

Working Files of the Secretary - General: U Thant
East Timor (West New Guinea) Preliminary Understanding and Points for Negotiations

26/07/1962 - 03/08/1962

PLEASE RETAIN
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UN ARCHIVES
SERIES 0884
BOX 22
FILE 4
ACC. JAL 1/5.2.4

Nov. 01
MP

Sent to me via US Mission.

28/3/62
3:00 p.m.

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286.

March 26, 1962

Dear Mr. President:

I was greatly distressed to see in the press reports that you had decided not to send Ambassador Malik back to continue the talks we had been holding in secret here. Because I believe a continuance of these talks concerns both the vital national interests of Indonesia and the Netherlands as well as world peace and stability, I am taking the liberty of sending you my appraisal of the talks and my personal appeal that they be allowed to continue.

First let me say that I was deeply gratified by the cooperative and friendly spirit in which the talks were conducted by both parties. Though I had not previously been acquainted with any of the delegates, I was quickly impressed by the sincerity and seriousness with which they approached their task. I was heartened by the obvious desire of both sides, a desire which I am sure still exists, to reach an agreement on an agenda for formal negotiations which would give reasonable grounds for expectations that these negotiations would lead to a settlement that both could accept with honor.

I believe that in the course of our explorations we developed wide areas of agreement. It is clear to me that little difference remains as between the ultimate objectives of both parties. For example, both sides agree that Dutch administration in West New Guinea should come to an end. Both concur that some sort of intermediate administrative authority would be advantageous in accomplishing this. Your delegation clearly presented your government's view that the end result of interim arrangements should be the assumption of administrative authority by Indonesia, and I personally am persuaded that a continuation of the negotiations will produce this result. The viewpoints of the two delegations seem identical with respect to the desirability of normalizing relations between the two countries.

/What does

His Excellency
Doctor Achmed Sukarno,
President of Indonesia.

What does remain relates largely to modalities and timing of the transfer of administrative control and of the expression by the Papuans of freedom of choice. Since the Netherlands Government agrees that its administrative control should end and since the Indonesian Government had indicated its willingness to honor the commitments made by the Netherlands, it seems to me that the basis for a peaceful solution not only exists but should be diligently pursued. In fact I may go so far as to say that in my opinion the area of agreement between the parties which has become evident as a result of our preliminary talks is so broad that it is inconceivable to me that they should be permitted to fail.

I am convinced, Mr. President, that we have not by any means exhausted the possibilities of developing an agenda that will lead to fruitful negotiations under the auspices of the United Nations. I am persuaded that it would be an act of high statesmanship on your part were you to authorize the talks to resume in secret; an act which would receive the blessing not only of your own countrymen, but of the community of all peace-loving nations.

With my respect and high regards,

Sincerely yours,

Ellsworth Bunker

1 August 1962

The following Aide Memoire was handed over to Mr. Subandrio, Foreign Minister of Indonesia, on 31 July 1962, at his request, after consultation with Ambassador Ellsworth Bunker:

AIDE - MEMOIRE

The following is my understanding in regard to 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 1 January 1963 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.

U Thant
Acting Secretary-General

Dear Mr. Secretary General:

I should like to inform you of developments which have taken place since March 1962 when the Governments of Indonesia and The Netherlands agreed to the suggestion that I undertake, as a disinterested third party, to participate in meetings between them to find a peaceful and mutually acceptable solution to their dispute.

Meetings took place from March 20-22 and I was deeply gratified by the spirit of cordiality which prevailed. Although no specific agreement was reached, these talks revealed attitudes and positions which in my view are reconcilable. The nature and scope of disagreement also was more clearly defined.

In order that further conversations might have more specific direction, I formulated and communicated to both governments on April 2, 1962 a six point proposal and recommended that it be accepted as the basis for resumed meetings. I have assured both sides that acceptance of the

proposal for this purpose would in no way commit either government to any portion of it until full and mutually satisfactory agreement had been reached on all of its points.

I am hopeful that I soon will be able to advise you of arrangements for resumed meetings on the basis of both governments' acceptance of these suggestions.

In making this interim report and in forwarding to you the enclosed text of the proposal which I have mentioned, I wish to express my appreciation for the honor you have accorded me by your supports and encouragement in my task. In view of the interest of the UN in this matter, you may wish to consider whether this interim report should be made available to the membership for its information.

Sincerely yours,

Ellsworth Bunker



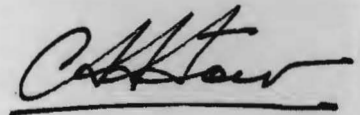
CONSTANTIN A. STAVROPOULOS

The Secretary-General,

Draft Agreement
for your meeting.

CHS

3-8-62



FIRST DRAFT

3 August 1962

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

PRELIMINARY UNDERSTANDING
BETWEEN THE GOVERNMENTS OF
INDONESIA AND THE NETHERLANDS

The Governments of the Republic of Indonesia and the Kingdom of the Netherlands,

Recalling the tradition of friendly relations between their peoples,

Having in mind the interests and welfare of the peoples of the territory of West New Guinea (West Irian) hereinafter referred to as "the territory",

Desirous of settling the differences which have arisen regarding the territory,

Now, therefore, agree as follows:

Article I

Submission of Agreement to the General Assembly of the United Nations

Immediately after the exchange of the instruments of ratification of the present Agreement in accordance with the terms of Article X, paragraph 2, hereof, the parties to the present Agreement will jointly request the inclusion of an item on the agenda of the seventeenth regular session of the General Assembly of the United Nations concerning the present Agreement. The two Governments will submit with their request the present Agreement, together with a draft resolution whereby the General Assembly would take note of the present Agreement and would authorize the Secretary-General of the United Nations to carry out the tasks entrusted to him therein.

31 July, 1962

Subject to amplification during formal negotiations and ratification, representatives of the Governments of Indonesia and the Netherlands have reached preliminary understanding on the following elements of a settlement of the West New Guinea (West Irian) dispute:

Ratification of Agreement
and Resolution of the General
Assembly of the United Nations

1. After the formal agreement between the Governments of the Netherlands and Indonesia has been signed and ratified by both parties, the Netherlands and Indonesia will jointly sponsor a draft resolution in the United Nations under the terms of which the General Assembly takes note of the formal agreement (acknowledges the role of the United Nations in the said agreement), and authorizes the Secretary-General to carry out the tasks entrusted to him in the agreement.

Article II

Transfer of Administration

1. The administration of the territory will be transferred by the Netherlands, in accordance with the terms of the present Agreement, to a United Nations Temporary Executive Authority, hereinafter referred to as the "UNTEA", established by and under the jurisdiction of the Secretary-General.

2. The arrival in the territory of the United Nations Administrator appointed in accordance with Article III, paragraph 1, hereof, will signify the transfer of the administration to the UNTEA.

3. The UNTEA will in due course transfer the administration of the territory to Indonesia in accordance with Article IV, paragraphs 4 and 5, hereof.

Article II bis

1. Immediately upon the entry into force of the present Agreement the Netherlands, in order to facilitate the transfer of administration to the UNTEA, will invite the Secretary-General to send a representative to consult [briefly] with the Netherlands Governor concerning arrangements for the transfer of the territory and the arrival of the United Nations Administrator.

2. The Netherlands Governor will depart from the territory [prior to the arrival of the United Nations Administrator] or/and [within two weeks of the coming of force of the present Agreement].

Transfer of Administration

2. After the adoption of the resolution referred to in paragraph 1, the Government of the Netherlands will transfer administration of the territory to a United Nations Temporary Executive Authority (UNTEA) upon the arrival of the United Nations Administrator appointed in accordance with paragraph 4. The UNTEA will in turn transfer the administration to Indonesia in accordance with paragraph 11.

United Nations Administration

3. In order to facilitate the transfer of administration to the UNTEA after the adoption of the resolution by the General Assembly, the Government of the Netherlands will invite the Secretary-General to send a representative to consult briefly (for example, one week to ten days) 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 III

UNTEA Administration

1. Immediately upon the entry into force of the present Agreement, the Secretary-General will appoint a United Nations Administrator acceptable to the Governments of Indonesia and the Netherlands

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

3. The Papuan Volunteer Corps and the Indonesian armed forces in the territory will be under the authority and at the disposal of the United Nations Administrator upon his arrival in the territory. The Netherlands armed forces will also be under the authority of the United Nations Administrator and will be repatriated as rapidly as possible after the arrival of the United Nations Administrator.

4. To maintain law and order in the territory a United Nations security force will be constituted to consist primarily, to the extent considered feasible by the United Nations Administrator, of the existing Papuan police force. This force will be supplemented by such other personnel as the Secretary-General will provide the United Nations Administrator at his request. The United Nations Administrator may also, at his discretion, use Indonesian armed forces for the purpose of maintaining law and order.

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

5. 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 United Nations administration in accordance with the terms of the agreement.

6. 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 police in the task of maintaining law and order. The Papuan Volunteer Corps and the Indonesian armed forces in the territory will be under the authority of, and at the disposal of, the Secretary-General. The United Nations Administrator will, to the extent feasible, use the Papuan 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 United Nations Administrator.

(For paragraph 7 see Article IV, paragraph 6, of the draft agreement below.)

Article IV

Initial and Final Phases of the UNTEA Administration

1. During the first phase of the UNTEA administration which will be completed on 1 May 1963, the United Nations Administrator will, as rapidly as possible, replace the senior Netherlands officials referred to in Annex A to the present Agreement with other officials not being of Indonesian or Netherlands nationality. The United Nations Administrator may employ all Netherlands officials, other than those referred to in Annex A, who wish to serve the UNTEA on secondment . . . on a temporary basis, and in accordance with such terms and conditions as the Secretary-General may specify. As many Papuans as possible will be brought into administrative and technical positions. To fill the remaining required posts, the United Nations Administrator may employ personnel provided by Indonesia.

2. Upon the transfer of administration by the Netherlands and during the UNTEA administration, the UNTEA will widely publicize and explain the terms of the present Agreement, and will inform the population of the forthcoming transfer of administration to Indonesia and of the provisions for the exercise of the right of self-determination as specified in the present Agreement.

3. During the UNTEA administration, existing laws and regulations will remain in effect to the extent that they are deemed by the United Nations Administrator to be consistent with the letter and spirit of the present Agreement. The United Nations Administrator may promulgate new laws and

First Phase of United Nations Administration

8. The United Nations Administrator will replace as rapidly as possible top Dutch officials as defined in Annex A with non-Dutch, non-Indonesian officials during the first phase of United Nations administration which will be completed on May 1, 1963. The United Nations Administrator will be authorized to employ on a temporary basis all Dutch officials other than top Dutch officials defined in Annex A, who wish to serve the UNTEA. As many Papuans 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.

9. Immediately after the transfer of administration to the United Nations, the UNTEA will widely publicize and explain the terms of the Dutch-Indonesian 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 agreement.

10. To the extent that they are consistent with the letter and spirit of the 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 agreement. The

regulations or amend those already in existence within the spirit and framework of the present Agreement. The United Nations Administrator will consult the representative councils prior to the issue of new laws and regulations or the amendment of existing laws.

4. During the final phase of the UNTEA administration after 1 May 1963 the UNTEA will, as soon as possible within the discretion of the United Nations Administrator, transfer all or part of the administration to Indonesia.

5. After 1 May 1963, the United Nations personnel provided by the Secretary-General and referred to in Article III, paragraph 4, of the present Agreement will, in accordance with a time-table prepared by the United Nations Administrator, be replaced by Indonesian security forces. All such United Nations personnel will be withdrawn upon the transfer of full administrative control to Indonesia.

6. The authority of UNTEA will cease upon the transfer of full administrative control to Indonesia.

representative councils will be consulted prior to the issuance of new laws and regulations or the amendment of existing laws.

Second Phase

11. 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 United Nations administration (i.e., after May 1, 1963). The United Nations Administrator's authority will cease at the moment of transfer of full administrative control to Indonesia.

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

7. The United Nations Administrator will submit periodic reports to the Secretary-General on the principal aspects of the implementation of his mandate. The Secretary-General will submit full reports to the Parties to the present Agreement and may submit, at his discretion, [summary] reports to the General Assembly or to all Members of the United Nations.

Article V

Indonesian Administration and the Exercise of the Right of Self-Determination

1. Upon the transfer of full administrative responsibility to Indonesia the national laws and regulations of Indonesia will [in principle] be applicable to the territory to the extent that they are consistent with the rights and freedoms guaranteed to the inhabitants under the terms of the present Agreement. New laws and regulations, or amendments to those existing, may be enacted within the spirit of the present Agreement in which event the representative councils will be consulted [as appropriate].

2. After the transfer of full administrative responsibility to Indonesia, and prior to the exercise of the right of self-determination as specified in the present Agreement, the primary task of the Indonesian administration will be intensification of the

7. The United Nations Administrator will send periodic reports to the Secretary-General on the principal aspects of the implementation of the agreement. The Secretary-General will submit full reports to the Governments of Indonesia and the Netherlands and may submit, at his discretion, summary reports to the General Assembly or to all United Nations members.

Indonesian Administration and Self-Determination

13. 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 this agreement. New laws and regulations or amendments to the existing ones can be enacted within the spirit of the agreement. The representative councils will be consulted as appropriate.

14. In the first years after the transfer of full administrative responsibility to Indonesia, the primary task of the Indonesian administration will be intensification of the education of the people, the combatting of illiteracy, and the advancement of their social

education of the people of the territory, the combatting of illiteracy, and the advancement of their social, cultural and economic development. After the transfer of full administration to Indonesia, efforts will be made in accordance with [present] Indonesian practice to accelerate the participation of the people of the territory in local government through periodic elections. Any aspects relating to the right of self-determination will be governed by the terms of the present Agreement.

3. At the time of and following on the transfer of full administrative responsibility to Indonesia a number of United Nations experts, as deemed adequate by the Secretary-General after consultation with the Government of Indonesia, will be designated to remain, wherever their duties require their presence, to advise on and assist in preparations for carrying out the provisions of the present Agreement relating to the exercise of self-determination and to perform such other functions as may be agreed upon between Indonesia and the Secretary-General. To enable the proper performance of their functions such personnel will be free to travel throughout the territory. They will be responsible to the Secretary-General to whom they will report on the performance of their functions.

cultural and economic development. After the transfer of administration to Indonesia, efforts 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.

15. At the time of the transfer of full administrative responsibility to Indonesia a number of United Nations technical [assistance] personnel, as deemed adequate by the Secretary-General after consultation with the Government of 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. They will be responsible to the Secretary-General for the carrying out of their duties.

NOTE FOR THE SECRETARY-GENERAL

Paragraph 7, as presently drafted along the lines of the preliminary understanding is not at all clear as to the extent of United Nations participation. Is it participation only in "making arrangements" or also participation in carrying out the various measures referred to in sub-paragraphs a, b, c, and d? The first interpretation would mean the United Nations role is little more than symbolic, and the Organization would have no control over the conduct of self-determination at all. I would, myself, prefer the opening sentence of this paragraph to read as follows:

"Indonesia will be responsible for making arrangements for the exercise of the right of self-determination. The United Nations Representative and his staff will assist and participate in making and carrying out such arrangements, including:"

I believe this formulation would strengthen the position of the United Nations, and avoid possible conflicts with Indonesia at the time. I would be grateful if you could indicate whether you wish me to submit this text rather than the one presently contained in the draft.

3 August 1962.

4. The Secretary-General will advise, assist and participate in arrangements made by Indonesia for the exercise of the right of self-determination by the peoples of the territory. Indonesia will invite the Secretary-General to appoint a United Nations Representative to discharge his responsibilities in this respect.

5. The Secretary-General will appoint the United Nations Representative referred to in the previous paragraph of this Article at the requisite time to enable the Representative to assume his duties one year prior to the estimated date for the exercise of the right of self-determination.

6. The United Nations Representative will be assisted by a staff made up of the United Nations experts referred to in paragraph 3 of this Article and of such additional staff as the Secretary-General determines to be necessary after consultation with the Government of Indonesia. To enable the proper performance of their functions, the United Nations Representative and his staff will be free to travel throughout the territory.

7. Indonesia will make arrangements, with the assistance and participation of the United Nations Representative and his staff, for the exercise of the right of self-determination, including:

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

16. Indonesia will invite the Secretary-General to appoint a representative who, together with a staff made up, inter alia, of personnel in paragraph 15, 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 the Government of Indonesia.

17. 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) which 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 for the exercise of the right of self-determination within the period established in paragraph 9 of this Article;

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 establishment of the lists of persons to participate in the act of self-determination on the basis of the eligibility of all adults, male and female, not foreign nationals, who are resident at the time of the coming into force of the present Agreement and at the time of the act of self-determination and also those residents who departed after 1945 and who return to the territory to resume residence after the termination of Netherlands administration.

8. The United Nations Representative will report to the Secretary-General on the arrangements arrived at for the exercise of self-determination.

9. The act of self-determination will be completed not later than 31 December 1969.

10. 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, its observation by the United Nations Representative and his staff, and the results of the act of self-determination.

b. The determination of the actual date of the exercise of free choice within the period established by this 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 who are resident at the time of the signing of the 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.

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

19. The act of self-determination should be completed not later than 1969.

20. 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.

Article VI

Rights of the Inhabitants of the Territory and Other Matters

Rights of the Inhabitants

1. The UNTEA, during the period of its administration of the territory, and subsequently Indonesia will fully guarantee the rights of the inhabitants of the area, including their rights of free speech, freedom of movement and of assembly, and such other rights as existed at the time of the transfer of administration to the UNTEA.

21. 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 UNTEA.

2. For the period of its administration, the UNTEA will take over existing Netherlands commitments in respect of concessions and property rights.

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

3. After Indonesia has assumed full responsibility for the administration of the territory it will honour the commitments specified in the previous paragraph except where they are found, after consultation with the Commission referred to in the following paragraph of this Article, to be inconsistent with the interests and economic development of the people of the territory.

After Indonesia has taken over the administration it will honor 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. After Indonesia has assumed full responsibility for the administration of the territory, Indonesia and the Netherlands will establish a joint commission to review the concessions and property rights referred to in paragraph 2 of this Article and to advise on their disposition

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

During the period of United Nations administration there will be freedom of movement for Indonesians (civilians) to and from the territory.

6. During the period of the UNTEA administration vacancies in the representative councils caused by the

22. Vacancies in the representative councils caused by the departure of Dutch nationals

departure of Netherlands nationals, or for other reasons, will be filled where appropriate by election under existing legislation, or otherwise by appointment by the United Nations Administrator. The representative councils will be consulted prior to the appointment of new representatives, [as appropriate].

Article VII

Financial Matters

1. Deficits in the budget of the territory during the period of the UNTEA administration will be shared equally by Indonesia and the Netherlands.

2. In preparing the UNTEA budget the Secretary-General will consult with the Parties to the present Agreement. The Secretary-General's decision on matters relating to this budget and other financial matters relating to United Nations responsibilities under this Agreement will be final.

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.

[Article VII bis

Results of the act of self-determination

The Parties to the present Agreement will recognize and abide by the results of the act of self-determination referred to in Article V of the present Agreement.]

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

23. Deficits during the United Nations administration will be shared equally by Indonesia and the Netherlands. The Governments of the Netherlands and Indonesia will be consulted by the Acting Secretary-General in the preparation of the UNTEA budget; however, the Acting Secretary-General will have the final decision.

Article VIII

Effects of the present Agreement on prior Treaties and Agreements

1. In the event of a conflict between the provisions of the present Agreement and any prior Agreement or Treaty between the Parties to the present Agreement concerning the territory, the present Agreement will prevail. Prior Agreements and Treaties on the territory may therefore be terminated by agreement between the Parties to the present Agreement or amended to conform to the terms of the present Agreement.

[The sense of Paragraph 25 of the preliminary understanding will be included in a separate Joint Declaration, or exchange of notes, dated the day of the signature by both parties of the present Agreement.]

Article IX

Privileges and Immunities

1. For the purposes of the present Agreement, the Governments of 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 III, paragraph 1, hereof, and the United Nations Representative, appointed pursuant to Article V, paragraphs 4 and 5, hereof, will enjoy the privileges and immunities specified in Section 19 of the Convention on the Privileges and Immunities of the United Nations [that is, diplomatic privileges and immunities].

Previous Treaties and Agreement

24. The Dutch-Indonesian agreement will take precedence over any previous agreement on West New Guinea. Previous treaties and agreements regarding West New Guinea (West Irian) may therefore be terminated or adjusted as necessary to conform to the terms of this agreement.

Resumption of Diplomatic Relations

25. After this agreement has been signed, the Governments of Indonesia and the Netherlands will resume diplomatic relations.

No provision.

Article X

Ratification

1. The present Agreement will be ratified in accordance with the constitutional procedures (requirements) of the Contracting Parties. No provision.
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 of the United Nations 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.

Article XI

Entry into force

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. No provision.
2. The terms of this Agreement cannot be modified except by mutual consent of the Contracting Parties.]
3. 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, and article 4 of the Regulations to give effect to that Article, adopted by resolution 97 (I) of the General Assembly of the United Nations as modified by its resolutions 364 B IV and 482 (V).

Article XII

Authentic texts

The present Agreement is drawn up in the Indonesian,

Dutch and] English language(s), all three texts being
equally authentic. [The English authentic text will
prevail in case of divergent interpretation of the
Indonesian and Netherlands texts.]

No provision.

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

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

For the Government of the
Republic of Indonesia

For the Government of the
Kingdom of the Netherlands