

Indonesian Government has placed any future negotiations concerning West New Guinea in a very different context from that in which they were envisaged by the Netherlands Government in 1949 when the agreement to negotiate was reached.

My delegation, therefore, consider that the Netherlands Government is on sounder legal grounds in defending its case than the Government of Indonesia which has treated this question as essentially a political rather than a legal matter and has refused to seek an advisory opinion from the International Court of Justice. Even in the preamble of their draft resolution, the Indonesian Delegation refer to "the prolongation of this political dispute". While we would join them in viewing with deep concern the prolongation of the dispute and while we certainly realize that cooperation between the two peoples on the basis of freedom and friendship is still the common objective of both parties, we feel that these ends would be better served by a modification of the premises and the means by which the Indonesian Government are seeking to compel the Netherlands Government to re-open negotiations.

As the distinguished Representative of Indonesia and his Government are well aware, the Canadian Government has from the earliest days followed the emergence and growth of the independence and welfare of the Indonesian people with great interest and sympathy. Our attitude and actions towards them have, I think he will acknowledge, been not unhelpful. He will therefore, I hope, pardon me if I say in all frankness that I cannot concur in his basic thesis that his Government has a right never, in our view, recognized by the United Nations to the territory of West New Guinea - a right to annex from another member of the United Nations a territory and a people which, although adjoining, are and have been quite distinct from the territory and people of Indonesia.

If I might be permitted to make a friendly suggestion to the distinguished Representative of Indonesia, I would point out that his Government could at any time seek a definitive opinion from the International Court of Justice on the conflicting claims to the sovereignty of the disputed territory. It would also be open to the Indonesian Government to raise with the International Court of Justice the question of whether the Netherlands is legally required, under the terms of the Charter of Transfer of Sovereignty, to continue negotiations indefinitely in view of the circumstances of the deadlock which has developed since 1951.

As Prime Minister Nehru said in Singapore on June 17, 1950, the decisive touchstone for the New Guinea problem is "what is right for New Guinea and what does its population want?" Perhaps the greatest difficulty in the Indonesian resolution is that it makes no provision for consulting the inhabitants of West New Guinea. If sovereignty were transferred the provisions and obligations of Chapter 11 of the United Nations Charter which are now being faithfully respected by the Netherlands Government would no longer be applied for the benefit of the population of West New Guinea.