United Nations
GENERAL ASSEMBLY
NINTH SESSION
Official Records

FIRST COMMITTEE, 734th MEETING

Tuesday, 30 November 1954, at 10.30 a.m.

New York

CONTENTS

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

AGENDA ITEM 61

The question of West Irian (West New Guinea) (A/2694, A/C.1/L.109, A/C.1/L.110) (*continued*)

1. Mr. SUDJARWO (Indonesia) said that he did not intend to reply to all points which had been raised, as many had been either irrelevant to the purpose of the debate or had been disposed of by other speakers. However, there were certain questions, especially some raised by the representatives of Australia and the Netherlands, which required to be dealt with.

2. It was generally agreed, even by the representative of Australia, that the problem was a political one, but the representative of the Netherlands, in his last intervention, (733rd meeting) had again advanced juridical arguments. Mr. von Balluseck had said that the Netherlands attempt to separate the question of West Irian from that of Indonesia at the Round Table Conference had been no deviation from the former position of his Government. By way of proof, he had cited the reference in the Linggadjati Agreement to the fact that account had been taken of the notes exchanged in March 1947; he had recalled that the Netherlands letter of 15 March 1947 had informed the Indonesian delegation of the wish expressed by the Netherlands Government in its statement of 10 December 1946 that, in the spirit of articles 3 and 4 of the Linggadjati Agreement, New Guinea should have a separate status of its own in regard to the Netherlands and Indonesia; and he had further recalled that that had been acknowledged by the Indonesian note of 24 March 1947, and that, on the basis of that exchange of letters, the agreement had been signed.

3. The statement of 10 December 1946, however, had expressed only the desire of the Netherlands Government, and had not constituted an agreement to exclude West Irian from Indonesia. Mr. Sudjarwo recalled, in that connexion, that the Netherlands Minister for Overseas Territories had declared, on the same day, that it was the Netherlands Government's desire that New Guinea should be able to acquire its own status in its relations with the Netherlands although it might be difficult for the indigenous population to express itself, and that he had further stated that it was desirable that more Netherlands nationals should settle there. Clearly the interests of the indigenous population had not been the primary concern, but rather those of the Dutch.

4. Articles 3 and 4 of the Linggadjati Agreement had contained two main provisions: that the United States of Indonesia should comprise the entire territory of the Netherlands Indies, and that the people of any territory had the right to choose its own status in the United States of Indonesia. Accordingly, the Netherlands desire had only been that West Irian should have a special arrangement within the United States of Indonesia.

5. The Indonesian delegation had acknowledged the desire, or reservations, of the Netherlands Government in connexion with West Irian. But the Netherlands representative had failed to say that, in its letter of 24 March 1947, Indonesia had rejected the Netherlands proposition and had stated that it was not bound by the Netherlands statement of 10 December 1946. That had been the exchange of which note had been taken at the signing of the Linggadjati Agreement on 25 March 1947. The reservation proposed by the Netherlands before signature had not been included and was not binding, for it had been rejected prior to signature.

6. The Linggadjati Agreement had been a clear commitment on the part of the Netherlands to transfer the sovereignty over the entire territory of the Netherlands Indies, without any reservation concerning West Irian. That had been understood by the Netherlands Government, and no desire to arrange a special status for West Irian had been expressed in later statements or agreements, including the *Renville* and Roem-van Royen agreements. As the latter had been the basis of the Round Table Conference, the Indonesian delegation had been shocked when at the Conference the Netherlands had tried to separate West Irian from the rest of Indonesia.

7. That was the legal aspect of the dispute, which it was not for the First Committee to solve. It was obvious that the question of sovereignty over West New Guinea was involved, since both parties claimed sovereignty. From a legal point of view, a compromise might be impossible, but, as the issue was a political one, a solution should not be impossible, although the points of view were diametrically opposed.

8. It was not true that Indonesia would negotiate only if its sovereignty was acknowledged in advance. At the last conference, Indonesia had proposed putting West Irian on the agenda without any conditions. It had been the Netherlands which had asked as a precondition the recognition of its sovereignty, which had been rejected by Indonesia. If both parties sincerely wished to negotiate, especially in a new light, with the good offices of the United Nations, it should be possible to reach a solution of the problem. There was no reason for suggesting that negotiations would serve

no useful purpose. The Indonesian question itself, which had been dealt with by the Security Council several years before, had shown that a solution could be found by negotiation, with the help of the United Nations, however opposed the parties might be. At that time also the legal question of sovereignty had been involved. Surely it had not been thought that negotiations were useful at that time only because there had been actual war. As the representative of Syria had stated (731st meeting), it was fallacious to suppose that tensions were necessary before a dispute should be discussed, as that was only an invitation to unrest.

9. From its inception, the Indonesian Government had been prepared to negotiate, even in the heat of revolution. It had always been the Netherlands which had upset negotiations by resort to arms, as in December 1948. Moreover, after the transfer of sovereignty, there had been Dutch troublemakers in West Java and the Celebes. The Netherlands representative had referred to revolts in the Moluccas and the Celebes, but he had mentioned them as if there had been no responsibility or connexion with the troubles on the Dutch side. In fact, the Moluccan movement had had its headquarters in the Netherlands, and the Netherlands Government could not be unaware that that movement also had a branch in West Irian.

10. Some representatives, including those of the Netherlands and Australia, had insinuated that the Indonesian Government had aggressive intentions In fact, the policy of the Indonesian Government had never been aggressive towards anyone; Indonesia did not even have the means to be aggressive. The object of seeking a resumption of negotiations through the United Nations was to open the road to a peaceful solution. Neither the Netherlandas nor Australia denied the existence of a national independence movement in West Irian. Indeed, the people were not so primitive that they would not resist colonial rule. The Independence Party had been founded eight years before, but had been oppressed and deprived of freedom of speech and movement by the Dutch colonial forces.

11. The gravity of the situation arose not out of aggressive Indonesian intentions, but out of the continuation of a colonial situation and a long dispute. Some representatives would deny to Indonesia the possibility of opening the door to negotiating a peaceful solution. The question then was what alternatives were offered.

12. The representative of Australia had said (733rd meeting) that Indonesia was looking for alternatives, and that they were not of a peaceful nature. However, Indonesia saw no better alternative than assistance from the United Nations. If that was refused, another alternative should be suggested. Indonesia continued to desire peaceful negotiations for a peaceful solution.

13. The Australian representative had charged that the Indonesian draft resolution (A/C.1/L.109) referred only to the political status of West Irian, without mentioning the welfare of the people. In so doing, he had sought to create the impression that Indonesia was not interested in the welfare of the Irianese. However, it was curious that the Dutch and Australians should imagine that they had more interest in the welfare of colonial peoples than those who had just emerged from colonial rule. It was sad that voices should be heard, in the United Nations, in support of continued colonial bondage for a part of the Indonesian people. However, a people's welfare consisted above all in freedom, spiritual health and human dignity.

14. In the draft resolution, attention was drawn to the Charter of transfer of sovereignty (S/1417/Add. 1) in order to make it clear that the political status of West Irian was in dispute. The draft resolution thus was confined to a recognized dispute. The representative of Australia had said that Indonesia was asking the United Nations to endorse its claim. That attitude could be taken only if it was considered that the dispute had already been settled in favour of the Netherlands. In fact, the dispute still existed, and negotiations would therefore be no more absurd now than they had been in the past. Incidentally, the Australian representative had advanced a strange argument against the resumption of negotiations, namely, that the Charter of transfer had made no provision for such resumption.

15. The Committee should not be concerned with questions of flora and fauna and ethnology, but with a situation likely to endanger peaceful and friendly relations between two nations. It could not be deaf to a request for assistance in reaching a peaceful solution. That intention of Indonesia should not be misunderstood. As the dispute was a political one, it was not insoluble by peaceful means. Indonesia further requested the assistance of the Secretary-General; it believed that the United Nations should help the parties to arrive at a settlement, since they had been unable to solve the problem bilaterally. Indonesia did not ask that measures should be taken, but only that good offices should be provided so that a solution might be reached by peaceful means. If the United Nations denied that request, it would assume a grave responsibility.

16. The CHAIRMAN said that the statement of the representative of Indonesia could be considered a reply. Other speakers, however, would be required to confine their statements to the draft resolution.

17. Mr. VON BALLUSECK (Netherlands) wished to record a protest against the very serious allegations made against the Netherlands Government by the Indonesian representative. Those allegations were not a correct presentation of the facts. However, he would not be drawn into a debate on irrelevant matters.

18. Mr. MENON (India) moved the suspension of the meeting for one hour.

19. The CHAIRMAN put the motion to the vote.

The motion was adopted by 33 votes to 13, with 8 abstentions.

The meeting was suspended at 11.15 a.m. and resumed at 12.15 p.m.

20. The CHAIRMAN informed the Committee that a joint draft resolution had now been submitted by Argentina, Costa Rica, Cuba, Ecuador, El Salvador, India, Syria and Yugoslavia (A/C.1/L.110).

21. Mr. VON BALLUSECK (Netherlands) observed that he had explained the attitude of his Government towards the Indonesian claim to West New Guinea in the general debate (726th meeting). Therefore he would confine himself to enumerating briefly his delegation's reasons for oppossing the Indonesian draft resolution (A/C.1/L.109).

2. The Netherlands delegation objected to the words a disagreement arose as to the political status of the ndonesian residency of New Guinea (West Irian), to ne effect that the status of the territory remains in ispute", in the second paragraph of the preamble, ecause disagreement between the two Governments ad not arisen as to the actual political status of New uinea but as to the question whether or not Nether-nds sovereignty over the territory would be transfer-ed to Indonesia. Therefore it was not the status of ne territory at the present time that was in dispute, ut its future destiny. Moreover, the disagreement etween the two Governments had not arisen at the ound Table Conference of 1949, but had held them ivided since the Linggadjati Conference of 1946. urthermore, the residency of New Guinea was not n Indonesian territory, as was implied in the draft esolution. To refer to it as an Indonesian residency ould be to prejudge the legal question concerning hich all delegations had agreed that the General As-embly had no competence.

3. The Netherlands delegation also objected to the ords "the prolongation of this political dispute is kely to endanger the friendly relations between the wo parties concerned, as well as the peaceful develop-ent of that important area", in the seventh paragraph f the preamble, because the Netherlands Government's dministration of West New Guinea was a peaceful ndeavour to create the conditions necessary for the elf-determination of its population in regard to its uture, and in no way contained threats to the peace f West New Guinea, Indonesia or South-east Asia. Al-hough it was regrettable that negotiations had failed —throught no fault of the Netherlands—the Nether-nds Government was determined to continue to pursue policy of peaceful development of the territory.

4. The main objections of the Netherlands delega-ion were directed against paragraph 1 of the operative art of the draft resolution. The Round Table Con-erence agreement had not provided for a resumption f negotiations. More important, however, was the act that a recommendation for the resumption of egotiations was unacceptable to the Netherlands Gov-rnment. Also, the General Assembly was not competent o adopt a resolution which would, in effect, constitute n interpretation of an international treaty.

5. Mr. von Balluseck reviewed briefly the arguments hich his delegation had already adduced to justify ts attitude.

6. Under article 2 of the Charter or transfer, no rovision for the continuation or resumption of nego-iations between the two parties after the expiration f the one-year period had been made. That fact had een acknowledged in statements made by the Prime Minister of Indonesia on 3 January 1951, and by the President of Indonesia in August 1950 and November 1952.

7. The abolition of the Union between Indonesia and he Netherlands, and the modification of the federal tructure of Indonesia, had rendered impossible a olution which would do justice to the great differences etween West New Guinea and Indonesia.

8. Past experience had made it clear that renewed egotiations between the Governments of the Nether-ands and Indonesia could not lead to agreement be-ause Indonesia had rejected all solutions except the recognition by the Netherlands of Indonesian sover-eignty over West New Guinea. At present, Indonesia maintained that the territory formed part of the Republic of Indonesia *de jure*, and should be incorporated therein without delay. In those circumstances, to call for a renewal of negotiations would not be an appeal to the parties concerned to seek a compromise solution, but would constitute a request that the Netherlands Government accede to the Indonesian demands. To do so would mean that the Netherlands Government relinquished its duties under Chapter XI of the Charter; it would also be contrary to the repeatedly expressed policy of the Netherlands to grant to the inhabitants of West New Guinea, at the appropriate time, the opportunity of determining their own future.

29. For those reasons, the Netherlands delegation not only would vote against the Indonesian draft resolution, but appealed to all other members of the Committee to do likewise.

30. Mr. DU PLESSIS (Union of South Africa) said that his delegation had opposed the inclusion of the item in the agenda for two reasons, which still reflected its attitude towards the Indonesian draft resolution. First, it doubted the wisdom of having a debate of a political character on a subject which might not be in the interests either of the Governments concerned or of the peoples living in West New Guinea. Secondly, it doubted whether the General Assembly was competent to intervene in the dispute, and endorsed the statement of the representative of Belgium (727th meeting) in that respect. However, the item was before the Committee and Mr. du Plessis believed it might therefore be useful if he were to examine the Indonesian draft resolution and explain his delegation's attitude thereto.

31. The Indonesian draft resolution recalled certain historical events. No exception could be taken to that. However, the third paragraph of the preamble, which recalled article 2 of the Charter of transfer of sovereignty, did not recall that the President of Indonesia had stated that, after the end of 1950, neither of the parties concerned would be bound by that provision. And the fourth paragraph of the preamble, which recalled "the dedication of the parties to the principle of resolving by peaceful and reasonable means any differences that may hereafter exist or arise between them", did not recall the fact that one of the parties had made specific proposals for referring the question to the International Court of Justice, or that the other party had rejected the offer. Those examples showed that a draft resolution, however reasonable it might appear to be, was equally important for the things it left unsaid as for those it said.

32. The South African delegation also took exception to the sixth paragraph of the preamble. To have the General Assembly express its regrets that efforts to continue negotiations had failed could be interpreted as censuring one party to a dispute, which would be most regrettable.

33. The seventh paragraph of the preamble expressed the view that a prolongation of the political dispute was likely to endanger friendly relations between the two parties and the peaceful development of the area. The South African delegation believed that danger to the peace in that area on that question could come only from the side of Indonesia. Therefore it was strange that in a draft resolution sponsored by the Indonesian delegation such an implied admission should be made.

34. Mr. du Plessis regretted that some representatives had sought to dismiss as of no consequence the Australian representative's appeal (727th meeting) to the other members always to bear in mind that the security of Australia and the security of New Guinea were indivisible. The United Nations was not only a political body, but also a security organization. Therefore, when the representatives of Australia and New Zealand expressed concern lest an artificially provoked disturbance of the peace place in jeopardy the security of their countries, they used a valid argument with which his Government was fully in sympathy.

35. The last pragraph of the preamble was perhaps the only part to which no exception could be taken. However, the inclusion of the item in the agenda and the resultant debate impeded the attainment of the objective referred to therein.

36. The main burden of the draft resolution was in paragraph 1 of the operative part. Although the draft resolution nowhere sought to endorse the claim of Indonesia to West New Guinea, the statement of the representative of Indonesia and the history of developments left no doubt as to the objective—the sole objective—of the Republic of Indonesia should negotiations be resumed. The Netherlands Government claimed that negotiations must be considered as having been concluded with the expiration of the statutory period. While the South African delegation agreed with that contention, it did not consider that the General Assembly should express an opinion on the matter, one way or the other. However, paragraph 1 meant that the General Assembly recognized by implication Indonesia's claim to sovereignty over West New Guinea and that, on the basis of that premise, it called on the Governments of Indonesia and the Netherlands to resume negotiations in order that arrangements might be made for the transfer of the administration of West New Guinea from the Netherlands to Indonesia. The delegation of the Union of South Africa could not interpret the intention concealed in that paragraph in any other way.

37. Moreover, paragraph 1 was an attempt to violate the injunction in the Charter not to intervene in the domestic affairs of a State. There was no doubt, however much the Government of Indonesia might attempt to dispute it, that sovereignty over West New Guinea rested with the Netherlands Government. Sovereignty was the basis of domestic jurisdiction, and the South African delegation could not entertain any thought of directing the Netherlands Government to make that sovereignty the subject of negotiations.

38. The Netherlands Government had stated that it could not entertain any further proposals for a resumption of negotiations. It would therefore be unwise, faced with the objections of one of the main parties concerned, to adopt such a resolution. To do so would be to make the United Nations a sounding-board for disharmony and a meeting place for the cultivation of unfriendly relations among States.

39. In paragraph 2, the Secretary-General was invited to assist the parties to the dispute, but, in the face of the unwillingness of one of the parties to resume negotiations, such an invitation would not only place the Secretary-General in an invidious position, but would also provide him with considerable personal difficulties.

40. Paragraph 3 seemed to be designed to perpetuate the item on the agenda year after year, as a source of disharmony.

41. In those circumstances, the delegation of the Union of South Africa would vote against the Indonesian draft resolution (A/C.1/L.109), and against any other text with the same objectives.

42. Mr. du Plessis reserved his right to speak on the eight-Power draft resolution (A/C.1/L.110) which had just been introduced.

43. Mr. NUTTING (United Kingdom) said that quite apart from his delegation's views on the question of the competence of the General Assembly to discuss the problem, there were two main objections to the eight-Power draft resolution (A/C.1/L.110). In the first place, it made no provision for taking into account the wishes of the population of West New Guinea, which seemed to him an essential feature of the present issue. Secondly, although, on the face of it, paragraph 1 of the joint draft appeared somewhat milder in tone than paragraph 1 of the Indonesian draft resolution (A/C.1/L.109), in that it expressed the hope that the Governments of Indonesia and the Netherlands would pursue their endeavours to find a solution, instead of calling upon them to resume negotiations without delay, the joint draft was unacceptable in that paragraph 2 requested the parties to report progress to the tenth session of the General Assembly. It would be impossible, however, for the parties to report progress unless they had, in the meantime, negotiated with each other.

44. For the reasons which Mr. Nutting had given in his statement on the item (728th meeting), as well as for the reasons which had been given by other speakers on the question of the Assembly's competence to consider the item, the eight-Power draft resolution was objectionable. It implied that negotiations must take place, when they clearly could not take place on the basis suggested by the Indonesian Government.

45. The United Kingdom delegation would therefore vote against the eight-Power draft resolution as well as against the Indonesian draft resolution.

46. Mr. KYROU (Greece) observed that his delegation had been inclined to vote in favour of the Indonesian draft resolution; it was also favourably disposed towards the eight-Power draft resolution.

47. Mr. Kyrou expressed gratification at the statement made by the representative of the United Kingdom that his principal reason for opposing the eight-Power draft resolution was that it did not take into account the wishes of the population concerned. Mr. Kyrou took note of that statement in so far as it might apply to another item on the agenda.

48. Mr. BELAUNDE (Peru) recalled that, during the general debate (730th meeting), he had said that the Committee could not accept, in respect of Non-Self-Governing Territories, the establishement or maintenance of a sovereignty which did not involve definite legal responsibility, or a transfer of sovereignty without the consent of the people concerned. The Peruvian delegation had also pointed out that, in the present dispute, there existed a third interested party, and that the Committee, in seeking a satisfactory solution to the problem, should see to it that it was a solution in

nformity with specific principles of the Charter and, particular, that it took into account the interest the inhabitants of the territory.

). In consequence of the maintenance of the *status o*, as it had been defined, the United Nations now ceived certain information from the Netherlands, id the territory was thus to some degree under the otection of the Organization. The United Nations uld not agree that, in a question involving Article of the Charter, a situation should be changed as result of bilateral negotiations.

). The draft resolution submitted by Indonesia (A/ .1/L.109) was based on that concept of bilateral gotiations, and therefore, in view of the aforemenned legal considerations, the Peruvian delegation ould abstain from voting on it.

. Referring next to the eight-Power draft resolun (A/C.1/L.110), Mr. Belaúnde again expressed rtain doubts. In the first place, the second paragraph the preamble seemed to imply that the dispute conrned only two countries. Secondly, the third paragraph of the preamble might be construed as a criticism of the parties for not resorting to the International Court of Justice for an interpretation of the agreement. With regard to the operative part, although Mr. Belaúnde approved of the fact that paragraph 1 expressed the hope that agreement would be reached, and believed that the United Nations should encourage the parties to negotiate a settlemen—such a settlement being all the more urgent in view of the apparent aggravation of the international situation—that paragraph too appeared to imply that the dispute was confined to two countries. Paragraph 1 should contain a reference to the rights and interests of the population of the territory, in accordance with the principles of the Charter. Finally, it was doubtful whether, in conformity with paragraph 2, the present item should be retained indefinitely on the agenda of the General Assembly.

52. The delegation of Peru would therefore abstain in the vote on the eight-Power draft resolution.

The meeting rose at 1 p.m.

rinted in Canada A—41889—March 1955—1,950