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29/05/1962 - 29/05/1962

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29 May 1962

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THE QUESTION OF WEST IRIAN (WEST NEW GUINEA)

BEFORE THE UNITED NATIONS

Introduction

1. The Charter of the Transfer of Sovereignty agreed upon at the Round Table Conference at the Hague on 2 November 1949 between the Netherlands and Indonesia provided that the Kingdom of the Netherlands would transfer unconditionally and irrevocably complete sovereignty over Indonesia to the Republic of the United States of Indonesia. However, conflicting viewpoints between the parties were maintained as to whether the transfer of sovereignty over Indonesia should also include the residency of New Guinea. The Round Table Conference eventually adopted a compromise, according to which the status quo of the residency of New Guinea was maintained with the stipulation that within a year from the date of the transfer of sovereignty (27 December 1949) the political status of New Guinea should be determined through negotiations between the Republic of the United States of Indonesia and the Kingdom of the Netherlands.

2. During 1950 and 1952, three conferences were held between the representatives of the Netherlands and Indonesia; in addition an ad hoc committee studied the question. Each side made a number of proposals but no agreement could be reached on a joint recommendation.

3. On 10 August, 1954, after a conference at the Hague, the Netherlands and Indonesia reached an agreement to dissolve the Netherlands-Indonesian union. As a pre-condition to the holding of this conference, the Netherlands had stipulated that no discussion should take place regarding the future status of West New Guinea, and accordingly none was held.

4. Another conference between the Netherlands and Indonesian Governments was held between 10 December 1955 and 11 February 1956 at Geneva. Among the items listed on the agreed agenda was "Discussions on certain problems concerning New Guinea, it being understood that, with respect to the sovereignty, each party maintains its own position." The conference however adjourned on 11 February 1956 without having succeeded in reaching a positive agreement. On 14 February 1956 the Government of Indonesia withdrew from the Netherlands-Indonesian union and informed the Netherlands Government that it no longer considered itself bound by the union statute or by any of the agreements and exchanges of letters attached thereto, which it considered as abrogated as from that day.

General Assembly Action

5. Indonesia, either directly or through friendly states, brought the question before the General Assembly during four consecutive years, 1954-1957. The Assembly took the following action:

1954 - Ninth Session

Draft resolution (introduced by Argentina, Costa Rica, Cuba, Ecuador, El Salvador, India, Syria and Yugoslavia) whereby the General Assembly would

- (1) Express the hope that the Governments of Indonesia and the Netherlands would pursue their endeavours in respect of the dispute that now existed between them to find a solution in conformity with the principles of the Charter of the United Nations; and
- (2) Request the parties to report progress to the tenth regular session of the General Assembly.

This draft resolution was adopted by the First Committee by a vote of 34 to 14 with 10 abstentions but at the 509th plenary meeting on 10 December 1954 it failed to be adopted in view of the two-thirds rule. The draft resolution was voted upon in parts which received between 33 and 34 votes in favour, while there were from 21 to 23 against and 3 to 5 abstentions.

1955 - Tenth Session

When the First Committee, on 12 December 1955, began to consider the item, negotiations between the Netherlands and Indonesia had just opened. In view of these circumstances, a resolution was adopted without objection, both in the Committee and in the Plenary - Resolution 915(X) of 16 December 1955 - in which the Assembly expressed the hope that the negotiations would be fruitful.

1956-57 - Eleventh Session

The negotiations referred to above were held in Geneva between December 1955 and February 1956, but failed to result in an agreement. As a consequence the question was once more brought to the Assembly, this time by 16 African and Asian States. On 28 February 1957 the First Committee adopted a draft resolution that would

- (1) Request the President of the General Assembly to appoint a Good Offices Commission consisting of three members, with a view to assisting in negotiations between the Governments of Indonesia and the Netherlands in order that a just and peaceful solution of the question might be achieved, in conformity with the Principles and Purposes of the Charter; and
- (2) Request the Good Offices Commission to report to the General Assembly at its next regular session.

Later on the same day, the General Assembly failed to adopt the draft resolution in view of the two-thirds rule. It received 40 votes in favour, 25 against and 13 abstentions.

1957 - Twelfth Session

This time the item was submitted by 21 Asian and African members. On 26 November 1957, the First Committee adopted a 19-power draft resolution which would

- (1) Invite both parties to pursue their endeavours to find a solution of the dispute in conformity with the principles of the United Nations Charter; and
- (2) Request the Secretary-General to assist the parties concerned, as he deemed it appropriate, in the implementation of this resolution and to submit a report of progress to the General Assembly at its 13th Session.

At its 724th plenary meeting, on 21 November 1957, the General Assembly failed to adopt the draft resolution submitted by the First Committee, in view of the two-thirds rule. The vote was 41 in favour, 29 against and 11 abstentions.

6. 1961 - Sixteenth Session

This time, the item was submitted by the Netherlands as part of Agenda Item 88, "The Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples". There were three resolutions, one by the Netherlands (A/L.354/Rev.1) which proposed to set up a United Nations Commission to investigate the possibility of an early implementation of the de-colonialisation resolution in respect to the area. This Commission would also investigate the possibility of organising a plebiscite under U.N. supervision and the desirability and possibility of bringing the territory during an interim period partially or wholly under the administration of an International Development Authority, established by and operating under the United Nations.

This draft resolution was eventually withdrawn in favour of one submitted by 13 members of the Brazzaville group (A/L.368) which

- (1) Urged the two Governments to resume negotiations without delay with a view to reaching an agreement on the future of the territory, without prejudice to respect for the will and self-determination of the peoples;

- (2) Requested the Secretary-General to use his good offices in the negotiations by taking, in relation to the two Governments, all possible steps to facilitate resumption and continuance of those negotiations;
- (3) Decided to establish a United Nations Commission of five members. This Commission would begin operating only if the parties had not reached a negotiated agreement by 1 March 1962; it would
 - (a) carry out an investigation into the conditions prevailing in the territory;
 - (b) examine the possibilities of establishing, for an interim period, an international system for the administration and supervision of the territory;
 - (c) report to the General Assembly at its 17th Session.

It was specified that sub-paragraph (b) would not pre-judge the right of the population to decide in the last resort the status of the territory.

This draft resolution was voted upon on 27 November 1961 and failed to obtain the required two-thirds majority. The vote was 53 in favour, 41 against, 9 abstentions.

The third draft resolution was introduced by Bolivia, India and seven other African and Asian members (A/L.367/Rev.1) and would

- (1) Urge the two Governments to engage themselves in further negotiations under the aegis of the President of the General Assembly, with a view of finding a solution of the question in conformity with the purposes and principles of the United Nations Charter; and
- (2) Request the President to facilitate bilateral negotiations, envisaged in paragraph 1 above, under his auspices. It further would request the two Governments to co-operate in the implementation of the first paragraph and to report to the United Nations General Assembly at its 17th Session.

This resolution, voted upon in the same session, equally failed to be adopted, in view of the two-thirds rule. There were 41 votes in favour, 40 against and 21 abstentions.