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CABLEGRAM DATED 19 DECEMBER FROM THE COMMITTEE OF GOOD OFFICES ON THE
INDONESIAN QUESTION TO THE PRESIDENT OF THE SECURITY COUNCIL
TRANSMITTING A SUPPLEMENTARY SPECIAL REPORT TO THE
SECURITY COUNCIL

Letter of Transmittal of Supplementary Report of Committee of Good
Offices dated 18 December to its Special Report dated
12 December

Kaliurang, 18 December 1948

Sir,

We have the honour to forward herewith by telegram a Supplementary Report dated 18 December to the Special Report which was telegraphed to the Security Council on 12 December 1948.

The Supplementary Report provides further information on the direct talks between the Governments of the Kingdom of the Netherlands and the Republic of Indonesia, which in the opinion of the Committee should be brought to the urgent attention of the Security Council.

This Supplementary Report has been transmitted today to the delegations of the Governments of the Netherlands and the Republic of Indonesia. The delegations of the parties have been requested to transmit direct to the Security Council by telegram any comments they may wish to make on this Supplementary Report.

The representatives on the Committee of Good Offices take this opportunity to renew to the President and representatives on the Security Council the assurances of their highest consideration.

(Signed) CRITCHLEY (Australia)
Chairman

HERREMANS (Belgium)

MERLE COCHRAN (United States)

Supplementary Report of the Committee dated 18 December 1948

1. On 13 December 1948, the United States representative on the Committee of Good Offices flew from Batavia to Jogjakarta in order to supply the Republican delegation with copies of the Special Report of the Committee of Good Offices to the Security Council dated 12 December 1948. While he was in Jogjakarta he was given the following letter addressed to him and signed by the vice-President of the Republic:

"Kaliurang, 13 December 1948"

Dear Mr. Cochran,

I received only this morning the Netherlands note of 11 December addressed to the Chairman of the Good Offices Committee and attached to the Good Office Committee's Special Report of 12 December. I have not had sufficient time to analyze it fully. I am very sorry, however, to find that the Netherlands note reflects a basic misunderstanding of the Republic's position. I am setting down very roughly and informally certain basic considerations as I see them. Please feel free to show this letter to any appropriate Netherlands official or to make any other confidential use of it which you feel will help to remove the unfortunate misunderstanding which has developed.

- (1) The responsible officials of the Republic accept fully and without qualification or reservation the principles of the Renville Agreement.
- (2) We recognize that by the first of the six additional Renville Principles the Netherlands is to remain sovereign in Indonesia in the interim period.
- (3) A sovereign power may, entirely consistently with its sovereignty, voluntarily subject the actual exercise of its power to self-imposed restraints and limitations.
- (4) The people of the Republic, as well as those of other areas of Indonesia, have certain democratic and national aspirations which we believe both the Netherlands and ourselves recognize as entirely legitimate. These people take understandable pride in the fact that the government of the Republic is in a very real sense a Government and has exercised all the powers of a de facto government for over three years.
- (5) The Republic has offered many concessions in its sincere desire to become a party to a fair and reasonable agreement out of which would come a prosperous peaceful and stable federal Indonesia, in a position to make a very real contribution to the restoration of the economic health of the world community and to the safety of democracy everywhere. Some of these concessions involve waiving benefits given to it under Renville. For example, the Republic is willing in the interests of harmony and stability to accept a postponement of the date for the transfer of sovereignty to a sovereign United States of Indonesia to a time considerably beyond that originally contemplated. We

/are willing

are willing to postpone elections in the Interim Government for a period of some six months and only then to have established the Constituent Assembly which would also exercise legislative functions. We feel that in all of these concessions in which we waive advantages accruing to us under Renville we give earnest of good faith and of our desire for harmony.

(6) In return we ask the Netherlands to impose upon itself certain limitations on the exercise of its sovereign power of its own volition as a contribution to the mutual advantage of our two peoples. The nature of these limitations would be worked out and incorporated in our agreement.

The Netherlands would then give them effect in its own laws in the same manner in which it at present directs its officials to carry on their functions in accordance with definite standards and by prescribed procedure.

(7) Our informal talks with the Netherlands Ministers have shown how close we have already come together on most of the fundamental issues. As you know, there remain certain gaps between us which had not yet been bridged. The differences of viewpoint related largely to the powers of the High Representative - the Federal Interim Government and to the problem of the armed forces. I am confident that an amicable arrangement on these questions can be worked out in continued negotiations.

(8) We are fully prepared to recognize the High Representative has the right of veto over acts of the various organs of the Federal Interim Government. We ask only that definite standards be set forth or perhaps definite categories of acts giving precise formulation to guide the High Representative in the exercise of his power of veto.

(9) We are prepared further to concede that the High Representative be given emergency powers to act in a state of war, a state of seige or a state of insecurity. As part of an overall agreement we should be ready to stipulate that the High Representative himself be the ultimate judge of the necessity for the exercise of extraordinary powers under these circumstances. Again we ask only that definite standards be laid down to govern the High Representative's decision.

(10) When the High Representative has invoked his Emergency Powers, we are willing that he be given authority to employ the federal forces and - if it is evident to him that these forces are insufficient - also to employ the Netherlands forces as supplementary forces to the extent required for the protection of the public peace and security.

(11) I cannot attempt here to lay down precise technical rules. I wish merely to emphasize my confidence that reasonable men can and must agree when the consequences or disagreement are so serious to both parties. It is my earnest hope that the appropriate Netherlands officials and my own people

/can be brought

can be brought together speedily for the resumption of full negotiations in which both parties will have available the assistance of technical, political and legal advisors. I can make no complaint of lack of cordiality in the reception extended me by the Netherlands Ministers in Batavia on 4 December, when I went down for a brief final discussion on the afternoon before the departure of the ministerial delegation for the Hague. I cannot in candour, nor do I wish to withdraw any of the points which I made at that time. However I cannot but feel that the necessity of formulating and giving expression of my ideas on the spur of the moment and on issues of really technical complexity without the assistance of my technical advisors may well have been the source of misunderstanding of my true position.

(12) Difficulties remain. However, even with the admittedly complex problem of the armed forces, and the command thereof, we have already moved far in direction of agreement. There is no intention of seeking the incorporation of the two as such in the federal army to be created.

(13) I have sought to make my view clear. I think it is apparent that we are prepared to give full recognition to Netherlands sovereignty in the interim period not only in principle but in practice. The limited voluntary self restraint and self-control which we ask the sovereign authority to impose on itself is fully in accord with the manner in which sovereignty finds expression in the modern democratic states of Europe and America.

(14) I ask your continued assistance as a member of the Committee of Good Offices in bringing about a resumption of negotiations. We stand ready to enter immediately into such negotiations and to do everything possible to reach a speedy agreement. The Republic is prepared to sacrifice much in its recognition of the principle that by sacrificing some of that which pertains to it as a unit, it will find a fuller realization of the aspirations of its people in an Interim Government of all Indonesia and, finally, in the United States of Indonesia."

(Signed) MOHAMMAD HATTA

Vice-President and Prime Minister
Republic of Indonesia

The Honourable Merle Cochran,
United States Representative
on the Committee of Good Offices,
Djakarta.

It will be noted that Dr. Hatta authorised the United States representative to show this letter to any appropriate Netherlands official.

In the late afternoon of 13 December 1948, the United States representative gave a copy of this letter to the Acting Chairman of the Netherlands Delegation.

2. On 17 December 1948, the following telegram from the Acting Chairman of the Netherlands Delegation was received by the United States representative at Kaliurang, to which the Headquarters of the Committee had been moved on 15 December for a regular three week period: "Batavia, 17 December 1948. Palais Rijswijk, Netherlands Delegation. No. 3894.

Sir,

The Netherlands Government has the honour to acknowledge receipt of the letter which the Vice-President of the Republic Dr. Hatta addressed to you on 13 December 1948.

The Netherlands Government has taken cognisance with considerable interest of the views developed therein, realising that these are personal thoughts of Dr. Hatta, which he wrote down "very roughly and informally" without having had sufficient time to analyse the Netherlands Government's note of 11 December. This means Dr. Hatta's letter by itself cannot induce the Netherlands Government to revise conclusions set down in its note of 11 December.

The Netherlands Government has noted with regret that, although the Republican report concerning the informal discussions which took place at Kaliurang bore witness to the fact that the Republic is well aware of the importance which the Netherlands Government attaches to the observance of the Truce, no reference is made to the violations of the Truce in Dr. Hatta's letter. It has furthermore drawn the attention that Dr. Hatta refers on two occasions to misunderstandings which exist in his opinion. In its account of the informal discussions at Kaliurang to the Committee of Good Offices, the Republican Government has indicated some points which it considers essential and on which agreement with the Netherlands Government could not be obtained. The Republican Government also mentioned in the same report that as a consequence of the Republic's desire to achieve agreement with the Netherlands Government, the extreme limit of possible concessions had been reached and that these concessions were definitely insufficient for the Netherlands Government to make a new effort to reach a political agreement with the Republic with some prospect of success.

The Netherlands Government fails to see how there can exist any misunderstanding in this regard.

In his letter of 13 December Dr. Hatta refers several times to the opinions of the Government of the Republic, but nevertheless the contents of the letter are on a number of essential points not sufficiently formulated to constitute a starting point for effective discussions. The Republican Government is conversant with the draft decree on the Interim Government (the so-called "BBB, 111.000. Besluit"),

the text of which is the result of consultations with prominent representatives of the Federal Territories. In order to make fruitful discussions possible it could have been indicated for the Republic clearly to state its acceptance at least of the basic principles of this decree mentioned below. Only in this way it would have been possible to determine with certainty that a basis had indeed been found for an agreement with the Republic.

The Netherlands Government cannot therefore derive from Dr. Hatta's letter alone a starting point for further discussions. Such discussions could only have a meaning if the existence of a firm basis would justify the conviction that an agreement can indeed be reached. To its sincere regret the Netherlands Government so far has not been convinced of this and Dr. Hatta's letter has not created this conviction either. The Netherlands Government would as yet have resumed negotiations most willingly notwithstanding previous experiences, if Dr. Hatta instead of giving personal views, would have made a declaration, binding on the Republican Government, that the Government of the Republic in conformity with the stipulation of the B.I.O. Decree, concurs with : (a) the incorporation of the Republic in the Federal Organisation on the same footing as the other Federal Areas; (b) the regulation of the position of the High Representative of the Crown and the authority conferred upon him in the B.I.O. Decree; (c) the articles concerning the Federal forces, state of war and siege and state of security; and if the Republican Government would furthermore have declared its willingness to take forthwith the measures, which it knows that the Netherlands Government considers necessary for the effective termination of the violations of the Truce especially for the evacuation of the infiltrants. In that case the Netherlands Government would have consulted with the Republic and the other Federal Territories concerning changes on the B.I.O. Decree unless essential points, formulation of the present text.

The Netherlands Government reiterates that it sincerely regrets that a binding declaration of this kind cannot be found in Dr. Hatta's letter. The Netherlands Government could only reconsider its point of view that continuation of negotiations is futile if a binding declaration as referred to above would forthwith be received by the Netherlands Government.

The Netherlands Government continues to consider immediate promulgation of the B.I.O. Decree necessary. It is absolutely essential that reply from the Republican Government to this letter be received in Batavia before Saturday 18 December 1948, 10:00 hrs. Batavia time for relay to Netherlands Government. I have the honour to be, Sir, your obedient servant, T. Elink Schuurman, Acting Chairman. To the honorable Merle H. Cohran, U.S. Representative of the Security Council's Committee of the Good Offices on the Indonesian Question, Kaliurang. "

3. "On 17 December 1948, the United States Representative prepared the following reply to the telegram from the Acting Chairman of the Netherlands Delegation of the same date: "Kaliurang, December 17, 1948.

Sir,

I have the honour to inform you that today, 17 December 1948, I received from you a number of communications. Three of these were addressed to the Committee of Good Offices through its Chairman and two were addressed to me personally.

The first, your letter number 3885 dated 16 December 1948, was received by the members of the Committee about 10:00 a.m., shortly after the arrival of the plane on which it was carried. This letter requested the members of the Committee who return to Batavia at the earliest opportunity, if possible, by today's plane, in order to discuss a reply of the Netherlands Government to a letter from Dr. Hatta dated 13 December 1948. The members of the Committee began immediate preparations to comply with your request.

Shortly before 11:50 a.m., 17 December, the members of the Committee of Good Offices in which you requested the Committee to postpone the return to Batavia. You noted that the "Netherlands reply will be cabled this morning to Mr. Cohran". The Committee there upon cancelled the arrangements already made.

About 12:50 p.m. on 17 December, the members of the Committee received your telegram addressed to the Chairman thereof in which you requested that the Committee's plane remain in Jogja overnight "in order that Col. Meyer may fly to Batavia early tomorrow morning with reply to letter from Netherlands Government which is now being telegraphed to Mr. Cohran." At this point it was not feasible to countermand the orders for departure of the plane for Batavia but the pilot was instructed to return to Jogja early Saturday morning. At 3:15 p.m. today I received your telegram of some 800 words in which you transmitted the reply of the Netherlands Government to the letter "which Vice-President of the Republic, Dr. Hatta, addressed to Mr. Cohran on 13 December 1948."

At 5:00 p.m. on 17 December, I telegraphed you confirming receipt of your telegram transmitting the Netherlands response. I informed you also that the plane assigned to the Good Offices Committee would make a special trip from Batavia to Jogja early tomorrow morning and return to Batavia immediately after its arrival in order that you might have the answer at the earliest possible time. I informed you that I would go to Batavia on the plane and hand the answer to you personally.

At 9:45 p.m. on 17 December, I received the last in the series of telegrams. Your telegram reiterated that it was absolutely essential that the reply from the Republican Government be received in Batavia before Saturday, 18 December at 10:00 a.m. Batavia time for relay to the Netherlands Government. The telegram stated that Col. Meyer, apparently at your request, had approved the departure of the Committee of Good Offices' plane at 5:00 a.m. Batavia time for arrival in Jogja at 7:00 a.m. Batavia time "in order to enable return before 10:00 a.m. Batavia time." You asked me to confirm receipt of the two cables addressed to me as well as the two addressed to the Chairman of Good Offices.

The Netherlands reply was received somewhat garbled in course of transmission. However, it is made clear that the letter of Dr. Hatta dated 13 December was insufficient to cause the Netherlands Government to "reconsider its view that the continuation of negotiations is futile". The note does set forth the conditions which; if they had been accepted in a declaration by Dr. Hatta, clearly binding on the Republican Government, would have caused the Netherlands Government to resume negotiations. Even the acceptance of these conditions, however, it is stated in effect, would not have been sufficient to prevent the promulgation of the Decree setting up the Interim Government on the basis of the present text. If the Republican Government had accepted the conditions without modification of any kind, the "Netherlands Government would have consulted with the Republic and the other Federal Territories concerning changes" in the Decree on less essential points, after promulgation of the present text.

It is then stated that the Netherlands Government can reconsider its decision that continuation of negotiations is futile only if binding declaration of the nature referred to is forthwith received by the Netherlands Government. "The Netherlands Government continues to consider immediate promulgation of the Decree necessary." After the quotation marks which mark the end of the reply you transmitted under instructions by the Netherlands Government appears the statement "it is absolutely essential that reply from the Republican Government to this letter be received in Batavia before Saturday 18 December 1948 10:00 a.m. Batavia time for relay to Netherlands Government".

I feel constrained to express my regrets that it was thought necessary to impose a time limit which allows, if taken literally, a total of less than 18 hours, including the hours of night, for the making of copies; the delivery of the note to Dr. Hatta by the United States representative; consideration by Dr. Hatta; the necessary consultations with members of his Government; the preparation of a considered reply, the trip from Kalijurang to Jogja and then the flight to Batavia. I cannot help but recall, by way of comparison, that I gave Dr. Hatta's letter to you at 5:30 p.m. on Monday, 13 December. That letter was answered only today, five days later, despite the fact that it asked only for a decision to resume negotiations. Your telegram was delivered to Dr. Hatta, after the making of copies, at 4:30 p.m. today. You will agree, I am sure, that in such circumstances, I cannot in justice press Dr. Hatta for an immediate reply to a letter which calls not for a mere expression of willingness to resume negotiations but rather for surrender to the position of your Government on every material point. The situation becomes even clearer when you recall that Dr. Hatta, who in fact has been under his physician's orders to do no work for two weeks, is in Kaliurang, apart from members of his Government whose assistance therefore cannot be immediately be obtained.

I myself do not now have the opportunity, nor perhaps would it be consistent with my role as Good Officer to comment in detail on the substantive demands made in your telegram. As a matter of fact, in the

four and a half months that I have been present in Indonesia as the United States representative on the Committee of Good Offices, neither I nor any other members of the Committee have had an opportunity to participate in, or to observe a discussion of any of these issues in the Committee of Good Offices or in the conference of the parties. Nor have we been given an opportunity to examine in any detail or in full context the opposing positions of the parties in the recent direct talks except as presented sketchily in the statements made by the two parties which are appended to the special report of the Committee of Good Offices to the Security Council of 12 December. I desire, therefore, to raise a few questions which occur to me at this time.

(1) Condition A requires that the Republic agree to the incorporation of the Republic in the Federal Organisation on the same footing as the other Federal Areas. Does not this require adherence without any negotiations at all to a Federal Organisation where the Renville principles contemplate that the provisional Federal Organisation itself is to be the product of the political agreement? Does it not also require the Republic to assume from the very beginning equal status, despite disparities in population, area and condition generally, with the Negaras which have been unilaterally established by Netherlands authority? I should like to see these questions clarified in negotiations, particularly in light of the Renville principles.

(2) Conditions B and C require acceptance of the original position of the Netherlands as expressed in the draft Decree with regard to the powers of the High Representative and with regard to the Federal forces, state of war and siege, and state of insecurity. These conditions fail to take into account the consideration set forth by Dr. Hatta in his letter of 13 December. It is not my intention to endorse Dr. Hatta's position anymore than it is to endorse that of the Netherlands Government. Surely, however, these are basic issues on which there can be an honest difference of opinion and which the parties should discuss before the Committee of Good Offices. Any other procedure is in controvention of the first of the twelve Renville principles, providing for the existence of the Committee of Good Offices to be continued in the working out and signing of an agreement for the settlement of the political dispute. I must emphasise again, there have been no political negotiations, whatsoever, in the Committee for a period of nearly 7 months. Surely it cannot be said that the resources of the Committee have been exhausted.

(3) There is an additional requirement set forth in your telegram, to the effect that the Republican Government must declare its willingness to take "the measure which it knows that the Netherlands Government considers necessary for the effective termination of the violation of the Truce and especially for the evacuation of the infiltrants." There are without doubt existing evils in this connection but their cause, character and probable cure have led to considerable divergence of opinion. The Committee of Good Offices has thought to make available the services of its Security Committee, on which both parties are represented and which are established for the very purpose of supervising the enforcement of the mutual obligations of the parties

under the Truce agreement. Should not the recommendations for the better implementation of the Truce, which have been made by both parties be thoroughly evaluated there rather than made subject of unilateral demands? Was that not the very function conferred on the Committee of Good Offices by the Truce agreement signed by both parties on the U.S.S.R. on 17 January 1948?

I have never hesitated to offer my personal efforts whenever there has been any possibility of furthering the objective of the Committee of Good Offices, namely, inducing the parties to resume negotiations. That was my objection during the long months, in which, with the patient forbearance of my colleagues on the Committee, I employed informal techniques outside the official meetings of the Committee in an attempt to bring the parties to agree to the resumption of the negotiations on the basis of the draft agreement presented to them on September 10. I hasten to transmit to you Dr. Hatta's letter of 13 December because that, too, thought to bring about a resumption of negotiations. I cannot, however, consistently with my obligations as a member of the Committee of Good Offices, press Dr. Hatta to reply summarily on the conditions imposed by your telegram because it calls for a non-negotiated blanket assent which would preclude the possibility of bona fide negotiations, rather than effect their resumption.

I must again repeat the plea, constantly made and reiterated by all the members of the Committee for some months, that negotiations be resumed. The issues at stake are too tremendous for all concerned, the human values too incalculable, to permit any of us to relax our efforts at this crucial time.

I have the honour, to be etc. signed H. Merle Cochran
United States Representative Committee of Good Offices. To
Mr. Elink Schuurman, Acting Chairman Netherlands Delegation.

(4) The United States representative delivered the reply in person to the Acting Chairman of the Netherlands Delegation at 9:40 a.m. 18 December 1948, in Batavia.

(5) At special meeting of the Committee of Good Offices held in Kaliurang at 10:00 a.m. on 18 December 1948, the Deputy of the United States representative introduced the above three documents in the Committee as documents bearing on the status of the negotiations. The Committee decided to submit the documents with a statement of the attendant circumstances in the form of a special report to the Security Council supplementing the special report of 12 December 1948 in order to keep the members of the Security Council currently informed at a critical time".