

Working Files of the Secretary - General: without
East India (West New Guinea) - General Assembly 9th Session - New Guinea

10/08/1962- 10/08/1962

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CONSTANTIN A. STAVROPOULOS

To : The Secretary-General

Attached you will find a copy of the explanatory memorandum relating to the submission of the Agreement between Indonesia and the Netherlands. You may remember that you had asked me to draft these documents. Subsequently, Ambassador Bunker requested them, and I sent him the drafts on August 7th.

I now understand from Ambassador Bunker that the two parties concerned have suggested that you should include the matter in the agenda on your own behalf, submitting at the same time the appended memorandum. The two Governments will submit the joint draft resolution at the appropriate time.

Personally, I see no legal objection to this procedure and, since the Agreement confers upon you several duties and responsibilities, it is appropriate that you should take the initiative to include the item in the agenda.

A handwritten signature in dark ink, appearing to read 'C. Stavropoulos', with a horizontal line underneath.

10 August 1962

Sir,

On behalf of our Governments, we have the honour to propose, pursuant to rule 15 of the rules of procedure, that the following additional item of an important and urgent character be included in the agenda of the seventeenth regular session of the General Assembly:

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

... An explanatory memorandum and draft resolution are attached in accordance with rule 20 of the rules of procedure.

Accept, Sir, the assurances of our highest consideration.

Permanent Representative of Indonesia

Permanent Representative of the Netherlands

U Thant
Acting Secretary-General
United Nations
New York.

DRAFT EXPLANATORY MEMORANDUM

1. The General Assembly considered the differences which have arisen 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 these differences, but no solution has resulted from past efforts to reconcile them.

2. In recent months, through the good offices of the Acting Secretary-General, Indonesia and the Netherlands have been engaged in negotiations seeking to resolve their differences. 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 August 1962 by representatives of Indonesia and the Netherlands. Instruments of ratification of this Agreement were exchanged at United Nations Headquarters on 1962.

4. The Agreement specifies that Indonesia and the Netherlands will request the inclusion of an item concerning it on the agenda of the seventeenth regular session of the General Assembly. The Agreement further specifies that 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.

5. 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. The Agreement also lays down the modalities for the UNTEA and Indonesian administration of the territory pending the exercise of the right of self-determination of the peoples thereof.

6. 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 31 December 1969.

7. 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.

8. The Governments of Indonesia and the Netherlands hope that the General Assembly will give the highest priority to this item, as the 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. In accordance with rule 20 of the rules of procedure, and in order to enable prompt action, a draft resolution is submitted herewith for the consideration of the Assembly.

DRAFT RESOLUTION

The General Assembly,

Noting with appreciation that the Governments of Indonesia and the Netherlands have reconciled their differences concerning West New Guinea (West Irian) by peaceful means;

Noting also, the successful efforts of the Acting Secretary-General to bring about this reconciliation;

Having considered the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian);

1. Takes note of the Agreement;
2. Authorizes the Secretary-General to carry out the tasks entrusted to him in the Agreement.

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

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.