



CONTENTS

	Page
Agenda item 61:	
The question of West Irian (West New Guinea) (continued) .....	421

**Chairman: Mr. Francisco URRUTIA (Colombia).**

AGENDA ITEM 61

**The question of West Irian (West New Guinea)  
(A/2694, A/C.1/L.109) (continued)**

Mr. TRUJILLO (Ecuador) recalled that one delegation had expressed the fear that the present discussion would cause dissension. However, if only minor problems which, unlike the one which the Committee is now examining, did not affect peace and security, were submitted to the United Nations, the Organization could fail in the task assigned to it by Article 1, paragraph 1, of the United Nations Charter, and would eventually lose its *raison d'être*.

He would endeavour to define the problem, deal with the competence of the United Nations in the matter and, lastly, discuss possible solutions.

What exactly was the problem before the Committee? It was generally known how the Netherlands Indies had come into being. If there had been any continuity in the colonial régime, it had been that different ethnic, linguistic and cultural elements had been amalgamated into a single political and economic whole, whose individual character had slowly developed through the Netherlands administration. Such was the political entity destined later to become Indonesia. It mattered little, therefore, that Indonesia, like some American countries, was composed of different ethnic, cultural and linguistic elements: that in no way affected the unity of a State of which West Irian was an integral part. Moreover, the political and social movement which had culminated in independence had spread

through West Irian, one of whose leaders, a hero of the fight for freedom against the Japanese, was at present a member of the Indonesian Parliament. It had been the whole of the Netherlands Indies territory which had been negotiated with the Netherlands.

It should be noted that the United Nations had, from the beginning, taken its part in the conferences between the two parties. When the question of deciding the status of the new entity had arisen, Indonesia had been defined as including all the islands which made up the Netherlands Indies. Later, when the transfer of sovereignty had been negotiated, Mr. van Royen had used a similar definition in the Security Council on 22 December 1948, stating that "what used to be

the Netherlands East Indies should become an independent State as soon as possible".<sup>1</sup>

5. A commission had been set up by the first Round Table Conference to inquire into the situation in New Guinea, but difficulties had arisen at the second conference held at The Hague, and it had been to meet those difficulties that article 2 of the Charter of transfer of sovereignty (S/1417/Add.1), relating to West Irian, had been drafted. While, as the representative of Liberia had said (729th meeting), the interpretation given by the Australian representative (727th meeting) was possibly not without some foundation, it was pointless to make the subtle distinction which the representative of Australia had made between a complete transfer of sovereignty and a transfer of sovereignty over the whole territory. The wording of article 1 of the Charter of transfer was perfectly clear, and it would therefore only complicate matters to resort to an interpretation of the spirit of that wording. The Netherlands had indeed "unconditionally and irrevocably" transferred to the Republic of Indonesia "complete sovereignty over Indonesia", recognizing it "as an independent and sovereign State". As for the argument that the transfer had been agreed to in view of the federal character of the Indonesian State, it was a well established legal principle that the obligations of a State were not affected by a change in its internal structure.

6. The problem had really arisen from the drafting of article 2 of the Charter of transfer, which had been accepted by statesmen still somewhat inexperienced. But the *status quo* referred to in that article should be understood as referring merely to the residency of New Guinea, and not to sovereignty, which had been completely transferred. During subsequent negotiations, Indonesia had suggested a *de facto* transfer of sovereignty, followed by a progressive transfer of administrative power. The Netherlands had then made its counter-proposal that sovereignty over West New Guinea should be transferred to the newly created Union, and not to Indonesia. Indonesia had rejected the counter-proposal, considering that *de jure* sovereignty had been transferred by the Charter of transfer. Finally, the Netherlands had stated that it was impossible to negotiate because Indonesia demanded sovereignty over West Irian, and Indonesia had drawn the same conclusion from the fact that the Netherlands refused to transfer that sovereignty. Indonesia had refused to refer the matter to the International Court of Justice, and the Netherlands had refused to bring it before the United Nations. The truth was that the two parties had refused to make any concession. But it was precisely the function of the United Nations to find a solution which would enable both parties to reach an understanding. If it were held that the question, as the Belgian representative had said (727th meeting),

<sup>1</sup> See *Official Records of the Security Council, Third Year, No. 132, 388th meeting.*

came within the domestic jurisdiction of the Netherlands, international law would cease to exist, because all questions, even those which arose between two sovereign States, would, in that case, come within the domestic jurisdiction of one State or another.

7. If the United Nations allowed the situation to deteriorate, it would be disregarding the fact that the most serious political or social incidents, like certain disasters, sometimes originated in events of minor importance. Indonesia, which threatened no one, was very justly claiming sovereignty over one of the elements of its personality as a State, i.e. the former colony solemnly transferred to the Republic of Indonesia.

8. Some had argued that it was a choice between the administration of a Non-Self-Governing Territory by the Netherlands and the conquest by Indonesia of a territory which would be incorporated in it. To present the question in such a way was evidence that the old notion of the superiority of a certain race still survived, the notion that it was better for a territory to remain a colony than to be a sovereign entity within the Republic of Indonesia. Although colonies had changed their titles and had been first "mandated" and then "Trust Territories", the problem was still that of colonialism, which the United Nations Charter had abolished in words rather than in fact.

9. The Netherlands had unilaterally violated the undertakings it had assumed under article 2 of the Charter of transfer of sovereignty, which had provided that the parties should resolve "by peaceful and reasonable means" any differences that might thereafter exist or arise between them. When the Netherlands had found the Indonesian proposals unsatisfactory, it had unilaterally broken off negotiations and modified its Constitution so that West Irian might be fitted in, in flagrant violation of the treaty concluded with Indonesia.

10. How then could it have been said that Indonesia aimed at a revision of treaties, which, incidentally, would not by any means necessarily be a bad thing? On the contrary, Indonesia had requested that a treaty which had been solemnly concluded should be carried out. As for the Netherlands, the most it would agree to was to let Indonesia know its intentions, as if it had never undertaken to settle by bilateral negotiations all questions which might arise with that country.

11. The danger that that part of the world might be torn by strife was perhaps not sufficiently appreciated, as it was difficult for Europeans, and sometimes even for Americans, to concede that the peoples of new countries or the events which occurred there were of any importance. However, those peoples had great possibilities for advancement, and the voice of a nation 80 million strong, which had but recently achieved independence but which was daily making progress, must be heard. The Netherlands, which had helped so greatly to enrich world culture, must recognize that it was bound by its own words and agree, in the interests of peace and security, to negotiate with Indonesia.

12. The Indonesian draft resolution (A/C.1/L.109) merely called for a resumption of negotiations between Indonesia and the Netherlands with a view to solving the problem. The delegation of Ecuador would vote in favour of that text of which it approved the spirit, even though not entirely satisfied with the wording.

13. Mr. KISELYOV (Byelorussian Soviet Socialist Republic) said that the representative of Indonesia

had firmly established that West Irian had always formed an integral part of what was now known as Indonesia. Long before the establishment of the Dutch East India Company, West Irian had been bound to the other areas of the Netherlands Indies by political, economic, administrative and cultural ties. Similarly, a number of delegations, including that of India, had pointed out the secular ethnic affinity which had resulted in the creation of an indissoluble whole. On the other hand, the Netherlands representative (726th meeting) had adduced arguments devoid of all historical and juridical value, and had even stated that there was no similarity between the peoples of Indonesia and those of West Irian who, he claimed, lacked all national consciousness.

14. A number of speakers had already cited documents which proved that the Netherlands had recognized the independence and sovereignty of the Republic of Indonesia at the 1949 Round Table Conference. Although a definite agreement regarding West Irian had not been concluded, a provisional compromise had provided in particular for the peaceful settlement of all disputes and the determination of the status of West New Guinea by bilateral negotiations. Indonesia, however, had spent four years of fruitless negotiations in a vain attempt to achieve a peaceful solution. Concessions by Indonesia had not been lacking: at the second conference of Ministers of the Netherlands Indonesian Union, in December 1950, the Indonesian Government had expressed readiness to grant West Irian a wide measure of autonomy and to safeguard Netherlands interests such as, for example, the retention of Netherlands officials in certain posts and the granting to Netherlands citizens of the right to immigrate. On the other hand, the attitude of the Netherlands had been purely negative. In December 1951, the third Netherlands-Indonesian conference, Indonesia had gone still farther, proposing a temporary "joint responsibility" over West Irian. Finally, at the conference held in July 1954, the Netherlands had refused to continue the negotiations. It was clear that the Netherlands had used the negotiations to strengthen its position in West Irian. It had then invoked Articles 12 and 73 e of the United Nations Charter.

15. The problem was really that of a territorial dispute between two Members of the United Nations which should have been settled by negotiations, but in which the Netherlands refused to take part. Indonesia was therefore justified in asking the United Nations to study the question. The General Assembly could not disregard the fact that, in spite of the Netherlands declarations, neither peace nor tranquillity reigned in West Irian, whose people wished to become part of the Indonesian Republic.

16. Accordingly, it was in the light of the facts that the delegation of the Byelorussian SSR supported the Indonesian draft resolution (A/C.1/L.109) calling upon the two Governments to resume negotiations as provided for by the Round Table Conference agreement, in the hope that the two parties would apply the principle of peaceful settlement of all disputes and make every effort to settle the question in the interests of international peace and security.

17. Mr. MIR KHAN (Pakistan) said that the First Committee's decision should be based on full consideration of the two aspects of the problem.

18. In the first place, a European colonial Power, in which Indonesia had been a colony, having transferred

sovereignty to the peoples of Indonesia, still controlled West Irian. Whether or not sovereignty over that territory had been transferred to Indonesia under the agreement of 2 November 1949, the fact remained that part of what had been the Netherlands East Indies was still under Netherlands control.

9. Happily, the colonial Powers had, one after the other, recognized the growing feeling of nationalism in their former colonies, and had turned over control of them to the peoples themselves. Thus the new States had been able freely to devote themselves to their economic and social development, while the European Powers had secured new friendships and fresh opportunities for trade and investment. The fact that the Netherlands held West Irian therefore represented a survival of colonialism, and any measure which helped to eliminate all vestige of colonialism would be in the spirit of the United Nations Charter and in the ultimate interest of the colonial Powers themselves.

10. Secondly, the decisive factor in determining the fate of that area was the interests of the people of West Irian. Admittedly, the Netherlands had interests in West Irian, as it had had in the East Indies as a whole. Pakistan, which had cordial relations with the Netherlands, deeply appreciated the contribution of the Dutch nation in the fields of exploration, international trade and art. On the other hand, Pakistan had religious and cultural ties with Indonesia, which had a positive interest in that region.

1. The dispute between the Netherlands and Indonesia concerning West Irian had not been settled either within the period of one year provided by the Charter for transfer of sovereignty, or later. That charter had envisaged the possibility that differences of opinion might arise between the parties; in article 2 (f), it had provided that any differences which might arise between them should be resolved "by peaceful and reasonable means". The question of West Irian should, accordingly, be resolved along those lines.

2. The Pakistan delegation therefore supported the proposal that discussions should be resumed, with the assistance of the United Nations, bearing in mind, as paramount consideration, the interests of the people of West Irian.

*Mr. Johnson (Canada), Vice-Chairman, took the chair.*

3. Mr. KHOMAN (Thailand) reminded the Committee that a substantial majority had voted in favour of including the question of West Irian in the agenda. It was particularly important that the provisions of article 34 of the Charter should be applicable in that case, as they not only ensured the protection of Member States, especially of the smaller nations, but enabled the General Assembly to fulfil one of its most important functions, namely, the maintenance of international peace and security.

4. The question before the Committee was a most delicate one. It was quite proper, therefore, that it should come before the Assembly, especially as it sprang logically from a problem, that of the independence of Indonesia, with which the United Nations had already dealt, and in the settlement of which Australia, Belgium and the United States had played such instinctive roles. It was to be regretted that the question of West Irian had not been settled at that time.

5. The problem, admittedly, was far from simple, but the fact that it had a legal aspect did not mean

that it should be referred to the International Court of Justice; Indonesia rightly claimed that a dispute was involved which was a matter for the United Nations.

26. The delegation of Thailand was pleased to note that a number of delegations had stressed the importance of the principles contained in Chapter XI of the Charter concerning the Non-Self-Governing Territories, principles to which, in other Committees, they tended to give a restrictive interpretation. In particular, as the representative of New Zealand had pointed out (730th meeting) that the Netherlands had voluntarily assumed obligations beyond the scope of Chapter XI, it would be interesting to know whether that reversal of attitude was valid only for West New Guinea, or whether it was universally applicable.

27. Mr. Khoman did not propose to go into the substance of the question of the right of self-determination. He wished however, to point out that it was not for the United Nations to decide on the respective rights of the parties, which, in any case, had never requested such a decision. The United Nations should merely urge the parties to resume negotiations on the basis of Articles 2 and 33 of the Charter. The Indonesian request was therefore quite reasonable, and it rightly provided for United Nations assistance in seeking a settlement.

28. Thailand had always accepted proposals for peaceful settlement, even when it had expected the outcome of that procedure to be to its own disadvantage. In the present dispute between two countries with which Thailand maintained friendly relations, it supported the natural course of action proposed by the Indonesian representative.

29. Mr. SHUKAIRI (Syria) considered that question now under consideration was a dispute not only between two Member States but also between two different concepts; between colonial imperialism and a desire for independence supported by the Charter.

30. The facts could be stated simply. West Irian was an integral part of Indonesia, of the Indonesian archipelago. The term "Indonesia" had, since the struggle for independence, replaced the term "Netherlands East Indies". The Netherlands Government itself, on the basis of past agreements and statements, regarded West Irian as one of the islands constituting Indonesia. The question therefore arose why West Irian should be torn from its Indonesian motherland. The reply to that question should be consistent with the principles of justice, democracy and the right of self-determination.

31. The assertion that there was no close ethnic, cultural or linguistic affinity between the people of West Irian and the rest of Indonesia was not an argument. Indonesia was a national entity. How could the Netherlands contest that Indonesian national unity, when its representative had stated in the Security Council on 22 December 1948<sup>2</sup> that the sense of Indonesian nationality had been born of the common existence under the Netherlands crown of many different ethnic and linguistic groups? The creation of Indonesian nationality by the Netherlands administration itself destroyed the basis of the Netherlands argument. At all events, there was no affinity whatever between West Irian and the Netherlands, and West Irian's relation to the Netherlands could be exactly

<sup>2</sup> *Ibid.*

the same as its relation with any other Member State. With Indonesia, however, West Irian had a unique relationship of common nationality which the Netherlands itself professed to have established. As for the arguments put forward concerning a dissimilarity between the flora and fauna of Indonesia and West Irian, they were laughable.

32. It had also been asserted that the question of West Irian fell within the domestic jurisdiction of the Netherlands and that the United Nations was not competent to deal with it. No argument could be more fallacious. The Charter had revolutionized the concepts and norms of international law; it had guaranteed the peoples of the world the sacred right of self-determination. On the other hand, conquest, occupation and invasion no longer conferred any right of sovereignty, as in the ancient days of the imperial and colonial systems. In the age of the Charter, national sovereignty was confined to the fatherland. The "sacred mission" of certain powerful States to assist primitive peoples had given place to the protective and civilizing mission of the United Nations, which alone was qualified to ensure the progress of the under-developed countries.

33. From that revolution in international law it followed that the Powers which administered Trust Territories or protectorates had no rights of sovereignty over them. The question of West Irian, in the words of the Charter, was not "essentially" within the domestic jurisdiction of the Netherlands.

34. According to the Netherlands and Australia, the issue was primarily a legal question resting on the interpretation to be given to the Charter of transfer of sovereignty. Although it might be true that every political problem had legal aspects, the present dispute involved the political and national rights and aspirations of Indonesia, and thus was mainly a political question. For reasons of expediency, an attempt was being made to refer the case to international justice, as if there were one law for the poor and one for the rich and the doors of justice, which had been closed to Syria's appeal in the Palestine question, should now be flung wide open. The fact that there could be no justice without logic, and that little account had been taken of justice in the Palestinian tragedy when the country had been divided against the will of its people, was being overlooked.

35. The Australian representative had also stated (727th meeting) that, in case of a war, the battle of Australia would be fought in New Guinea, since the security of the two countries was indivisible. In other words, according to that colonialist argument, the Indonesian request should be rejected on the pretext that New Guinea was necessary for the defence of a certain country. To accept the old imperialist argument of the vital interests of communication lines and military bases would mean undermining the very basis of the United Nations Charter.

36. The most serious contention made by the Australian representative was that New Guinea would "forever" be a potential springboard against Australia. The word "forever" destroyed the whole merit of the Netherlands case. Indeed, what then became of the right to self-determination, to which the Netherlands and Australian delegations had so eloquently and warmly referred, if New Guinea was to remain forever necessary to Australia's defence? It seemed difficult to advance the interests of territories whose peoples had

not yet attained a full measure of self-government if the idea of security was to prevail forever. Any area of the world, and particularly the territory of a small State, could be defined as necessary to the security of another country.

37. It had been further alleged that there was no trace of tension in West Irian, whose population was too primitive to have any national consciousness. This was an invitation to rebellion to any aggrieved people. On the contrary, the duty of the United Nations was to settle any dispute before it reached the point of tension.

38. The final argument put forth by the Netherlands and Australian delegations concerned the primitive state of the people of West Irian. However, if, after a century of Netherlands administration, that people was still at the stage which, according to Rousseau preceded the *contrat social*, how many centuries would be needed to bridge the gap and raise West Irian to the status of an advanced society? That in itself was sufficient for the case of Indonesia to merit full sympathy and to be supported in all honesty and sincerity.

39. Mr. HOPPENOT (France) said that his delegation, which had expressed its views on the subject under discussion when it had opposed the inclusion of the item in the Assembly's agenda, fully supported the observations made by the representatives of the Netherlands, Australia and Belgium.

40. The question concerned the sovereignty over West New Guinea. Under the terms of article 2 of the Charter of transfer of sovereignty of 2 November 1949, and according to the letters exchanged between the Governments of the Netherlands and Indonesia on the same date, that sovereignty rested with the Netherlands Government. Any intervention in the exercise of that sovereignty, such as the debate which was taking place in the First Committee and any resolution which it might adopt, contravened Article 2, paragraph 7, of the Charter and was therefore illegal. To justify the competence of the United Nations by alleging that the Netherlands had had to deal with the Indonesian question in the past would merely give rise to a further reason for the Assembly's inability to act, for Article 12 of the Charter expressly prohibited the Assembly from making any recommendation with regard to a matter which was before the Security Council.

41. The French delegation was not unmindful of the interests of the indigenous inhabitants of New Guinea and precisely for that reason wished to prevent them from being removed from the civilizing influence of the Netherlands. It could hardly be maintained that those very primitive people could be prepared overnight to decide on their political and administrative fate. The Netherlands Government which was at present administering that territory regularly informed the United Nations of its economic, social and cultural action which it was taking there. It was thus enabling the United Nations to follow the progress of those people up to the time when, as the Netherlands Government had promised, they would be able freely to decide their own future.

42. If, however, the Indonesian claim were to be granted, the United Nations would be denied any concern in that progress and the people of West New Guinea would be deprived of any prospect of one day being consulted about their destiny.

43. The Indonesian delegation had asserted that the matter under discussion constituted a threat to the

maintenance of peace in that part of the world, but such a threat would not come from the Netherlands, under whose sovereignty the work of civilization and peace was being carried forward in New Guinea, nor would it come from the people themselves, who had never repudiated the guardianship of the Netherlands Government and were for the most part still unaware of the very existence of the Netherlands, Indonesia or the United Nations. Such a threat to peace and security could only arise, therefore, if force were used to support Indonesia's claim, but even to suspect such a thing would do an injustice to that young Republic's spirit of peace and its devotion to the principles of the Charter.

44. If, however, peace and security were not threatened, it was only to be regretted that the Assembly's decision to deal once again with a matter outside its jurisdiction had provided an occasion for the exacerbation of passions and had made it more difficult to create an atmosphere of reason and restraint.

45. For all those reasons the French delegation, while regretting that it had been compelled to take sides between two countries which had both earned France's friendship, felt obliged out of loyalty to the principles of the Charter to withhold support for any resolution which would imply the legitimacy of a debate which should never have begun.

46. Mr. SUDJARWO (Indonesia) regarded as untenable the Netherlands representative's contention that the General Assembly should not consider the question. The objection based on Article 12 of the Charter had already been refuted, for although there was some connexion between the item under discussion and the Indonesian question before the Security Council, the present problem was clearly different from the one which had been placed on the agenda of the Security Council in 1946.

47. The Indonesian delegation was glad to note the spirit of moderation prevailing in the debate, but could not help regretting that the Australian representative had opposed the Indonesian contention in terms which it was difficult to accept from a neighbour and a friend. That attitude was all the more surprising in view of the fact that the Australian Press had regretted the Australian delegation's negative vote in the General Committee on the question of the inclusion of the question in the agenda, and was urging the Australian Government to help the parties in their endeavour to find a peaceful solution.

48. That was exactly the Indonesian Government's intention. It did not want in any way to disrupt its friendly relations with Australia and hoped very much to improve its relations with the Netherlands. The Australian representative had emphasized the importance of West Irian to the security of his country, but how could he fail to understand that that territory was equally important to the security of Indonesia? The recent invasion by Japan, against which the Netherlands had been quite unable to protect Indonesia, was ample proof of that. In fact, the strange argument put forward by the Australian representative was likely to make Indonesia wish that a country less hostile to its legitimate claims were in control of East New Guinea, but the mere allusion to that argument was enough to indicate the absurdity of the Australian position.

49. The Indonesian Government had no intention of seeking a verdict from the Assembly on the juridical

aspects of the dispute. All it wanted was fresh negotiations so that the parties might have an opportunity of seeking together the peaceful solutions envisaged in article 2 of the Charter of transfer of sovereignty. With regard to the legal aspects of the problem, it was important to remember that the Dutch had recognized that "Indonesia" was the official name for the former Netherlands East Indies, even in the Constitution of the Kingdom of the Netherlands; the name "Indonesia" had been used in the Netherlands report to the United Nations in 1949, and among the various territories listed under that name was "New Guinea west of 141 degrees E. longitude".<sup>3</sup>

50. Attempts had been made to give the term "Indonesia", which referred essentially to a political and national entity, a racial connotation, in order to show that the inhabitants of West Irian were not Indonesians and that their territory did not, therefore, form part of Indonesia. In fact, however, Indonesian claims to West Irian were not based on ethnological, linguistic or racial grounds, but on grounds of a national and political nature and on an international agreement with the Netherlands which was still in force.

51. The Netherlands, for its part, alleged that its sovereignty over West Irian was confirmed by the Charter of transfer of sovereignty. That was not the case. Article 1, paragraph 1, of that charter was specific in that respect. As for the expression "residency of New Guinea", used in article 2, it indisputably referred to an administrative unit of Indonesia and not of the Netherlands. Moreover, the provision in the same article that the *status quo* of the residency of New Guinea should be maintained meant that the Netherlands was to retain *de facto* control over West Irian temporarily, but did not imply *de jure* sovereignty. Confirmation of that interpretation was to be found in the exchange of letters between the two parties of 2 November 1949. The Netherlands text used the word "*gezag*" to describe the nature of Netherlands authority during the *status quo*. That word, which had unfortunately been omitted from the English text, was the one which had been used in the Linggadjadi Agreement and which had always been understood as constituting recognition by the Netherlands of the *de facto* authority of the Indonesian Republic at that time. Administrative or *de facto* control, without *de jure* sovereignty, was a very clear legal concept to which reference had frequently been made, as, for instance, in connexion with the dispute between Panama and Costa Rica over the Sixaola territory.

52. Again, how could it be asserted that Netherlands sovereignty had been confirmed by the Round Table Conference agreements when the Netherlands representative in the First Committee had stated at the 726th meeting that the question as to what was ultimately to happen to West New Guinea had been left open in the Charter of transfer? The fact was that the Indonesian Government had been free, both before and after the expiration of the one-year period, to remind the Netherlands Government of the commitments it had undertaken previous to the Round Table Conference.

53. With regard to the argument that negotiations on West Irian were now impossible because Indonesia

<sup>3</sup> *Non-Self-Governing Territories: summaries and analyses of information transmitted to the Secretary-General during 1949*, Vol. II, p. 158. United Nations Publications, Sales No.: 1950.VI.B.1.

had changed its constitutional structure, article 1, paragraph 2, of the Charter of transfer of sovereignty had simply stated that sovereignty over Indonesia was accepted on the basis of the Indonesian draft constitution; it certainly had not made acceptance of sovereignty conditional upon a federal constitution. The draft constitution, moreover, had contained provisions for revision which gave the new unitary constitution an indisputably legal character.

54. The Netherlands representative had cited the dissolution of the Indonesian-Netherlands Union as yet another reason why negotiations could not be resumed, but the protocol of dissolution had purposely been accompanied by an exchange of letters expressly stating that the Charter of transfer of sovereignty should be neither amended nor abrogated nor replaced. It was in that charter of transfer, and not in the charter of the dissolved Union, that the references to the West Irian dispute were embodied.

55. Contrary to the opinion expressed by the Netherlands, Indonesia was convinced that negotiations were possible, and it was with a view to facilitating the resumption of negotiations that its draft resolution (A/C.1/L.109) had been proposed. Both parties now had the advantage of knowing the views of the members of the First Committee, which might guide them in future negotiations. Furthermore, the negotiations would be facilitated by the action of the Secretary-General, whose good offices were sought.

56. It was absurd to say, as the Netherlands representative had done, that Indonesia's ultimate aim was the annexation of West Irian, since that territory had always been recognized by the Netherlands as part of Indonesia. It was the Netherlands which spoke of a "Netherlands New Guinea" and which, by the constitutional revision of February 1952, had incorporated that territory into the Kingdom of the Netherlands. In so doing, the Netherlands Government had attempted to determine the status of West Irian unilaterally.

57. The allegation that Indonesia would deprive the people of West Irian of the right of self-determination was equally fallacious. As early as 1945, those people, together with the other peoples of Indonesia, had proclaimed the independence of their country. Their aspirations had been suppressed by the Netherlands, which was now contending that a subject people did not desire the freedom that their brothers had acquired.

58. That policy, designed to further the interests of the Netherlands, was in line with what had been done in the past. When, however, the people of West Irian were reunited with Indonesia, they would enjoy all the rights inherent in a democratic State: they would participate in free and secret elections; join established political parties or form new ones; and send their elected representatives to the Indonesian Parliament. There was, indeed, a great difference between the Indonesian and the Netherlands, concepts of the right of self-determination. To assert, in those circumstances, that Article 73 of the United Nations Charter precluded the union of the peoples of West Irian with the rest of Indonesia was to make a mockery of United Nations principles, which were intended to protect the rights of suppressed peoples. The right of self-determination could not be invoked to prevent any part of a nation from becoming independent. Independence, when finally attained, should apply to the nation as a

whole. There had been only two peoples at the Round Table Conference in 1949—the Indonesians and the Dutch. The people of West Irian had naturally been represented by the Indonesian representatives. To contend at the present time that the freedom of West Irian should be reconsidered when it was to have materialized in 1949, was an attempt to reverse the course of history. The members of the First Committee would be able to distinguish between the sacred right of self-determination and its enemy, the old maxim "divide and rule".

59. The Indonesian delegation, by its draft resolution, asked the United Nations to reopen the door that the Netherlands had closed. It did not ask for a revision of an international treaty and made no territorial claims, but merely sought to resist the efforts of the Netherlands Government to divide a country and to separate a territory and a people from a nation of which they had been an integral part in both ancient and modern times.

60. Mr. DE LA COLINA (Mexico) regretted that, despite the negotiations between the parties, there was still a dispute concerning West Irian. Although the General Assembly clearly seemed to be competent to deal with the matter, and although the question of the inclusion of the item in the agenda had led to lengthy and useful debates which should have been sufficient to vindicate the Assembly's competence, the Mexican delegation's doubts on the matter—far from being dissipated—had only increased.

61. Although the Assembly was competent to discuss questions of that nature, its structure and procedure did not perhaps make it the best-equipped body to elucidate the more obscure aspects of this dispute; nor did it have the power to settle the matter. Among other factors, the interpretation of the treaty in question, the possible application of the ancient doctrine of *uti possidetis*, the principle of self-determination, and the geopolitical arguments advanced by the Australian representative called for the utmost prudence before a decision could be taken on the Indonesian draft resolution.

62. Therefore, instead of taking a stand on the substance of the matter now, it might be better to exhort the parties to use the available means of conciliation in seeking a solution which, in keeping with the spirit of the United Nations Charter, would give particular attention to the well-being and advancement of the people of New Guinea. A draft resolution to that effect would be assured of the Mexican delegation's support.

63. Mr. SOBOLEV (Union of Soviet Socialist Republics) considered that, although some speakers sought to deny it, the question of West Irian was in fact a source of tension in that part of the world. His delegation therefore regarded Indonesia's desire to solve the dispute by negotiations as desirable and legitimate.

64. Although the question was primarily of a political nature, its legal aspects should also be taken into account, but without trying to interpret them in isolation. Thus, article 2 of the Charter of transfer of sovereignty should be considered in its context. As the interpretation of article 1 involved the question of what territories composed the Republic of the United States of Indonesia, reference should be made to the list of territories contained in the Netherlands Constitution of 1922, which mentioned the Netherlands

East Indies. That term had been replaced in 1948 by the word "Indonesia". Hence, the Netherlands Constitution regarded that area as a single, indivisible unit. No mention had been made of West Irian until the Round Table Conference of 1949. If that territory was not part of Indonesia, why had a special provision, in the nature of a reservation, to the effect that the *status quo* of that area should be maintained for one year, been inserted in the Charter of transfer? As article 2 of that charter had provided for the maintenance of the *status quo* subject to the condition that the question should be settled by negotiation within one year, it was clear that if that condition were not fulfilled, the *status quo* would cease to exist and article 1 providing for sovereignty over the whole of Indonesia, would then be applicable.

65. The General Assembly could not overlook the political aspect of the problem, because it was supposed to deal with questions raised by the refusal of a State to fulfil the obligations it had accepted. In the present instance, there was an obligation to settle a dispute and to take the necessary steps to safeguard peace in a part of the world that had until recently been in a state of tension.

66. It would be difficult to reconcile the true interests of the local population with a defence of the colonial system. To state that the Indonesian people themselves showed evidence of colonial aspirations in seeking the union of West Irian with Indonesia was to question the peaceful character of that nation, which had just gained its independence.

67. The Soviet Union delegation would vote in favour of the Indonesian draft resolution.

68. Mr. AL-GAYLANI (Iraq) considered that to present the problem of West Irian as a factor in the security of certain countries, such as Australia and New Zealand, was merely an easy way to absolve one's conscience from facing a typically colonial problem.

69. There could be no doubt of the Assembly's competence in the matter, for that had been upheld both by the General Committee and by the General Assembly itself. The question at issue was more than the mere interpretation of a treaty; it involved Articles 34 and 35 of the United Nations Charter.

70. The Charter of transfer of sovereignty, signed in 1949, had transferred sovereignty over Indonesian territory to the Republic of the United States of Indo-

nesia. It could not reasonably be argued that the constitutional reform that had made Indonesia a unitarian State had changed the obligations of the two parties in any way. Agreements preceding the transfer of sovereignty had confirmed the geographic area of the United States of Indonesia, which was the same as that of the former Netherlands East Indies. Moreover, article 2 of the Charter of transfer had recalled "the dedication of the parties to the principle of resolving by peaceful and reasonable means any differences" that might arise between them. Consequently, the draft resolution submitted by Indonesia (A/C.1/L.109) was both moderate and conciliatory, as it merely invited the parties to resume the negotiations that had been broken off.

71. With regard to the argument that the Indonesians had little affinity with the people of West Irian, it might be asked what ethnic or cultural ties existed between the Dutch and the Irianese. The representative of a great nation that had just won its independence was asking the United Nations for assistance in the settlement of a dispute with another Member State. The United Nations, which had been created to resolve such differences, could not ignore such an appeal. The Netherlands Government could not attempt to march against the current of history as well as against the pattern which it had itself set, to the great admiration of all.

72. Mr. HOOD (Australia) stressed the fact that his country in no way intended to show any hostility towards Indonesia. Australia's friendship for Indonesia was a historic fact.

73. The newspaper articles quoted by the Indonesian representative referred to the inclusion of the item in the agenda, and not to the present debate, and were therefore no longer relevant. Moreover, a government could never be held responsible for opinions which journalists in a free country were always at liberty to express. Nevertheless, in their very divergency, the opinions quoted showed the great interest of the Australian people in the question.

74. Mr. SUDJARWO (Indonesia) said that he had not had the slightest intention of showing hostility towards Australia. He was confident that the cordial relations that existed between Australia and Indonesia would continue to be strengthened.

The meeting rose at 2.05 p.m.