

RESOLUTION ON THE INDONESIAN QUESTION

ADOPTED AT THE 406TH MEETING OF THE SECURITY COUNCIL, 28 JANUARY 1949

THE SECURITY COUNCIL,

RECALLING its resolutions of 1 August 1947, 25 August 1947, and 1 November 1947, with respect to the Indonesian Question:

TAKING NOTE with approval of the Reports submitted to the Security Council by its Committee of Good Offices for Indonesia;

CONSIDERING that its resolutions of 24 December 1948 and 28 December 1948 have not been fully carried out;

CONSIDERING that continued occupation of the territory of the Republic of Indonesia by the armed forces of the Netherlands is incompatible with the restoration of good relations between the parties and with the final achievement of a just and lasting settlement of the Indonesian dispute:

CONSIDERING that the establishment and maintenance of law and order throughout Indonesia is a necessary condition to the achievement of the expressed objectives and desires of both parties;

NOTING with satisfaction that the parties continue to adhere to the principles of the Renville Agreement and agree that free and democratic elections should be held throughout Indonesia for the purpose of establishing a constituent assembly at the earliest practicable date, and further agree that the Security Council should arrange for the observation of such elections by an appropriate agency of the United Nations; and that the representative of the Netherlands has expressed his government's desire to have such elections held not later than 1 October 1949;

NOTING also with satisfaction that the Government of the Netherlands plans to transfer sovereignty to the United States of Indonesia by 1 January 1950, if possible, and, in any case, during the year 1950,

CONSCIOUS of its primary responsibility for the maintenance of international peace and security, and in order that the rights, claims and position of the parties may not be prejudiced by the use of force;

1. CALLS upon the Government of the Netherlands to insure the immediate discontinuance of all military operations, calls upon the Government of the Republic simultaneously to order its armed adherents to cease guerrilla warfare, and calls upon both parties to co-operate in the restoration of peace and the maintenance of law and order throughout the area affected.

/2. CALLS

2. CALLS UPON the Government of the Netherlands to release immediately and unconditionally all political prisoners arrested by them since 17 December 1948 in the Republic of Indonesia; and to facilitate the immediate return of officials of the Government of the Republic of Indonesia to Jogjakarta in order that they may discharge their responsibilities under paragraph 1 above and in order to exercise their appropriate functions in full freedom, including administration of the Jogjakarta area, which shall include the city of Jogjakarta and its immediate environs. The Netherlands authorities shall afford to the Government of the Republic of Indonesia such facilities as may reasonably be required by that Government for its effective function in the Jogjakarta area and for communication and consultation with all persons in Indonesia.

3. RECOMMENDS that, in the interest of carrying out the expressed objectives and desires of both parties to establish a federal, independent, and sovereign United States of Indonesia at the earliest possible date, negotiations be undertaken as soon as possible by representatives of the Government of the Netherlands and representatives of the Republic of Indonesia with the assistance of the Commission referred to in paragraph 4 below on the basis of the principles set forth in the Linggadjati and Renville Agreements, and taking advantage of the extent of agreement reached between the parties regarding the proposals submitted to them by the United States representative on the Committee of Good Offices on 10 September 1948; and in particular, on the basis that:

(a) The establishment of the Interim Federal Government which is to be granted the powers of internal government in Indonesia during the interim period before the transfer of sovereignty shall be the result of the above negotiations and shall take place not later than 15 March 1949;

(b) The elections which are to be held for the purpose of choosing representatives to an Indonesian Constituent Assembly should be completed by 1 October 1949; and

(c) The transfer of sovereignty over Indonesia by the Government of the Netherlands to the United States of Indonesia should take place at the earliest possible date and in any case not later than 1 July 1950;

Provided that if no agreement is reached by one month prior to the respective dates referred to in sub-paragraphs (a), (b), and (c) above, the Commission referred to in paragraph 4 (a) below or such other United Nations agency as may be established in accordance with paragraph 4 (c) below, shall immediately report to the Security Council with its recommendations for a solution of the difficulties.

(a) The Committee of Good Offices shall henceforth be known as the United Nations Commission for Indonesia. The Commission shall act as the representative of the Security Council in Indonesia and shall have all of the functions assigned to the Committee of Good Offices by the Security Council since 18 December, and the functions conferred on it by the terms of this resolution. The Commission shall act by majority vote, but its reports and recommendations to the Security Council shall present both majority and minority views if there is a difference of opinion among the members of the Commission.

(b) The Consular Commission is requested to facilitate the work of the United Nations Commission for Indonesia by providing military observers and other staff and facilities to enable the Commission to carry out its duties under the Council's resolutions of 24 and 28 December 1948 as well as under the present resolution, and shall temporarily suspend other activities.

(c) The Commission shall assist the parties in the implementation of this resolution, and shall assist the parties in the negotiations to be undertaken under paragraph 3 above and is authorized to make recommendations to them or to the Security Council on matters within its competence. Upon agreement being reached in such negotiations the Commission shall make recommendations to the Security Council as to the nature, powers, and functions of the United Nations agency which should remain in Indonesia to assist in the implementation of the provisions of such agreement until sovereignty is transferred by the Government of the Netherlands to the United States of Indonesia.

(d) The Commission shall have authority to consult with representatives of areas in Indonesia other than the Republic, and to invite representatives of such areas to participate in the negotiations referred to in paragraph 3 above.

(e) The Commission or such other United Nations agency as may be established in accordance with its recommendation under paragraph 4 (c) above is authorized to observe on behalf of the United Nations the elections to be held throughout Indonesia and is further authorized, in respect of the Territories of Java, Madura and Sumatra, to make recommendations regarding the conditions necessary (a) to ensure that the elections are free and democratic, and (b) to guarantee freedom of assembly, speech and publication at all times, provided that such guarantee is not construed so as to include the advocacy of violence or reprisals.

(f) The Commission should assist in achieving the earliest possible restoration of the civil administration of the Republic. To this end it shall, after consultation with the parties, recommend the extent to which, consistent with reasonable requirements of public security and the protection of life and property, areas controlled by the Republic under the Renville Agreement (outside of the Jogjakarta area) should be progressively returned to the administration of the Government of the Republic of Indonesia, and shall supervise such transfers. The recommendations of the Commission may include provision for such economic measures as are required for the proper functioning of the administration and for the economic well-being of the population of the areas involved in such transfers. The Commission shall, after consultation with the parties, recommend which if any Netherlands forces shall be retained temporarily in any area (outside of the Jogjakarta area) in order to assist in the maintenance of law and order. If either of the parties fails to accept the recommendations of the Commission mentioned in this paragraph, the Commission shall report immediately to the Security Council with its further recommendations for a solution of the difficulties.

(g) The Commission shall render periodic reports to the Council, and special reports whenever the Commission deems necessary.

(h) The Commission shall employ such observers, officers and other persons as it deems necessary.

5. REQUESTS the Secretary-General to make available to the Commission such staff, funds and other facilities as are required by the Commission for the discharge of its function.

6. CALLS UPON the Government of the Netherlands and the Republic of Indonesia to co-operate fully in giving effect to the provisions of this resolution.

