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Chairman: Mr. Víctor A. BELAUNDE (Peru).

AGENDA ITEM 63

**Question of West Irian (West New Guinea)
 (A/3200 and Add.1, A/C.1/L.173) (*concluded*)**

1. The CHAIRMAN requested the representatives to limit their statements strictly to the draft resolution before the Committee (A/C.1/L.173). Those representatives who wanted to avail themselves of their right of reply would be limited to three minutes.

2. Mr. DE LA COLINA (Mexico) saw nothing in the thirteen-Power draft resolution that prejudged the issue or ran counter to the United Nations Charter other than the word "negotiations", which might be interpreted as a proposal to resume, on a predetermined basis, the conversations that had been interrupted. He thought that the Committee should have regard to the feasibility of implementing the draft resolutions it adopted. As one of the parties had already rejected the procedure specified in the draft resolution, it might be preferable for the Committee not to limit itself to a single method of peaceful settlement, but rather to leave the question of method to the parties to decide for themselves. The procedure should be flexible, and the draft resolution which was to be adopted should include a reference to the future welfare of the population of the territory under dispute.

3. The Mexican delegation did not wish to do anything that would increase acrimony or widen the gap between the parties, with both of which Mexico was on friendly terms. He hoped that it would still be possible to draft a resolution that would be agreeable if not to all, at least to the great majority, of the delegations.

4. Mr. VITETTI (Italy) stated that to reach a decision, the General Assembly must take into consideration the controversy itself—its nature, its relation to the principles of the Charter of the United Nations—and not its relation to the general issues or to a general interpretation of the history of the world. The question before the Committee was not one of colonialism, but one of a transfer of sovereignty over the territory of West Irian (West New Guinea) from one Government to another. The views of the Netherlands Government and of the Indonesian Government on the issue were different and were based on different interpretations of a treaty. He felt that the controversy was a legal one and that it was absurd to speak of sovereignty *de jure* and sovereignty *de facto*. It would be very rash to formulate an opinion without full knowledge and with-

out having carefully studied and evaluated the elements of the controversy.

5. He felt that a legal controversy did not necessarily have to be settled in a court; it could be settled by negotiations. But the point was whether the United Nations had the right to recommend to the parties that they settle a legal controversy, not by judicial means, but through negotiations. In the present case, one of the parties had refused to settle the matter by judicial means. Therefore, to impose on the parties the method of negotiation meant to accept the principle that the United Nations could impose negotiations on one party to a controversy because the other one had refused to accept the normal method of settling a legal controversy. He also felt that the United Nations could not ignore the fact that a treaty had been unilaterally abrogated in order to force the other party to negotiate. He did not agree that denouncing a treaty was the best method of revising it.

6. Mr. Vitetti could not see how a good offices commission appointed, not by the parties as was the usual case, but by the President of the General Assembly would serve any useful purpose. The draft resolution implied compulsory negotiations between the parties. Thus, the good offices commission would lose entirely the character it should have.

7. He emphasized that the Committee was going to vote on a draft resolution, a technical matter, and not for or against colonialism, nor for or against freedom. The delegation of Italy would not support the draft resolution, solely because it felt that the draft did not provide the best procedure for dealing with the question.

8. Mr. CARBAJAL-VICTORICA (Uruguay) felt that the problem before the Committee was a colonial one and that it was necessary to liquidate all remnants of the colonial system, as colonialism as an institution did not have a good political aroma. His delegation did not favour political nurseries.

9. He called attention to Chapters XI and XII of the United Nations Charter which, in dealing with the Trust and Non-Self-Governing Territories, referred to questions in which the competence of the United Nations was beyond doubt and which involved human rights and the paramount principle of the self-determination of peoples.

10. He paid tribute to the serenity and lofty spirit with which Indonesia had presented its claims. The Netherlands and Australia had also stated their positions on a high level. However, the Indonesian juridical arguments had not entirely convinced his delegation. According to history, the emancipation of peoples could be brought about, not by juridical formalities, but by resistance to oppression by any foreign régime of domination that was considered unlawful.

11. There might not be any juridical principle to support the claim to the territory, but there might be a political fact which could compel the United Nations

to recognize the legitimacy of the claims of a country which wished to be independent. His country had faced problems of the greatest gravity, and had always maintained the same high principles of freedom and opposition to persecution and dictatorship. His delegation viewed the present problem in the light of those principles. In the view of his delegation, nations were formed by political processes, and it was clear that the people of West Irian had not as yet qualified as a nation. He felt that there existed an administration of the Non-Self-Governing Territory which observed all the obligations established in Chapter XI of the Charter. If a juridical problem existed, it could be referred to the International Court of Justice.

12. Although some Members of the United Nations had severely attacked the Netherlands, the United Nations had praised its administration of Non-Self-Governing Territories. West Irian was a Non-Self-Governing Territory, and the people of the territory should be raised to the point where they could decide their own future. Perhaps they would want union with Indonesia; perhaps they would want their independence.

13. While his delegation had not objected in principle to the draft resolution, he feared that the proposed procedure would encounter the opposition of the Netherlands. He felt that another more effective solution should be considered—perhaps a temporary system of administration. Meanwhile, West Irian was a Non-Self-Governing Territory, and the United Nations should direct its efforts toward leading the people of the territory toward the point where they could exercise self-determination.

14. Mr. KESTLER (Guatemala) said that his delegation believed that the draft resolution before the Committee was the minimum step that the General Assembly could take in the present case. The draft resolution did not in any way prejudice the substance of the dispute, namely, the question of sovereignty over the territory of West Irian. The dispute had no doubt caused international tension and the Assembly could at least recommend negotiations between the parties. The good offices of the United Nations should be put at the disposal of the parties with a view to assisting them in their negotiations in order to find a just and peaceful solution. The delegation of Guatemala would vote in favour of the thirteen-Power draft resolution, reserving its position on the substance of the problem.

15. Mr. WALDHEIM (Austria) said that there was no clear evidence that the people of West New Guinea had expressed their desire to join Indonesia. When the time was ripe, the people of West New Guinea should make their own decision, and their choice must be respected. While the Austrian delegation fully understood the good intentions of the sponsors of the draft resolution, it felt, however, that a good offices commission, as proposed in the draft, could work successfully only if there was agreement between the parties on that procedure. As one of the parties had already indicated its unwillingness to accept it, the Austrian delegation believed that the adoption of the draft resolution would not serve any worthwhile purpose, and it would not, therefore, vote in its favour.

16. The CHAIRMAN put to the vote the draft resolution submitted by Bolivia, Burma, Ceylon, Costa Rica, Ecuador, Ethiopia, India, Iraq, Pakistan, Saudi Arabia, Sudan, Syria and Yugoslavia (A/C.1/L.173).

A vote was taken by roll-call.

Romania, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Romania, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia, Afghanistan, Albania, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Costa Rica, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Poland.

Against: Sweden, United Kingdom of Great Britain and Northern Ireland, Australia, Austria, Belgium, Brazil, Canada, China, Colombia, Cuba, Denmark, Dominican Republic, France, Honduras, Iceland, Ireland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Peru, Portugal.

Abstaining: Spain, Turkey, United States of America, Uruguay, Argentina, Chile, Finland, Laos, Mexico.

The draft resolution was adopted by 39 votes to 25, with 9 abstentions.

17. Mr. YAGI (Sudan), explaining that he had been in the plenary meeting at the time the vote on the draft resolution had been taken, requested that his delegation's vote be recorded in favour of the draft.

18. Mr. PEREZ PEREZ (Venezuela) requested that his delegation's vote be recorded as an abstention.

19. The CHAIRMAN said that the vote could not be changed, but that the statements of the representatives of Sudan and Venezuela would be put on record, and those delegations would have an opportunity to cast their vote on the draft resolution in the plenary meeting of the General Assembly.

20. Mr. MERSINI (Albania), in explanation of his vote, said that his delegation had voted in favour of the draft resolution in the hope that the draft would help in finding a peaceful solution of the question. The question of West Irian had been of serious concern to world public opinion. Recalling the support for Indonesia at the African-Asian Conference at Bandung in 1955, he said that many Member States had recognized Indonesia's legitimate claim to West Irian. Albania had no doubt that West Irian was an integral part of Indonesia and that its geographical position and its historical links with Indonesia bore witness to that fact. Albania could not agree with the point of view that the Netherlands must maintain its administration over West Irian because of the backwardness of the people. If West Irian had made so little progress under Netherlands control, there was all the more reason to transfer it to Indonesia.

21. Mr. SHAHA (Nepal), explaining his vote, stated that his delegation had refrained from taking part in the general debate in the hope that some basis for settlement would emerge which might be acceptable to both the parties to the dispute, as had happened in the questions of Cyprus and Algeria. His delegation regretted that it had not been possible to find such a basis with regard to the question of West Irian. Recalling the arguments of the two parties to the dispute, he said that, if the dispute had been only a legal one, then the General Assembly could have asked the parties concerned to refer their claims to the International Court of Justice. However, Indonesia had based its claim, not only on legal grounds, but also on an important political factor: national freedom as opposed to colonialism. The representative of the Netherlands had, however, argued that his Government had undertaken to train the people

of West Irian for the exercise of their right to self-determination and had been accordingly reporting to the United Nations on the progress of that administration under Article 73 e of the United Nations Charter. The Netherlands had also indicated its unwillingness to negotiate with Indonesia on the basis of the transfer of sovereignty over West Irian. Under those circumstances further negotiations were not likely to produce any results unless the good offices commission were to produce a new basis for them.

22. The delegation of Nepal had voted in favour of the draft resolution without prejudging the question in any way and with the hope that the resumption of negotiations would result in the emergence of a new basis acceptable to both parties.

Completion of the Committee's work

23. The CHAIRMAN declared that the Committee had completed its task. He thanked the Committee for its co-operation and good will. He also paid tribute to the work of Mr. Gunewardene, the Vice-Chairman, Mr. Matsch, the Rapporteur and Mr. Protitch (Under-Secretary for Political and Security Council Affairs), the Secretary of the Committee. He also expressed his appreciation of the work of the other members of the Secretariat.

24. Mr. KHOURI (Lebanon), speaking on behalf of the delegations of the Arab States, Mr. SAWADA (Japan), Mr. TRUJILLO (Ecuador), on behalf of the

Latin American delegations, Mr. van LANGENHOVE (Belgium), Mr. NOBLE (United Kingdom), on behalf of the Commonwealth delegations, Mr. ORDONNEAU (France), Mr. ENTEZAM (Iran), on behalf of the Asian delegations, Mr. SCHURMANN (Netherlands), Mr. DE LEQUERICA (Spain), Mr. CHANG (China), Mr. Krishna MENON (India), Mr. GREENBAUM (United States of America), Mr. DE GRIPENBERG (Finland), on behalf of the delegations of Denmark, Iceland, Norway, Sweden and Finland, Mr. KHOMAN (Thailand), Mr. ZARUBIN (Union of Soviet Socialist Republics), on behalf of his delegation and the delegations of Czechoslovakia, the Ukrainian Soviet Socialist Republic, and the Byelorussian Soviet Socialist Republic, Mr. MENEMENCIOLU (Turkey), Mr. TOV (Israel) and Mr. BELOVSKI (Yugoslavia) congratulated the Chairman on the manner in which he had presided over the proceedings of the Committee, making use of his long experience in, and wide knowledge of, the United Nations. Despite the many highly controversial items on the agenda, the discussions had been dignified and moderate because of the fairness, courtesy and charm of the Chairman. The representatives also paid tribute to the Vice-Chairman, the Rapporteur, and the Secretary of the Committee. They also thanked all the members of the Secretariat who had helped in the work of the Committee.

The meeting rose at 1.05 p. m.