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West Irian (West New Guinea) - General Assembly 27th Session - New Guinea

19/07/1962 - 21/09/1962

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NETHERLANDS DELEGATION
TO THE SEVENTEENTH SESSION
OF THE GENERAL ASSEMBLY

CHECK AGAINST DELIVERY

Statement by Ambassador C.W.A.Schurmann
in the General Assembly on 21 September 1962.

Item 89 : Agreement between the Republic of
Indonesia and the Kingdom of the
Netherlands concerning West New
Guinea (West Irian).

Mr. President,

The Netherlands delegation recommends the
adoption of the draft resolution contained in document
No. A/L. 393 and jointly sponsored by Indonesia and
the Netherlands. Under the terms of this resolution
the General Assembly

- a) takes note of the agreement signed on behalf
of the Republic of Indonesia and the Kingdom
of the Netherlands at Headquarters of the
United Nations in New York on 15 August, 1962
and subsequently ratified by both Contracting
Parties;
- b) acknowledges the role conferred upon the
Secretary-General of the United Nations in
that Agreement, and
- c) authorizes the Secretary-General to carry out
the tasks entrusted to him in the Agreement.

-My-

My Government hopes that this matter may be dealt with expeditiously and that the Assembly will approve this resolution. It is only when the General Assembly shall have adopted the resolution that the Agreement, reached between the Netherlands and Indonesia, will enter into force and it is only from then on that all those clauses in this Agreement which refer to actions by the Secretary-General can become effectively operative. For the Netherlands the part to be played by the Secretary-General is of the utmost importance.

Now that the Parties have devised and agreed to a settlement it would be both surly and redundant to revert once more to the long history of this conflict between the Netherlands and Indonesia. I do feel it my duty, however, to make, for the benefit of the members of the General Assembly, some comments about the reasons that have compelled the Netherlands Government to sign the Agreement and to recommend its ratification to our Parliament.

As must be abundantly clear to all those who have followed the debates on this subject, the New Guinea question was not a colonial problem. The repeated statements culminating in the proposals made by the Netherlands in the XVIth General Assembly left no doubt about our wholehearted acceptance of the principles and the terms of the decolonisation-resolution, nor about our offer to leave the territory at once and to hand over its administration to an international body, provided only that this body should see to it that the population of the territory could freely exercise its right of self-determination.

No, Mr. President, the New Guinea question was not a colonial problem; it is a chapter in the history of the right of self-determination. Although this right, inscribed as a principle in our Charter, is continually being extolled by all and sundry, the disagreements on its practical application were such that our offer was not accepted by the necessary two thirds of the membership of the General Assembly.

Of what happened after that I will say only this: that the Netherlands Government regrets that in this instance no effective remedy was to be found against the use of force, contrary to the obligations of States under the Charter of the United Nations. As a result the Netherlands was faced with the choice between either

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fighting in self-defense or resigning itself to transfer of the territory to Indonesia without a previous expression of the will of the population. War would have meant exposing the Papuans and their country to death and destruction and many Dutchmen and Indonesians to the horrors of combat -without providing a sensible solution to the problem. And so, with a heavy heart, the Netherlands Government decided to agree to the transfer of the territory to Indonesia on the best conditions obtainable for the Papuan population. My Government would not have been prepared so to decide, however, had not the Agreement now before you provided for participation of the United Nations in the exercise of the right of self-determination. Allow me, Sir, to read out to you some of the most significant clauses referring to the role of the United Nations in safeguarding this as well as other rights of the population of West New Guinea.

First of all I would draw your attention to the first paragraph of Article XXII, which says that :

"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 the UNTEA."

and to the last sentence of Article XV, stating that:

"Any aspects relating to the act of free choice will be governed by the terms of this Agreement."

Then, I come to the Articles determining the United Nations machinery to be set up for the supervision of the exercise of the right of self-determination. These are Articles XVI and XVII, reading as follows:

"Article XVI: At the time of the transfer of full administrative responsibility to Indonesia a number of United Nations experts, as deemed adequate by the Secretary-General after consultation with 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

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carrying out the provisions for self-determination except in so far as Indonesia and the Secretary-General may agree upon their performing other expert functions. They will be responsible to the Secretary-General for the carrying out of their duties.

Article XVII: Indonesia will invite the Secretary-General to appoint a Representative who, together with a staff made up, inter alia, of experts referred to in Article XVI, 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 Indonesia. The United Nations Representative and his staff will have the same freedom of movement as provided for the personnel referred to in Article XVI."

And finally we have the Articles providing for the manner in which the people of the territory are to be given the opportunity to exercise freedom of choice. They are Articles XVIII, XIX, XX and XXI, which lay down the following rules:

"Article XVIII: 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) with 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 of the exercise of free choice within the period established by the present 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 to be carried out in accordance with international practice, who are resident at the time of the signing of the present 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.

Article XIX: The United Nations Representative will report to the Secretary-General on the arrangements arrived at for freedom of choice.

Article XX: The act of self-determination will be completed before the end of 1969.

Article XXI: 1/ 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.

2/ The Parties to the present Agreement will recognize and abide by the results of the act of self-determination.

The Agreement, which provides for a United Nations Temporary Executive Authority, also states in Article XXIV:

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

2/ Indonesia and the Netherlands will be consulted by the Secretary-General on the preparation of the UNTEA budget and other financial matters relating to United Nations responsibilities under the present Agreement; however the Secretary-General will have the final decision.

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.

As a result of this stipulation the United Nations will not be burdened with any of the costs incurred by the performance of its task.

As I said before, the New Guinea question is not - and never has been - a colonial problem; it is a chapter in the history of the right of self-determination. Its final part will open with the resolution which, I trust, will be adopted by this Assembly; it will close when "the act of self-determination will be completed", that is to say "before the end of 1969". This final part of the chapter may be one that tells of sorrow and disappointment; it may also become the story of the vindication of the rights and principles of our Charter and the happy and successful strengthening of the rule of law in that part of the world. We hope and trust that the latter will be the case and that the end of the chapter will be written in a mode of good will and good faith.

The Papuan people are not unknown strangers to the Members of the United Nations. Netherlands administration of the territory and Netherlands activities for its development have been openly and publicly conducted. Each year the Netherlands has submitted to the United Nations extensive reports and documentation, not only - as required by Article 73e of the Charter - on the economic, social and educational conditions, but also - beyond the Charter requirement - on development and progress in the political field. Our delegates and their Papuan experts have answered all questions, asked by the members of the Committee on Information and, when the Report of that Committee was dealt with, by the Members of the General Assembly. Whenever necessary they have transmitted additional information. To this day the territory and its life have been an open book.

When the UNTSEA takes over the administration the transmission of information by the Netherlands will cease. It will not be replaced by the transmission of data which continue to keep the United Nations informed of the progress of the country and people of West New Guinea towards greater development and well-being. The Netherlands/Indonesian Agreement does, however, direct the spotlight of United Nations enquiry on to the right of self-determination. As a result of this Agreement the "free choice", granted to the population of the territory, is no longer exclusively their own concern, nor is it any more a question of Netherlands or Indonesian policy; from now on it is a matter of world concern for which each Member of the United Nations carries a responsibility of the same order as that of the Parties themselves.

- Soon -

Soon the Netherlands will withdraw from West New Guinea, and this withdrawal, forced on us by the circumstances, will make it impossible for the Netherlands people to discharge the obligations to which they feel committed vis à vis the Papuan population. The task of development, to which many Dutchmen have given of their best and to which we contributed \$ 30 million per annum, will not be continued by us but will be the responsibility of others. Nevertheless our feelings of sympathy with this emergent people remain, and it is for that reason that, on the instructions of my Government, I wrote a letter to the Acting Secretary-General of the United Nations on the 10th of August in which I informed him that the Netherlands Government had decided to make available to him annually the sum of ten million dollars, to be allotted by the Secretary-General to the United Nations or any of its specialized agencies as a contribution to any programmes of technical assistance, undertaken by one or more of them for the sole benefit of the population of the territory of West New Guinea.

The offer was made for an initial period of three years and a request was made to inform the Indonesian Government of the offer and to let me know whether it was acceptable to the Secretary-General and to them.

I have as yet had no answer to this letter, Mr. President, but the offer made in it is still valid.

And now, Mr. President, I will end this brief intervention neither with rejoicing nor with recrimination or undue pessimism - in short: neither with a bang nor a whimper. All I wish to say, on behalf of the Government and the people of the Netherlands, is that we hope that this joint resolution, sponsored by Indonesia and ourselves, will be adopted, that thus our Agreement will enter into force and that the United Nations Temporary Executive Authority will find the strength and the wisdom to carry out its task with tact and skill - and finally, that the United Nations will assist the Papuan people on their way to development in such a manner that the outcome of their free choice may redound to the honour and glory of all concerned.

21 September 1962

Mr. President,

By adopting the draft resolution sponsored by Indonesia and the Netherlands, the General Assembly has brought into force the Agreement between these two States concerning West New Guinea (West Irian).

At the same time the Assembly has placed on the Secretary-General a very heavy responsibility indeed. I accept this responsibility and shall endeavour, to the best of my ability, to carry out the tasks entrusted to me under the Agreement.

I feel that this Agreement ^{sets} ~~is~~ an epoch-making precedent. Under it, for the first time in its history, the United Nations will have temporary executive authority (established by and under the jurisdiction of the Secretary-General) over a vast territory.

The Agreement is unique in another respect: although the United Nations has a vital role to play in implementing the Agreement, the general Membership of the Organization will not be required to meet additional financial burdens, as the entire cost of the United Nations operation

will be borne by Indonesia and the Netherlands in equal proportions.

This novel settlement may well be a step in the gradual evolution of the United Nations as an increasingly effective instrument for carrying out policies agreed upon between member Governments for the peaceful resolution of their differences, in line with the Charter.

On this basis, and at the request of the two Governments, I have had to authorise certain steps in connection with the implementation of the Agreement, in anticipation of its approval by the Assembly.

The Agreement itself was made possible because of the spirit of accommodation between the two Governments and their willingness to settle this long standing dispute which had poisoned the relations between the two Governments. I am glad that, with the settlement of this dispute, diplomatic relations are to be resumed and I hope that the future relations between the two Governments will be marked by the same spirit of friendship, understanding and cordiality that made the Agreement itself possible.

Kind words have been said about my role in bringing about this Agreement. ~~I am grateful for these expressions of appreciation.~~

I am grateful for these expressions of appreciation. I would, however, like to point out that a major burden of responsibility was borne, ably and willingly, by Ambassador Ellsworth Bunker, who acted on my behalf during the preliminary negotiations. I have already paid public tribute to his patience, integrity and diplomatic skill which contributed so significantly to the successful conclusion of this Agreement.

The distinguished representative of the Netherlands has just
~~I would like to draw special attention to Article XVIII of the~~
~~Agreement which provides that "Indonesia will make arrangements,~~
~~with the assistance and participation of the United Nations Representative~~
~~and his staff, to give the people of the territory~~ *with* ~~the opportunity to~~
~~exercise freedom of choice". Under Article XX "the act of self-determination~~
~~will be completed before the end of 1969".~~ I am confident that the
 Government of Indonesia will carry out these undertakings, not only
 in the letter and spirit of the Agreement itself, but *also* ~~in~~ the spirit
 of the Charter.

I have already referred to the heavy responsibility which is now placed on the shoulders of the Secretary-General. I know I can count on the co-operation of my devoted colleagues in the Secretariat who have shown in the past that they can always rise to the occasion. We will all count upon the full co-operation of both Governments without which our task cannot be satisfactorily and successfully carried out.

I would like to inform the Assembly that I am arranging for copies of all instruments and documents in connection with this Agreement and the Resolution of the General Assembly thereon to be transmitted to the Security Council for its information.

~~Acting Secretary-General~~