



Seventeenth sessionREQUEST FOR THE INCLUSION OF A SUPPLEMENTARY ITEM
IN THE AGENDA OF THE SEVENTEENTH SESSIONAGREEMENT BETWEEN THE REPUBLIC OF INDONESIA AND
THE KINGDOM OF THE NETHERLANDS CONCERNING WEST
NEW GUINEA (WEST IRIAN)Note by the Secretary-General

The Secretary-General has the honour, pursuant to rule 14 of the rules of procedure, to propose for inclusion in the agenda of the seventeenth regular session of the General Assembly the following item:

"Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian)".

An explanatory memorandum is attached on this subject together with an annex including the text of the aforesaid agreement and the following related understandings:

- I. Letter dated 15 August 1962 from the representative of Indonesia and the representatives of the Netherlands addressed to the Acting Secretary-General concerning a cease-fire in West New Guinea (West Irian), and transmitting a memorandum of understanding on cessation of hostilities constituting an agreement between the Republic of Indonesia and the Kingdom of the Netherlands.

Identical replies dated 15 August 1962 from the Acting Secretary-General addressed to the representative of Indonesia and to the representatives of the Netherlands.

- II. Memorandum of understanding constituting an agreement between the Republic of Indonesia and the Kingdom of the Netherlands on certain financial matters during the period of administration of West New Guinea (West Irian) by the United Nations Temporary Executive Authority (UNTEA).

Identical letters dated 15 August 1962 from the Acting Secretary-General addressed to the representative of Indonesia and to the representatives of the Netherlands concerning certain financial matters.

III. Letter dated 15 August 1962 from the representative of Indonesia and the representatives of the Netherlands addressed to the Acting Secretary-General concerning the issue of passports and consular protection during the administration of West New Guinea (West Irian) by the United Nations Temporary Executive Authority (UNTEA).

Identical replies dated 15 August 1962 from the Acting Secretary-General addressed to the representative of Indonesia and to the representatives of the Netherlands.

Identical replies dated 15 August 1962 from the representative of Indonesia and the representatives of the Netherlands addressed to the Acting Secretary-General.

IV. Aide-mémoire dated 15 August 1962 from the Acting Secretary-General handed to the representative of Indonesia concerning the modalities of the transfer of authority over West New Guinea (West Irian).

Aide-mémoire dated 15 August from the Acting Secretary-General handed to the representatives of the Netherlands concerning the modalities of the transfer of authority over West New Guinea (West Irian).

EXPLANATORY MEMORANDUM

1. The General Assembly considered the dispute between Indonesia and the Netherlands regarding the territory of West New Guinea (West Irian) at its ninth, tenth, eleventh, twelfth and sixteenth sessions. The Assembly has shown its concern over this dispute, but no solution has resulted from past efforts to resolve it.
2. In recent months, following appeals by the Acting Secretary-General, Indonesia and the Netherlands have been engaged in negotiations seeking to resolve their dispute. They have been assisted by Ambassador Ellsworth Bunker who, at the request of the Acting Secretary-General, has been acting as a mediator. Ambassador Bunker put forward certain proposals, on the basis of which an agreement has been reached. The Acting Secretary-General has been kept fully informed of the progress of negotiations and the results achieved. The final negotiations took place at United Nations Headquarters under his chairmanship.
3. The Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian) was signed at United Nations Headquarters, on 15 August 1962, by representatives of Indonesia and the Netherlands. It is subject to ratification prior to the consideration of the item relating to it by the General Assembly. It will come into force upon the date of the adoption by the General Assembly of a resolution taking note of the Agreement and authorizing the Secretary-General to carry out the tasks entrusted to him therein.
4. A copy of the Agreement is attached to the present memorandum. The Agreement provides that, shortly after it comes into force, the administration of West New Guinea (West Irian) will be transferred by the Netherlands to a United Nations Temporary Executive Authority (UNTEA), established by and under the jurisdiction of the Secretary-General. The UNTEA, which will be headed by a United Nations Administrator, will in due course, after 1 May 1963, transfer the administration to Indonesia.
5. The Agreement contains certain guarantees for the population of the territory, including detailed provisions regarding the exercise of the right of self-determination under arrangements made by Indonesia with the advice,

assistance and participation of the Secretary-General who will appoint a United Nations Representative for this purpose. The act of self-determination is to take place before the end of 1969.

6. The Agreement specifically states that all costs incurred by the United Nations under it will be met by the Governments of Indonesia and the Netherlands on an equal basis.

7. There are also annexed to the present note certain understandings related to the Agreement, as enumerated in the note by the Secretary-General which prefaces this memorandum. One of these understandings concerns a cease-fire which became effective on 18 August 1962. At the request of the two Governments, the Acting Secretary-General undertook certain functions under this understanding as an extraordinary measure in order to give the earliest possible effect to the cessation of hostilities. The costs incurred by the Acting Secretary-General in this respect are being met by the two Governments.

8. It is hoped that the General Assembly will give the highest priority to this item, as the principal Agreement will only come into force and can only be implemented when the Assembly has authorized the Secretary-General to undertake the responsibilities conferred on him in the Agreement. As stated in the Agreement, the Governments of Indonesia and the Netherlands will jointly submit a draft resolution at the appropriate time for the consideration of the Assembly.

ANNEX

A

AGREEMENT BETWEEN THE REPUBLIC OF INDONESIA AND THE KINGDOM
OF THE NETHERLANDS CONCERNING WEST NEW GUINEA (WEST IRIAN)

The Republic of Indonesia and the Kingdom of the Netherlands,
Having in mind the interests and welfare of the people of the territory
of West New Guinea (West Irian) hereinafter referred to as "the territory",
Desirous of settling their dispute regarding the territory,
Now, therefore, agree as follows:

Ratification of agreement and resolution of
the General Assembly of the United Nations

Article I

After the present Agreement between Indonesia and the Netherlands has been
signed and ratified by both Contracting Parties, Indonesia and the Netherlands
will jointly sponsor a draft resolution in the United Nations under the terms of
which the General Assembly of the United Nations takes note of the present
Agreement, acknowledges the role conferred upon the Secretary-General of the United
Nations therein, and authorizes him to carry out the tasks entrusted to him therein.

Transfer of administration

Article II

After the adoption of the resolution referred to in article I, the Netherlands
will transfer administration of the territory to a United Nations Temporary
Executive Authority (UNTEA) established by and under the jurisdiction of the
Secretary-General upon the arrival of the United Nations Administrator appointed
in accordance with article IV. The UNTEA will in turn transfer the administration
to Indonesia in accordance with article XII.

United Nations administration

Article III

In order to facilitate the transfer of administration to the UNTEA after the
adoption of the resolution by the General Assembly, the Netherlands will invite

the Secretary-General to send a representative to consult briefly with the Netherlands Governor of the territory prior to the latter's departure. The Netherlands Governor will depart prior to the arrival of the United Nations Administrator.

Article IV

A United Nations Administrator, acceptable to Indonesia and the Netherlands, will be appointed by the Secretary-General.

Article V

The United Nations Administrator, as chief executive officer of the UNTEA, will have full authority under the direction of the Secretary-General to administer the territory for the period of the UNTEA administration in accordance with the terms of the present Agreement.

Article VI

1. The United Nations flag will be flown during the period of United Nations administration.

2. With regard to the flying of the Indonesian and Netherlands flags, it is agreed that this matter will be determined by agreement between the Secretary-General and the respective Governments.

Article VII

The Secretary-General will provide the UNTEA with such security forces as the United Nations Administrator deems necessary; such forces will primarily supplement existing Papuan (West Irianese) police in the task of maintaining law and order. The Papuan Volunteer Corps, which on the arrival of the United Nations Administrator will cease being part of the Netherlands armed forces, and the Indonesian armed forces in the territory will be under the authority of, and at the disposal of, the Secretary-General for the same purpose. The United Nations Administrator will, to the extent feasible, use the Papuan (West Irianese) police as a United Nations security force to maintain law and order and, at his discretion, use Indonesian armed forces. The Netherlands armed forces will be repatriated as rapidly as possible and while still in the territory will be under the authority of the UNTEA.

Article VIII

The United Nations Administrator will send periodic reports to the Secretary-General on the principal aspects of the implementation of the present Agreement.

The Secretary-General will submit full reports to Indonesia and the Netherlands and may submit, at his discretion, reports to the General Assembly or to all United Nations Members.

First phase of the UNTEA administration

Article IX

The United Nations Administrator will replace as rapidly as possible top Netherlands officials as defined in annex A with non-Netherlands, non-Indonesian officials during the first phase of the UNTEA administration which will be completed on 1 May 1963. The United Nations Administrator will be authorized to employ on a temporary basis all Netherlands officials other than top Netherlands officials defined in annex A, who wish to serve the UNTEA, in accordance with such terms and conditions as the Secretary-General may specify. As many Papuans (West Irianese) as possible will be brought into administrative and technical positions. To fill the remaining required posts, the UNTEA will have authority to employ personnel provided by Indonesia. Salary rates prevailing in the territory will be maintained.

Article X

Immediately after the transfer of administration to the UNTEA, the UNTEA will widely publicize and explain the terms of the present Agreement, and will inform the population concerning the transfer of administration to Indonesia and the provisions for the act of self-determination as set out in the present Agreement.

Article XI

To the extent that they are consistent with the letter and spirit of the present Agreement, existing laws and regulations will remain in effect. The UNTEA will have the power to promulgate new laws and regulations or amend them within the spirit and framework of the present Agreement. The representative councils will be consulted prior to the issuance of new laws and regulations or the amendment of existing laws.

Second phase

Article XII

The United Nations Administrator will have discretion to transfer all or part of the administration to Indonesia at any time after the first phase of the UNTEA administration. The UNTEA's authority will cease at the moment of transfer of full administrative control to Indonesia.

Article XIII

United Nations security forces will be replaced by Indonesian security forces after the first phase of the UNTEA administration. All United Nations security forces will be withdrawn upon the transfer of administration to Indonesia.

Indonesian administration and self-determination

Article XIV

After the transfer of full administrative responsibility to Indonesia, Indonesian national laws and regulations will in principle be applicable in the territory, it being understood that they be consistent with the rights and freedoms guaranteed to the inhabitants under the terms of the present Agreement. New laws and regulations or amendments to the existing ones can be enacted within the spirit of the present Agreement. The representative councils will be consulted as appropriate.

Article XV

After the transfer of full administrative responsibility to Indonesia, the primary task of Indonesia will be further intensification of the education of the people, of the combating of illiteracy, and of the advancement of their social, cultural and economic development. Efforts also will be made in accordance with present Indonesian practice to accelerate the participation of the people in local government through periodic elections. Any aspects relating to the act of free choice will be governed by the terms of this Agreement.

Article XVI

At the time of the transfer of full administrative responsibility to Indonesia a number of United Nations experts, as deemed adequate by the Secretary-General after consultation with Indonesia, will be designated to remain wherever their duties require their presence. Their duties will, prior to the arrival of the United Nations Representative, who will participate at the appropriate time in the arrangements for self-determination, be limited to advising on and assisting in preparations for carrying out the provisions for self-determination except in so far as Indonesia and the Secretary-General may agree upon their performing other expert functions. They will be responsible to the Secretary-General for the carrying out of their duties.

Article XVII

Indonesia will invite the Secretary-General to appoint a Representative who, together with a staff made up, inter alia, of experts referred to in article XVI, will carry out the Secretary-General's responsibilities to advise, assist and participate in arrangements which are the responsibility of Indonesia for the act of free choice. The Secretary-General will, at the proper time, appoint the United Nations Representative in order that he and his staff may assume their duties in the territory one year prior to the date of self-determination. Such additional staff as the United Nations Representative might feel necessary will be determined by the Secretary-General after consultations with Indonesia. The United Nations Representative and his staff will have the same freedom of movement as provided for the personnel referred to in article XVI.

Article XVIII

Indonesia will make arrangements, with the assistance and participation of the United Nations Representative and his staff, to give the people of the territory the opportunity to exercise freedom of choice. Such arrangements will include:

(a) Consultations (Musjawarah) with the representative councils on procedures and appropriate methods to be followed for ascertaining the freely expressed will of the population.

(b) The determination of the actual date of the exercise of free choice within the period established by the present Agreement.

(c) Formulation of the questions in such a way as to permit the inhabitants to decide (a) whether they wish to remain with Indonesia; or (b) whether they wish to sever their ties with Indonesia.

(d) The eligibility of all adults, male and female, not foreign nationals to participate in the act of self-determination to be carried out in accordance with international practice, who are resident at the time of the signing of the present Agreement and at the time of the act of self-determination, including those residents who departed after 1945 and who return to the territory to resume residence after the termination of Netherlands administration.

Article XIX

The United Nations Representative will report to the Secretary-General on the arrangements arrived at for freedom of choice.

Article XX

The act of self-determination will be completed before the end of 1969.

Article XXI

1. After the exercise of the right of self-determination, Indonesia and the United Nations Representative will submit final reports to the Secretary-General who will report to the General Assembly on the conduct of the act of self-determination and the results thereof.

2. The Parties to the present Agreement will recognize and abide by the results of the act of self-determination.

Rights of the inhabitants

Article XXII

1. The UNTEA and Indonesia will guarantee fully the rights, including the rights of free speech, freedom of movement and of assembly, of the inhabitants of the area. These rights will include the existing rights of the inhabitants of the territory at the time of the transfer of administration to the UNTEA.

2. The UNTEA will take over existing Netherlands commitments in respect of concessions and property rights.

3. After Indonesia has taken over the administration it will honour those commitments which are not inconsistent with the interests and economic development of the people of the territory. A joint Indonesian-Netherlands commission will be set up after the transfer of administration to Indonesia to study the nature of the above-mentioned concessions and property rights.

4. During the period of the UNTEA administration there will be freedom of movement for civilians of Indonesian and Netherlands nationalities to and from the territory.

Article XXIII

Vacancies in the representative councils caused by the departure of Netherlands nationals, or for other reasons, will be filled as appropriate consistent with existing legislation by elections, or by appointment by the UNTEA. The representative councils will be consulted prior to the appointment of new representatives.

Financial matters

Article XXIV

1. Deficits in the budget of the territory during the UNTEA administration will be shared equally by Indonesia and the Netherlands.
2. Indonesia and the Netherlands will be consulted by the Secretary-General in the preparation of the UNTEA budget and other financial matters relating to United Nations responsibilities under the present Agreement; however, the Secretary-General will have the final decision.
3. The Parties to the present Agreement will reimburse the Secretary-General for all costs incurred by the United Nations under the present Agreement and will make available suitable funds in advance for the discharge of the Secretary-General's responsibilities. The Parties to the present Agreement will share on an equal basis the costs of such reimbursements and advances.

Previous treaties and Agreement

Article XXV

The present Agreement will take precedence over any previous agreement on the territory. Previous treaties and agreements regarding the territory may therefore be terminated or adjusted as necessary to conform to the terms of the present Agreement.

Privileges and immunities

Article XXVI

For the purposes of the present Agreement, Indonesia and the Netherlands will apply to United Nations property, funds, assets and officials the provisions of the Convention on the Privileges and Immunities of the United Nations. In particular, the United Nations Administrator, appointed pursuant to article IV, and the United Nations Representative, appointed pursuant to article XVII, will enjoy the privileges and immunities specified in section 19 of the Convention on the Privileges and Immunities of the United Nations.

Ratification

Article XXVII

1. The present Agreement will be ratified in accordance with the constitutional procedures of the Contracting Parties.

2. The instruments of ratification will be exchanged as soon as possible at the Headquarters of the United Nations by the accredited representatives of the Contracting Parties.

3. The Secretary-General will draw up a procès-verbal of the exchange of the instruments of ratification and will furnish a certified copy thereof to each Contracting Party.

Entry into force

Article XXVIII

1. The present Agreement will enter into force upon the date of the adoption by the General Assembly of the resolution referred to in article I of the present Agreement.

2. Upon the entry into force of the present Agreement, the Secretary-General of the United Nations will register it in accordance with Article 102 of the Charter.

Authentic text

Article XXIX

The authentic text of the present Agreement is drawn up in the English language. Translations in the Indonesian and Netherlands languages will be exchanged between the Contracting Parties.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized for that purpose by their respective Governments, have signed the present Agreement.

Done at the Headquarters of the United Nations, New York, on this fifteenth day of August 1962, in three identical copies, of which one shall be deposited with the Secretary-General and one shall be furnished to the Government of each of the Contracting Parties.

(Signed) Subandrio
For the Republic of Indonesia

(Signed) J.H. van Roijen
For the Kingdom of the Netherlands

(Signed) C. Schurmann
For the Kingdom of the Netherlands

Annex A to the Agreement

Top Netherlands officials to be replaced as rapidly as possible with non-Netherlands, non-Indonesian officials.

I.	<u>Government</u>	
	Head Government Information Bureau	1
	Head Popular Information Service	1
II.	<u>Department of Internal Affairs</u>	
	Director	1
	Divisional Commissioners ("Residenten"):	6
	1. Hollandia	
	2. Biak	
	3. Manokwari	
	4. Fakfak	
	5. Merauke	
	6. Central Highlands.	
	Administrative Head of the General Police	1
III.	<u>Department of Finance</u>	
	Director	1
IV.	<u>Department of Social Affairs and Justice</u>	
	Director	1
V.	<u>Department of Public Health</u>	
	Director	1
VI.	<u>Department of Cultural Affairs (including Education)</u>	
	Director	1
	Head Broadcasting System	1
VII.	<u>Department of Economic Affairs</u>	
	Director	1
VIII.	<u>Department of Transport and Power</u>	
	Director	1
IX.	<u>Department of Public Works</u>	
	Director	1

Total	<u>18</u>
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B

RELATED UNDERSTANDINGS TO THE AGREEMENT BETWEEN THE REPUBLIC OF INDONESIA
AND THE KINGDOM OF THE NETHERLANDS CONCERNING WEST NEW GUINEA (WEST IRIAN)

I

LETTER DATED 15 AUGUST 1962 FROM THE REPRESENTATIVE OF INDONESIA AND
THE REPRESENTATIVES OF THE NETHERLANDS ADDRESSED TO THE ACTING
SECRETARY-GENERAL CONCERNING A CEASE-FIRE IN WEST NEW GUINEA (WEST
IRIAN), AND TRANSMITTING A MEMORANDUM OF UNDERSTANDING ON CESSATION
OF HOSTILITIES CONSTITUTING AN AGREEMENT BETWEEN THE REPUBLIC OF
INDONESIA AND THE KINGDOM OF THE NETHERLANDS

On behalf of our respective Governments, on the occasion of the signature
of the Agreement between the Republic of Indonesia and the Kingdom of the
Netherlands concerning West New Guinea (West Irian), we have the honour to bring
to your attention the Memorandum of Understanding arrived at between our
Governments concerning the cessation of hostilities in West New Guinea (West Irian),
the signed original of which is contained in annex A to this note.

In bringing the annexed Memorandum of Understanding to your attention we have
the honour to request, on behalf of our respective Governments, that you indicate
your willingness to undertake as an extraordinary measure the functions conferred
upon the Secretary-General in it in order to give the earliest possible effect to
the cessation of hostilities, reserving your right to report to the General
Assembly of the United Nations at the appropriate time. Our respective Governments
have in mind, in making this request, the urgent necessity for your assistance and
that of United Nations personnel in implementing the agreement on cessation of
hostilities.

The Memorandum of Understanding sets out the agreement arrived at between our
respective Governments that our Governments will, on an equal basis, meet all costs
incurred by you in carrying out your responsibilities under the Memorandum. To
this end, our Governments have agreed to make available in advance such sums as you
may deem necessary.

(Signed)	<u>Subandrio</u> Representative of Indonesia
	<u>J.H. van Roijen</u> Representative of the Netherlands
	<u>C. Schurmann</u> Representative of the Netherlands

Annex A to the letter dated 15 August 1962 from the Representative
of Indonesia and the Representatives of the Netherlands

1. Cessation of hostilities in West New Guinea (West Irian), hereinafter referred to as "the territory", is to take place at 0001 GMT on Saturday 18 August 1962. As from that moment the following rules will be observed:
 - (a) Cease fire by both parties.
 - (b) Indonesia and the Netherlands will not reinforce their military forces in the territory nor resupply them with military materiel.
 - (c) The Secretary-General of the United Nations will assign United Nations personnel (i) to observe the implementation of this agreement and (ii) in particular to take necessary steps for the prevention of any acts endangering the security of forces of both parties to this agreement.
 - (d) Any incidents that might occur will be immediately reported by the party concerned to the United Nations personnel in order that they may take the necessary measures to restore the situation in consultation with both parties.
2. The cessation of hostilities will be communicated to the Netherlands and Indonesian armed forces by the following means:
 - (a) Messages transmitted through Indonesian and Netherlands radio-stations and via other means of communication.
 - (b) The dropping of leaflets in the areas concerned in accordance with the provisions of paragraph 3 hereof.
3. In order to overcome the special difficulties in communicating the cease fire to Indonesian forces in the territory, prearranged flights will be carried out by Indonesian aircraft, with the purpose of dropping leaflets on which a text approved by the Secretary-General will be printed. The Indonesian authorities agree to enable the distribution of this pamphlet to isolated posts as soon as possible and not later than a fortnight from the cessation of hostilities. On these flights United Nations personnel will be on board to report, in advance and after the flight, on the time and the route of the flight and the areas of dropping leaflets.
4. To facilitate resupply of Indonesian troops in the territory and in order that they may be under the authority of and at the disposal of the Secretary-General at the appropriate time, Indonesia will make the necessary arrangements with regard to their location in selected areas, in agreement with the Secretary-General.

The Secretary-General will act in consultation herein with the Netherlands Administrative Authorities.

5. The resupply of non-military materiel to the Indonesian armed forces in the territory will be effected by the United Nations personnel in co-operation with Indonesian and Netherlands authorities. United Nations personnel may use one or two unarmed Indonesian vessels for transport to one or more ports agreeable to the Netherlands authorities. Air supply will be carried out under the direction of the United Nations personnel in United Nations aircraft.

6. With a view to carrying out the arrangements mentioned under paragraphs 3, 4 and 5 hereof, a United Nations liaison and an Indonesian liaison, each consisting of three officers, will be established at a Netherlands forces headquarters in the territory. Military liaison officers will be included in the Permanent Missions to the United Nations of the Netherlands and Indonesia for liaison with the Secretary-General's Office.

7. As soon as possible after the adoption by the General Assembly of the United Nations of the resolution referred to in article I of the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian), and not later than 1 October 1962, a United Nations security force including an infantry battalion with ancillary arms and services will be placed by the Secretary-General at the disposal of the United Nations Temporary Executive Authority (UNTEA) in the territory to primarily supplement the existing Papuan Police in the task of maintaining law and order.

8. The Netherlands will make arrangements through the intermediary of the Secretary-General to repatriate Indonesian prisoners as soon as possible after the signing of the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian).

9. Indonesia and the Netherlands will jointly request the Secretary-General to undertake the functions conferred on him in this agreement.

10. Indonesia and the Netherlands will share on an equal basis all costs incurred by the Secretary-General under this agreement, and will make available in advance such sums as he deems necessary.

DONE on this fifteenth day of August 1962

(Signed)

J.H. van Roijen

For the Kingdom of the Netherlands

(Signed)

Subandrio

For the Republic of Indonesia

C. Schurmann

For the Kingdom of the Netherlands

IDENTICAL REPLIES DATED 15 AUGUST 1962 FROM THE ACTING
SECRETARY-GENERAL ADDRESSED TO THE REPRESENTATIVE OF
INDONESIA AND TO THE REPRESENTATIVES OF THE NETHERLANDS

I have the honour to acknowledge the receipt of the note of today's date addressed to me by the Representative of the Republic of Indonesia and the Representatives of the Kingdom of the Netherlands, concerning the cessation of hostilities in West New Guinea (West Irian), reading as follows:

/See text of the preceding letter/

In reply I have the honour to inform you that, subject to the terms and conditions of the note under reference, I am prepared to undertake the responsibilities specified in that note and its related annex.

(Signed)

U Thant
Acting Secretary-General

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II

MEMORANDUM OF UNDERSTANDING CONSTITUTING AN AGREEMENT BETWEEN
THE REPUBLIC OF INDONESIA AND THE KINGDOM OF THE NETHERLANDS
ON CERTAIN FINANCIAL MATTERS DURING THE PERIOD OF ADMINISTRATION
OF WEST NEW GUINEA (WEST IRIAN) BY THE UNITED NATIONS TEMPORARY
EXECUTIVE AUTHORITY (UNTEA)

1. With the view to preparing the budget for the period of administration of the territory of West New Guinea (West Irian) by the United Nations Temporary Executive Authority (UNTEA) in accordance with article XXIV of the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian), a committee will be set up as soon as possible consisting of representatives of the Secretary-General of the United Nations, the Government of the Republic of Indonesia and the Government of the Kingdom of the Netherlands in order to collect the necessary information and to make appropriate recommendations to the Secretary-General. The committee will make recommendations to the Secretary-General concerning the amount to be placed at the disposal of the United Nations Administrator by the Netherlands and the Indonesian Governments at the beginning of the UNTEA period.
2. In establishing the budget for the UNTEA period, the United Nations Administrator will make his calculations on the basis of a rate of exchange for the New Guinea guilder at US\$1.00-N.G. fl. 3.62.

DONE this fifteenth day of August 1962 in three original copies.

(Signed) SUBANDRIO
For the Republic of Indonesia

(Signed) J.H. van ROIJEN
For the Kingdom of the Netherlands

C. SCHURMANN
For the Kingdom of the Netherlands

IDENTICAL LETTERS DATED 15 AUGUST 1962 FROM THE ACTING SECRETARY-GENERAL
ADDRESSED TO THE REPRESENTATIVE OF INDONESIA AND TO THE REPRESENTATIVES
OF THE NETHERLANDS CONCERNING CERTAIN FINANCIAL MATTERS

I have the honour to refer to the discussions that took place on 13 and 14 August 1962 at the United Nations Headquarters between representatives of the Government of Indonesia, the Government of the Netherlands and the Secretariat concerning certain financial arrangements which are envisaged in connexion with the United Nations Administration of West New Guinea (West Irian).

In response to the request of the representatives of the two Governments these arrangements are set forth below.

The Secretary-General will prepare, in consultation with the two Governments, a budget covering the total anticipated costs involved in its administration of the Territory, and will request the two Governments to make advances of funds in such currencies and at such time(s) as may be required to cover the anticipated costs.

The funds made available by the Governments to the Organization will be treated as "trust funds" in accordance with United Nations financial regulations 6.6 and 6.7 and will be administered in accordance with the established United Nations financial regulations and rules relating to trust funds, reserve and special accounts, and, in particular, United Nations financial regulations 10.1 (d), 10.2 and 11.3 relating to the arrangements in respect of (a) the maintenance of an internal financial control to provide for an effective current examination and/or review of financial transactions in order to ensure the regularity of the receipt, custody and disposal of the funds, the conformity of obligations and expenditures with the purposes and rules relating to the trust funds, and the economic use of these resources; (b) providing that no obligations shall be incurred until allotments or other appropriate authorizations have been made in writing under the authority of the Secretary-General and (c) maintaining a separate special account for all funds received in trust from the Governments.

As soon as possible after the termination of the United Nations responsibility for administration of the Territory an audited statement of the income and expenditures arising from and in connexion with its administration of the Territory

will be rendered to the two Governments, and any balance of funds in the trust fund that are not required to cover commitments entered into by the Organization in this connexion will be refunded in equal shares to the two Governments.

If, after preparation of the initial budget, unforeseen developments should occur giving rise to the need for additional funds from the two Governments, the Secretary-General would prepare a supplemental budget in consultation with the two Governments, and request such additional deposits in the trust fund as would be required.

It may be anticipated that the budget estimates would consist of two major parts, the first relating to what may be described as the normal territorial operations and accounts, and the second relating to expenses to be incurred by the United Nations for staff and other costs (salaries, United Nations pension contributions, insurance, travel expenses, communications costs, etc.) which may not be dealt with appropriately as part of the normal territorial operations. The second part of the budget would also include the costs of any security personnel that might be required and for which no provision has been made in the existing budget for the Territory.

It is my understanding that the representatives of the two Governments participating in the discussions expressed agreement with the arrangements set forth above, but I would be pleased to have you advise me of your Government's concurrence regarding them.

(Signed) U THANT
Acting Secretary-General

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III

LETTER DATED 15 AUGUST 1962 FROM THE REPRESENTATIVE OF INDONESIA AND THE REPRESENTATIVES OF THE NETHERLANDS ADDRESSED TO THE ACTING SECRETARY-GENERAL CONCERNING THE ISSUE OF PASSPORTS AND CONSULAR PROTECTION DURING THE ADMINISTRATION OF WEST NEW GUINEA (WEST IRIAN) BY THE UNITED NATIONS TEMPORARY EXECUTIVE AUTHORITY (UNTEA)

On behalf of our respective Governments, on the occasion of the signature of the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian), we have the honour to bring to your attention the following agreement arrived at between our Governments and hereby placed on record, concerning the issue of passports and consular protection during the period of the administration by the United Nations Temporary Executive Authority (UNTEA) provided for in the aforesaid Agreement:

"1. The UNTEA shall have the authority at its discretion to issue travel documents to Papuans (West Irianese) applying therefor without prejudice to their right to apply for Indonesian passports instead;

"2. The Governments of Indonesia and of the Netherlands shall at the request of the Secretary-General furnish consular assistance and protection abroad to Papuans (West Irianese) carrying the travel documents mentioned in the previous paragraph, it being for the person concerned to determine to which consular authority he should apply."

Should the above be acceptable to you, we have the honour further to propose that the note and your reply to the above effect shall be regarded as constituting an placing upon record the agreement reached in this matter.

(Signed) SUBANDRIO
Representative of Indonesia

(Signed) J.H. van ROIJEN
Representative of the Netherlands

(Signed) C. SCHURMANN
Representative of the Netherlands

IDENTICAL REPLIES DATED 15 AUGUST 1962 FROM THE ACTING
SECRETARY-GENERAL ADDRESSED TO THE REPRESENTATIVE OF
INDONESIA AND TO THE REPRESENTATIVES OF THE NETHERLANDS

I have the honour to acknowledge the receipt of the note of today's date addressed to me by the representatives of the Republic of Indonesia and the Kingdom of the Netherlands, concerning the issue of passports and consular protection during the period of the administration by the United Nations Temporary Executive Authority (UNTEA) of the territory of West New Guinea (West Irian), and reading as follows:

/See text of the preceding letter./

In reply I have the honour to inform you that I am prepared to instruct the UNTEA, when it is established as provided for in the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian), to undertake the function referred to in the note under reference. I would like to take this occasion to request your Government to undertake consular assistance and protection abroad to Papuans (West Irianese) as provided in paragraph No. 2 of the note under reference.

This note and your note under reference shall be regarded as constituting and placing on record the agreement reached in this matter.

(Signed) U THANT
Acting Secretary-General

IDENTICAL REPLIES DATED 15 AUGUST 1962 FROM THE REPRESENTATIVE
OF INDONESIA AND THE REPRESENTATIVES OF THE NETHERLANDS ADDRESSED
TO THE ACTING SECRETARY-GENERAL

I /We/ have the honour to acknowledge the receipt of your note of today's date, indicating your willingness to undertake certain functions concerning issue of passports during the period of the administration by the United Nations Temporary Executive Authority (UNTEA) of the territory of West New Guinea (West Irian) and requesting my /our/ Government to undertake consular assistance and protection abroad to Papuans (West Irianese) requesting such assistance and protection during the period of the UNTEA Administration. I /We/ have the honour to inform you that my /our/ Government will undertake such consular assistance and protection.

(Signed) SUBANDRIO
Representative of Indonesia

(Signed) J.E. van ROIJEN
Representative of the Netherlands

(Signed) C. SCHURMANN
Representative of the Netherlands

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IV

AIDE-MEMOIRE DATED 15 AUGUST 1962 FROM THE ACTING SECRETARY-GENERAL
HANDED TO THE REPRESENTATIVE OF INDONESIA CONCERNING THE MODALITIES
OF THE TRANSFER OF AUTHORITY OVER WEST NEW GUINEA (WEST IRIAN)

1. The authority of the Government of the Netherlands over the territory will be terminated when the Special Representative of the Secretary-General takes charge. On the same day the United Nations flag will be hoisted.
2. From the same date the withdrawal and repatriation of the armed forces of the Netherlands will begin under the supervision of the Secretary-General's Special Representative and will be concluded as soon as possible.
3. On 31 December 1962 the Netherlands flag will be struck, and the Indonesian flag will be hoisted side by side with the United Nations flag.
4. The transfer of authority to Indonesia will be effected as soon as possible after 1 May 1963.

AIDE-MEMOIRE DATED 15 AUGUST 1962 FROM THE ACTING SECRETARY-GENERAL
HANDED TO THE REPRESENTATIVES OF THE NETHERLANDS CONCERNING THE
MODALITIES OF THE TRANSFER OF AUTHORITY OVER WEST NEW GUINEA
(WEST IRIAN)

1. The authority of the Government of the Netherlands over the territory will be terminated when the Special Representative of the Secretary-General takes charge. On the same day the United Nations flag will be hoisted.
2. From the same date the withdrawal and repatriation of the armed forces of the Netherlands will begin under the supervision of the Secretary-General's Special Representative and will be concluded as soon as possible.
3. On the day of the transfer of territory to the United Nations, the Netherlands flag will be hoisted side by side with the United Nations flag, and it will fly until 31 December 1962.
4. The transfer of authority to Indonesia will be effected as soon as possible after 1 May 1963.
