in that important event, that the fact that they expressed their political opinions in that very attractive mountain resort does not impart to those opinions any greater measure of sacrosanctity than those same opinions have when they are expressed in the United Nations. All that we can deduce from the declarations made at the Bandung Conference is that the twenty-nine Afro-Asian States there represented "in the context of their expressed attitude on the abolition of colonialism, supported the position of Indonesia". But to this support they added a very important proviso: that the position of Indonesia to which they gave their support was the position "based on the relevant agreements between Indonesia and the Netherlands", and what they urged the Netherlands Government to do was "to implement its obligations under the above-mentioned agreements".

The Bandung Conference was held in April 1955, and at that time the delegates gathered there could, of course, not know that exactly a year later Indonesia would unilaterally repudiate the self-same agreements with the terms of which they had urged compliance. If the terms of the Round Table Agreements are to be complied with, as in our view they most certainly are, then such compliance should be demanded not from the Netherlands alone, but also from Indonesia.

Finally, a few words about the text of the draft resolution which has been presented to us as such a moderate and innocent one.

The distinguished representative of Italy has already subjected the preambular part of that draft resolution to the penetrating analysis which he so ably applied throughout his entire lucid intervention. I shall therefore limit my remarks to the operative part. The second paragraph of that part is, as the representatives

of Uruguay and Peru have clearly shown, incompatible with the provisions of the Charter which do not permit the General Assembly, as distinct from the Security Council, to impose on any party against its will any particular procedural measure such as mediation or, as it is called in this draft resolution, assistance. That paragraph of the draft resolution is therefore not only unacceptable to the Netherlands, but it is definitely ultra vires of the General Assembly.

The first operative paragraph, however, is still more objectionable than the second. Indonesia and most of the other sponsors have made it abundantly clear that the dispute which is mentioned in the draft resolution and to which they wish the parties to find a solution is not the dispute concerning which negotiations were provided for in the Charter of Transfer of Sovereignty -- the future status of Netherlands New Guinea -- but that it is the dispute which has arisen as a result of Indonesia's contention that under the terms of that Charter sovereignty over Netherlands New Guinea was transferred to Indonesia. That dispute concerns a purely legal question, a question préalable which should be decided before there can be any question of negotiations. That can only be solved by the International Court of Justice or by some other court to which, however, Indonesia refuses to submit the question. Moreover, Indonesia and the majority of the sponsors have left no doubt at all that the only solution which they are willing to contemplate is cession of Netherlands New Guinea by the Netherlands to Indonesia.

In spite of what my Indonesian colleague said this afternoon about the draft resolution being so meek and mild, yet he again emphasized in his statement that "it is obvious indeed that the issue is one of reunification of West Irian with the rest of Indonesia".

In other words, it is still maintained, New Guinea is part of Indonesia and Indonesia is sovereign over New Guinea, so that all that the negotiations should have to deal with is merely the question of the transfer of the administration.

Consequently, paragraph 1 of the draft resolution is not, in effect and in the interpretation of its sponsors, what the words to be found in it seem to mean. It is, actually, an invitation to the Netherlands to transfer its sovereignty over Netherlands New Guinea to Indonesia. That is what the sponsors really mean only they have not dared to put it down in so many words. However, they have made it quite clear that that is what they really intend.

Such an invitation is clearly contrary to the principles of the United Nations Charter, even if it is stated in the draft resolution that this unlawful act should be performed, as the resolution states, "in conformity with the principles of the Charter". For these reasons, my delegation will vote against this resolution and we appeal to other members to do likewise.

The CHAIRMAN (interpretation from French): The general debate on the question of West Irian is now ended and I propose successively to call on the representatives of Mexico, Haiti, Thailand and Argentina, who have expressed a desire to make short statements on the draft resolution before the Committee.

Mr. de la COLINA (Mexico)(interpretation from Spanish): In previous years the Mexican delegation made known its views on the question which we have been debating in the Committee. That is why we refrained from doing likewise during the present debate, feeling that it was better, today, to listen to the countries directly concerned and especially to hear the views of the new Members. Unfortunately, despite the length of time which has elapsed, despite the many carefully considered opinions expressed, this problem continues to be hopelessly involved, the differences become greater, feelings run high, and the claims of Indonesia and the Netherlands become more and more difficult to understand.

During previous debates, I stated that the Mexican delegation held the view that it was not the General Assembly to which the United Nations should turn to solve a problem of this nature, due to its very structure and functions. The General Assembly did not appear to us to be the appropriate body to clarify such a juridical question.

At the same time, I stated that, because of the difficulties inherent in the legal interpretation of the Charter of Transfer of Sovereignty and in the other documents concerned, and because of the application of the doctrine of uti possidetis juris and the application of the principles of self-determination of peoples, as well as because of the geo-political arguments which have been adduced by the delegations of Australia and other countries, and other reasons of a general nature -- the Mexican delegation felt that prudence should be exercised when voting on the resolution which, at that time, had been submitted by Indonesia.

My delegation had also suggested that the best course might have been to adopt a resolution which would merely appeal to the parties to make the best possible use of any conciliatory measures which they might decide upon, and try to solve this controversy in a way that would be in keeping with the spirit of the Charter and would take into account the welfare and the progress of the population of New Guinea.

At the eleventh session of the General Assembly, when considering the resolution submitted by a number of delegations, I stated that my delegation was of the opinion that that resolution contained very important and valuable elements but that it would be better to modify it so that it would not be limited to recommending only one of the peaceful methods for the settlement of a dispute, as written into the Charter. It would be preferable to leave it up to the parties themselves to decide upon the type of settlement they wished to achieve.

For the same reasons which determined the vote of my delegation at previous sessions of the General Assembly, we still believe that the joint draft resolution contained in document A/C.1/L.193 is closer to what we have recommended in the past. Actually, the fact that a controversy exists and is causing tension in international relations, as well as between several Member States, forces us to consider very carefully the consequences of rejecting a suggestion as moderate as that contained in this joint draft resolution.

(Mr. de la Colina, Mexico)

But, despite this, there are certain reservations which I wish to mention. My delegation would find it extremely difficult to vote in favour of a resolution which in any way prejudged, explicitly or implicitly, the substance of this very thorny question. We feel that the third preambular paragraph, which says:

"Realizing that a peaceful solution of this problem should be obtained without further delay,"

should be made somewhat more moderate, so as merely to express the hope which we all share that a peaceful, or friendly, settlement will be achieved as soon as possible.

Insofar as paragraph 2 of the operative part of this draft resolution is concerned, my delegation is of the opinion that it might be appropriate to delete it or, if not, substantially to change its wording, because this paragraph places a very heavy onus on the shoulders of the Secretary-General and would be of slight practical importance or use, because of the diametrically opposed views expressed by the two parties on the very crux of this discussion.

I am sure that we can rely implicitly on the tact, the strong sense of responsibility of the Secretary-General, to offer his good offices to these parties whenever he considers it appropriate or useful, without our having to say this in the resolution.

With regard to the submission of this item for inclusion in the agenda of the thirteenth session of the General Assembly, I do not think that we should try to ensure that, at the moment.

Therefore, in view of this, I would ask, in keeping with rule 130 of the rules of procedure, that you be good enough to put to the vote separately paragraph 2 of the operative part of the draft resolution before us.

Before concluding, I wish, once again, to express the hope of my delegation that the countries concerned in this dispute, with whom my country has very cordial relations, will very soon find some conciliatory solution based on equity and one which is in keeping with the Charter of the United Nations.

Prince Wan WATTHAYAKON (Thailand): As Thailand maintains cordial relations of friendship with both Indonesia and the Netherlands, I shall not go into the substance of the question of West Irian more than it is necessary to do so in order to explain the attitude of my delegation to the draft resolution contained in A/C.1/L.193.

My Government adheres to the final communique of the Bandung Conference on the question of West Irian; but it is a fact that there is a difference between the two parties concerned as to the interpretation and applicability of the Charter of the Transfer of Sovereignty of 1949. This may be said to be a legal dispute, but if article 2 of that Charter with regard to West Irian is read again, it will be seen that the dispute was, and therefore still is, political. For article 2 (a) says:

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

(Security Council, Official Records, S/1417, page 92)

And in article 2 (c) we read the following:

"In view of the important factors which should be taken into account in settling the question of New Guinea," (Ibid.)

And now a new difference between the parties has appeared. The Netherlands has invoked the principle of self-determination, while Indonesia maintains that West Irian, if joined to Indonesia, would immediately enjoy full freedom. The problem, therefore, is certainly complex and is getting even more complicated each day. The United Nations cannot disinterest itself because it was under the auspices of the United Nations that the Charter of the Transfer of Sovereignty was concluded. This, therefore, is not an ordinary case of annexation or claim of territory, but a question left over under the auspices of the United Nations for settlement as part of the birth of a nation.

Article 2 (f) of the Charter of the Transfer of Sovereignty speaks of "the dedication of the parties to the principle of resolving by peaceful and reasonable means any differences that may hereafter exist or arise between them", and the Charter of the United Nations, in its Article 2 (3), provides that:

"All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered."

(Prince Wan Waithayakon, Thailand)

My delegation, therefore, finds it natural, reasonable and moderate that the draft resolution, in its paragraph 1, should invite both parties to pursue their endeavours to find a solution of the dispute in conformity with the principles of the United Nations Charter.

We also approve of the request to the Secretary-General to assist the parties concerned, because this problem has many complexities, both legal and political, and it should prove most useful to have the benefit of objective and impartial assistance from the Secretary-General.

Of course, it cannot be expected that such a complex problem can be solved by the next session of the General Assembly, but, with the assistance of the Secretary-General, it may be possible for the parties to clarify what differences do exist, thus paving the way for finding the appropriate solution. In any case, I am hopeful that, with the exhortation of the General Assembly to continue the efforts for a peaceful solution, the prevailing, or increasing, international tension in regard to this problem will be relaxed in the interest of peace and friendship in my part of the world.

For these reasons, my delegation will support the draft resolution.

Before I conclude, however, I wish to state that references which have been made to the South East Asia Treaty Organization are unfounded. As a member of the SEATO Council, I categorically deny that there is any truth in the allegation that West Irian is being developed as a SEATO base of any kind.

Mr. DRAGO (Argentina) (interpretation from Spanish): My delegation has not taken part in the general debate and, in speaking now, I shall very briefly explain the position of my Government regarding the question of West Irian.

My delegation will vote against the draft resolution before us, and we shall do so because we are convinced that it is not a constructive contribution to the solution of this controversy. In the course of this debate it has been shown that the interpretations of the parties concerned of article 2 of the Charter of the Transfer of Sovereignty, which resulted from the Round Table Conference, are irreconcilable. In their essential arguments, both claim sovereignty over the territory of Dutch New Guinea. The Government of the Netherlands bases its position on the juridical finding, whereas Indonesia considers the question as primarily a political one.

(Mr. Drago, Argentina)

The result of these divergent interpretations has been the refusal of Indonesia to submit the question to the International Court of Justice and, although the question was borne of an international juridical instrument, the interpretation of which might be submitted to the International Court, nothing precludes the Indonesian Government from accepting such jurisdiction. The refusal of Indonesia to submit this question to the International Court, however, does not necessarily weaken either the political reasons, or the juridical arguments invoked by that Government in favour of its claim.

It is clear, however, that it is hardly right to ask the General Assembly of the United Nations to take part in a controversy outside its competence because the parties involved have been unable to come to an agreement. Past debates have shown that such an effort would be doomed to failure. The Assembly has always maintained the same views regarding similar questions that have come before it. Therefore, this is not an opinion based on the substance of the issue, and my delegation is not going to vote against the draft resolution on the basis of preconceived notions.

The points of view of both parties are equally worthy of respect. Argentina is linked with both these countries by bonds of friendship. This leads us to express our hope that conciliation will occur, either directly or through mediation freely accepted.

The CHAIRMAN (interpretation from French): I call on the representative of Indonesia who has expressed a desire to exercise his right of reply.

Mr. SASTROAMIDJOJO (Indonesia): I thank you, Mr. Chairman, for giving me the opportunity to exercise the right of reply. I shall be brief. I regret that the so-called reply of the representative of Australia was not quite a reply, except with regard to the statement of the Australian Senator which I quoted this afternoon. It was only a repetition of the arguments that he has expounded before. I do not think that I should again reply to his repeated arguments.

My reply, as I have already said in my previous statement, is with regard to such matters as the racial links, the geographical links, and so on. The representative of Australia and the representative of the Netherlands, who again insist on repeating earlier arguments, seem determined to separate West Irian from the Indonesian entity, which was never, I repeat here again, a subject of agreement or even of discretion. The representative of the Netherlands tried to prove this by quoting some provisions of the Linggadjati Agreement. But here I stress that in that Agreement -- which, by the way, never came into being due to the Dutch military aggression -- there was no agreement to the effect that West Irian should be separated from the Indonesian entity. Such an interpretation of the Linggadjati Agreement is certainly a distortion of that Agreement.

For all these details I can refer to the statements made by my delegation in the debate on this issue in 1954 in this Committee, and also to the quotations of the Presidents of the Republic of Indonesia. What was just referred to again by Mr. Schurmann was a distorted statement -- which his delegation already quoted in 1954 and which at that time was corrected by my delegation -- to the effect that there was a distortion of the words used. What Mr. Schurmann quoted was not a correct translation and it was not what President Soekarno had in mind.

In order to save time, may I request interested members to look into the verbatim records of the First Committee on this issue in 1954. I do not think that at this late stage of the discussion we should entertain ourselves with repeating arguments and counter-arguments again and again. But let me repeat here only what this issue means at the present time for Indonesia and indeed for this Assembly.

I emphasized in my statement this afternoon how important it is to make a concerted effort here to bring together the parties in the dispute, as is requested by the nineteen-Power draft resolution (A/C.1/L.193) and I have to the best of my ability shown to this Committee the seriousness of the situation, which should be dealt with in an earnest manner.

The Indonesian Government and people are determined to seek the solution of this problem even if they are faced with the lack of co-operation of the Dutch Government. It is up to the Assembly to decide whether it will find it possible to lend its assistance or co-operation to seek a peaceful solution according to the Charter.

Finally, may I only repeat what I said at the end of my statement this afternoon. I will quote this later. As regards the challenge which the Dutch has posed against us, we cannot and will not stand idly by. No one can prevent the Indonesian people from seeking all possible measures to defend their rights, their security, their freedom and their pursuit for peace. I still hope that the United Nations will be able to lend its assistance in seeking a satisfactory and peaceful solution of this problem by adopting the nineteen-Power draft resolution.

The CHAIRMAN (interpretation from French): I shall now call upon the representative of Ceylon who has requested the opportunity to exercise his right of reply.

Mr. GUNewardene (Ceylon): I wish to apologize to the Committee at the very outset for taking the liberty to address it at this stage of a long drawn-out discussion. I do not think that any reply is necessary to the arguments that have been adduced before this house, because the representative of Indonesia, in the

course of a brilliant argumentation and exhaustive analysis of the question, presented the case as fully as one could. In spite of it, I was therefore amazed that the Foreign Minister of the Netherlands should dramatically ask the question: what is Indonesia's case?

Indonesia's case is plain and straightforward. Shorn of technicalities and irrelevancies which have been introduced into the debate, the position is quite clear. Indonesia offers the olive branch. Since the situation has occurred, and in spite of previous lapses, they are still prepared to negotiate on friendly terms with the Government of the Netherlands. That is a very plain and simple position.

I should like at the very outset to state that the sponsors of the draft resolution are not responsible for the irrelevancy that was introduced with reference to SEATO. We do not expect any aggression from the SEATO Powers on Indonesia or in any part of Asia. It is far-fetched to imagine that the friendly nations of the Philippines, Thailand and Pakistan would ever embark on such an enterprise. I would ask the Committee to dismiss from its consideration that aspect of the question. Nor are we concerned with statements made with reference to NATO. That is not our concern. We are only making an appeal to the Western Powers to exercise their judgement in a fair and equitable manner so that a lasting and durable solution of the question may be attained. This is not a trial of strength between the Asian-African people who have just emerged from colonialism to independence under the Western democracies. That is not our effort at all.

I want it to be distinctly understood that if we feel, and feel strongly -- having ourselves been under colonial domination for some centuries -- that we would like to see all vestiges removed from that part of the hemisphere, that is a legitimate desire and it does not necessarily express any antipathy towards the Western Powers by any manner or means. We are not here to compare the merits of different types of colonialism. That is not our province at all. If I have cause to go out of the way and pay a tribute to the United Kingdom for the enlightened policy with regard to their colonial subjects, it is nothing but a bare due. I, as a Ceylonese, must express gratification that the United Kingdom, in its dealings with its colonies, has been liberal and understanding and has given freedom to millions of people in the Eastern Hemisphere. Apart from that, I do not for a moment want to attempt a comparison of colonialism.

Colonialism to us is bad. Whether that colonialism is exercised by an Asian nation or a Western nation, it is equally reprehensible. It is suggested that what Indonesia is attempting is also a subtle type of colonialism --

The CHAIRMAN (interpretation from French): I apologize for interrupting the representative of Ceylon. Under rule 116 of the rules of procedure, he has the right of reply, but the right of reply entails a reply to the precise point in respect of which the representative who asked for the floor felt that he was involved. I would therefore urge the representative of Ceylon to adhere to the precise point in respect of which he feels himself involved.

Mr. GUNewardENE (Ceylon): I am sorry. I will accept your ruling. But I thought that as the mover of the motion and in the exercise of the right of reply, it was my duty to outline the position of the sponsors of the draft resolution, as attacked by those who are disagreeing with the point of view of the movers of the resolution, and all those questions I referred to were mentioned in the course of the debate as beclouding the issue. In those circumstances I would ask your indulgence. I will not be too lengthy.

It is suggested, and suggested with a certain amount of strength of conviction, I daresay, that what Indonesia asks for is a type of colonialism and is, to put it simply, annexation of territory which does not belong to it. It is a travesty of the truth and an abuse of phraseology to call Indonesia's request a request for annexation. Indonesia only asks that we give it back its due. What does Indonesia mean? The question has been asked: what are the territorial limits of Indonesia? I do not want to make an effort to tell you what the limits are. They have been clearly laid down, and not by the present Indonesian Government, but by the Dutch authorities.

(Mr. Gunewardene, Ceylon)

The Dutch authorities defined the Netherlands East Indies. The Dutch authorities defined Indonesia. There can be no doubt. There is common ground that the territory covered by the Netherlands East Indies was identical with the territory covered by Indonesia. That being the case the question is relevant whether West Irian was or has been a part of Indonesia.

My friend for whom I have the greatest esteem, the representative of the Netherlands, introduced a rather unfortunate irrelevancy that Ceylon was also a part of the Netherlands East Indies. Ceylon may have been a part of the Netherlands East Indies at that time in question, but we are dealing with a different period. In 1922 the Constitution laid down what was meant by the Netherlands East Indies. Obviously in 1922 the Dutch Government was in possession, occupation and administration of West Irian. But they did not choose to include West Irian as a separate entity in their Constitution of 1922. They did not do so, while they put other countries, other places outside, in the amendment clause No. 1. In 1948 they repeated it. They did not include West Irian, but they included the Antilles and Surinam. If they considered West Irian to be a distinct entity merely for convenience it was included in the Netherlands Indies, then we might have expected the Dutch Government, precisely as they are, to include West Irian in their amendment of 1948. So the analogy that my friend tried to bring in, in order to confuse the issue by telling me what Ceylon might have been once, I think, is just irrelevant.

I do not wish to go further on this subject. I want to express the deepest regret, my apology, if I have in any way hurt the Foreign Minister when I used language to this effect that to my mind their action constituted a breach of faith. We have been on the friendliest terms. We have maintained the friendliest and most cordial relations and continue to do so up to this day. I have no intention whatsoever to hurt the susceptibilities of my friend. I want to express my genuine regret if I have in any way wounded his feelings. But all I want to say is that the statements made by Dutch representatives prior to the Round Table Conference and the Transfer of Sovereignty are not consonant with what they did. It was quite clear that Dr. Van Royen spoke on behalf of the Dutch people. It was quite clear that Van Mook spoke on behalf of the Dutch Government. It was quite clear that the Renville Agreement, the Linggadjeti Agreement, all these agreements when they spoke of the entirety

(Mr. Gunewardene, Ceylon)

of the Netherlands East Indies, must necessarily convey the West Indies. Therefore if I draw the legitimate inference and state that Dutch action at the Round Table Conference, that action which they subsequently took was in violation, was not in consonance with the pronouncements made at an earlier date, was not in consonance with the pledged word; I may be pardoned for doing so but I think it is an act of friendliness to express frankly and with candour what one thinks about the situation, particularly in the present context.

It is my appeal to you, to the members of this Committee, that this question must be viewed in a rather serious light. The Foreign Minister of the Netherlands had given us the most cogent reason why this Committee and the Assembly should not intervene. The relations between Indonesia and the Netherlands have been deteriorating and are deteriorating each day. Are we waiting for a situation to arise when unfortunate results can and may follow? The Indonesian Government asks in all earnestness, even if they had abrogated the agreements, even if they had spurned offers of negotiations at some other stages -- today, Indonesia comes before this Assembly and asks for negotiations on friendly terms. Is that an offer that should be turned down ignominiously? It is an offer which might well be considered.

It is stated that the two sides have taken too rigid positions. It may be so, but in every dispute, the disputants take different positions. That is an experience we come across every day in the courts of law and elsewhere; they always take rigid positions. But if we bring the parties together and we can get the assistance of somebody or other to bring the party together and sit down and discuss matters, probably another solution may be possible. Many other solutions may be considered. The whole range of relations between the Dutch Government and Indonesia may be considered. I think this is an opportunity that we should not lose, particularly when Indonesia asks for it.

I am extremely sorry that our friends from Australia should barge into this dispute. Nobody challenges their position in the Territory that they administer -- nobody has anything to say about it. This resolution does not affect them. I do not consider them to be parties to this dispute at all. But I think, although they are not parties to this dispute, the present state of affairs can sometimes affect the good relations that happily exist between Australia and Indonesia;

AP/hvr

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(Mr. Gunewardene, Ceylon)

they can also embitter the feelings of many people in the whole area.

In the light of these facts, it is my fervent appeal to this Committee to pass this resolution in the spirit in which it has been introduced, whatever the previous positions may have been, because this is an appeal for a peaceful settlement on friendly terms between the two Governments concerned. I hope every nation will be able to support this resolution in the form as submitted.

The CHAIRMAN: (interpretation from French): It seems that the Committee is now in a position to take a vote on the draft resolution in document A/C.1/L.193 which is sponsored by nineteen delegations. The representative of Mexico has requested a separate vote on paragraph 2 of the operative part.

Mr. LALL (India): After we have voted separately on paragraph 2 in accordance with the request of the representative of Mexico, may we have a roll-call vote on the draft resolution as a whole?

The CHAIRMAN (interpretation from French): Then I suggest the following procedure: I shall first put to the vote the entire preamble plus paragraph 1 of the operative part of the draft resolution. After that I shall put to the vote paragraph 2 of the operative part as requested by the representative of Mexico. Whatever the results of the votes on the different parts of the draft resolution, I shall thereupon put to the vote by roll call the draft resolution as a whole.

The preamble and operative paragraph 1 were adopted by 45 votes to 27, with 9 abstentions.

Operative paragraph 2 was adopted by 42 votes to 28, with 11 abstentions.

The CHAIRMAN (interpretation from French): I shall now put to the vote the draft resolution as a whole, contained in document A/C.1/L.193.

A vote was taken by roll call.

Nicaragua, having been drawn by lot by the Chairman, was called upon to vote first.

In favour:

Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Syria, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia, Afghanistan, Albania, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Costa Rica, Czechoslovakia, Egypt, El Salvador, Ethiopia, Ghana, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran, Iraq, Japan, Jordan, Laos, Lebanon, Libya, Malaya (Federation of), Morocco, Nepal

Against:

Nicaragua, Norway, Peru, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, France, Honduras, Iceland, Ireland, Israel, Italy, Luxembourg, Netherlands, New Zealand

Abstaining:

Panama, Paraguay, Turkey, United States of America, Uruguay, Venezuela, Cambodia, Ecuador, Finland, Liberia, Mexico

The draft resolution as a whole was adopted by 42 votes to 28, with 11 abstentions.

The CHAIRMAN (interpretation from French): I recognize the representative of Greece for an explanation of vote.

MA/mlw

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Mr. STRATOS (Greece) (interpretation from French): The Greek delegation wishes briefly to explain its vote. Bonds of friendship link us with the two nations involved. Our people have always had friendship and sympathy for the Netherlands people which has had an experience similar to ours: the bloody and obdurate struggle which it waged for its independence.

(Mr. Stratos, Greece)

We also have great sympathy for the Indonesian people, who constitute a young but vigorous nation. We have therefore always been pained at the dispute in which these two nations are involved. The Greek delegation believes that debate is the best way to seek a peaceful solution; to present the case before the General Assembly of the United Nations. This is the best way of dealing with a dispute which might jeopardize relations between States. In discussing the question and in permitting a State to present its case, the bitterness which may exist and which may further activate the dispute is allowed to evaporate.

The dispute was in fact brought before the General Assembly and was examined by this Committee. A draft resolution was submitted by nineteen delegations. That draft invited both countries to attempt to find a solution through negotiation. The Greek delegation believes that there is no problem, no matter how insoluble it may appear, which is not capable of a solution, or at least capable of being moved closer to a solution, by way of negotiation.

The resolution does not touch upon the substance of the problem. Neither of the States concerned can complain that the adoption of this resolution constitutes any pronouncement in any way on the substance of the problem. The resolution seeks to promote agreement by way of negotiation. We are fully convinced that all Members of the General Assembly would rejoice if negotiations could lead to a fair and peaceful solution.

These are the reasons which impelled the Greek delegation to vote in favour of the draft resolution. We feel that its adoption will serve both States concerned equally and will serve the purposes of world peace as well.

Mr. WALDHEIM (Austria): The Austrian delegation did not participate in the debate and would therefore like to explain its vote. We fully appreciate the difficulties facing this Committee in dealing with the question before it, as both parties have presented their case with great sincerity and conviction. We were impressed by the arguments put forward during the debate by both sides, with whom Austria has very friendly relations. The Austrian delegation regrets, however, not to have been able to support the resolution for the following reasons.

(Mr. Waldheim, Austria)

Neither in the past nor at present could the two parties concerned agree on the object of future negotiations. Consequently, an invitation addressed to both parties by the General Assembly to find a solution to the dispute seems at this stage to be in some ways premature. Moreover, the resolution does not specifically mention the interests of the inhabitants of the territory. As we pointed out in our intervention at the last session of the Assembly, their rights should be safeguarded in order not to exclude the possibility that they might determine their future themselves as soon as possible. If when that day comes they choose to affiliate themselves with Indonesia, we would gladly support them.

We also have some doubts as to the usefulness of the request envisaged in operative paragraph 2 of the resolution according to which the Secretary-General is to assist the parties concerned in the implementation of the resolution, a task which under existing circumstances would be extremely difficult to accomplish in view of the fact that one party has already declared that it cannot see any reason for future negotiations.

Nevertheless, the Austrian delegation hopes that the positions held by the two parties will not remain inflexible so that a solution may be found that will do justice to the interests of the people of West Irian and conform to the principles of the Charter.

Mr. PELAEZ (Philippines): I should like to apologize to my colleagues for detaining them at this late hour, but I shall take only one or two minutes. The Philippines maintains friendly relations with both Indonesia and the Netherlands. It would therefore have been easy to abstain. However, we were faced by these overriding considerations.

First, there was no question, and there is no question, that a dispute exists between these two countries on the political status of West Irian or West New Guinea. Can we, the **Members** of the United Nations, close the door of our Organization to any Member State which expresses its desire to negotiate a dispute with another Member State and which requests our assistance to that end? The Philippine delegation is unwilling to assume responsibility

BS/em

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(Mr. Pelaez, Philippines)

for a negative answer to this desire, a matter which goes to the very purpose and existence of the United Nations.

One practical consideration stands out. If the subject matter of the dispute was deemed to be negotiable in 1948 when the Charter of Transfer of Sovereignty was agreed upon, is there reason to believe that it is no longer negotiable today? We are aware that conditions have changed since 1948. But even assuming that conditions have so changed that the chances of successful negotiations have now been greatly reduced, my delegation cannot agree that we should not try negotiation. Peaceful negotiation is the very heart and lifeblood of the United Nations.

I should like to make clear at the same time that our support of the resolution expresses no judgement upon the merits of the claims or issues in dispute. Our vote assumes that those claims or issues will be the subject matter of negotiations and that the present resolution, in our view, in no way prejudices the position of either party to the dispute.

The CHAIRMAN (interpretation from French): We have thus completed consideration of the question of West Irian, item 62 on the agenda of the General Assembly. The Rapporteur will present a suitable report to the plenary meeting of the General Assembly.

The next meeting of this Committee will be held at 3 p.m. tomorrow, when we shall begin consideration of the next item on the agenda, the question of Algeria.

The meeting rose at 6.50 p.m.