

No. 54/39/UN9/16

WEST NEW GUINEA

The texts of two statements made by Mr. D.M. Johnson, Canadian Permanent Representative to the United Nations, in the First Committee on November 30, 1954, and in plenary session on December 10, 1954, at the ninth session of the United Nations General Assembly, New York, on agenda item 61 - West New Guinea - are attached.

Note: The text of a resolution adopted by the Committee, but rejected in plenary session, and the results of the voting are included at the end of the statements.

Test of statement made by Mr. D. M. Johnson in the First Committee on November 30, 1954.

The Canadian Delegation took no part in the general debate on this item. Like the New Zealand Delegation, we seriously doubt that the discussion of this question by the General Assembly could in present circumstances lead to any useful result and would in all probability add to the difficulties of three of our members in maintaining cordial and co-operative relations. As we ourselves have the happiest relations with all three parties, we could only deplore the introduction of this controversy into the Assembly, and for this reason we abstained on the inscription of this item.

Although I am bound to say that the three principal participants in our debate--Dr. Sudjarwo, Dr. von Balluseck, and Sir Percy Spender--have succeeded in keeping this debate on a serious level, I am afraid that my delegation's misgivings have only confirmed, for we cannot see any good coming out of it, indeed, we shall all have reason to be thankful if it does no positive harm.

Although for obvious reasons, Canada has no primary concern in this unfortunate dispute, we have from the beginning been much interested in the efforts which have been made through the United Nations to reach a satisfactory, amicable and just solution. As a member of the Security Council in 1948 and 1949, Canada had something to do with the discussions between the Governments of the Netherlands and of the Republic of Indonesia which culminated in the conclusion of the Round Table Agreements at The Hague in 1949.

I think I can explain my point of view more concretely by specific reference to the Indonesian draft resolution (Document A/C.1/L.109).

The essence of the Indonesian resolution is that it calls upon the Governments of Indonesia and the Netherlands to resume negotiations without delay. This, on the face of it, is a not unreasonable request. We all know there is a dispute and that at one time the Netherlands and Indonesian Governments undertook to

determine the future status of the territory of West New Guinea by negotiations within a year from the date of transfer of sovereignty.

This exhortation, however, overlooks two facts. In the first place, the Netherlands and Indonesian Governments have negotiated and, moreover, negotiated for more than the stipulated year. The negotiations were not broken off by the Netherlands Government but terminated after the Indonesian Government had stated, in the report of the United Nations Commission for Indonesia submitted to the Security Council on the negotiations, that it was prepared to resume negotiations with the Netherlands Government only if it were understood in advance that sovereignty over West New Guinea would be transferred to Indonesia. We consider that the proposals put forward in the 1951 negotiations demonstrated the willingness of the Netherlands Government to fulfil the provisions of the Charter of Transfer of Sovereignty. However, as I have said, it became evident during the course of the discussions that a fundamental difference existed in the approach of the two parties to the problem.

Since the end of 1951, the Indonesian Government has seen fit to adopt a still more doubtful position, claiming that sovereignty over West New Guinea had been transferred to Indonesia under the Round Table Agreements, despite the fact that Article 2 of the Charter of Transfer specifically says that "the status quo of the residency of New Guinea shall be maintained", and that this article was at least at one time officially interpreted by Indonesian Delegations as meaning that sovereignty remained with the Netherlands Government.

Another factor to which the Canadian Delegation in particular must give serious and sympathetic attention is the attitude of the Australian Government. Sir Percy Spender has described in moving terms the reasons why the Australian people have such a direct and compelling interest in any question which might involve the transfer of sovereignty of the territory of their nearest neighbour.

Mr. Chairman, for the Assembly to call upon the Governments to resume negotiations without delay, implying as it does to rebuke to the Netherlands Government which we consider wholly unjustified, is unacceptable to my delegation. For this reason, if for no other, we would be unable to support the Indonesian draft resolution.

It is nevertheless true that there are a number of points in the Indonesian draft to which my delegation would have no objection and could, indeed, support. What we cannot support is to call upon both Governments to resume negotiations on what amounts to the terms of one of the parties. For, although the resolution does not say so explicitly, it is clear from Dr. Sudjarwo's statements that his Government persists in maintaining the pre-conditions which led to the breakdown of the negotiations undertaken in accordance with the Charter of Transfer. Moreover, as the Indonesian Government well knew, by taking advantage of their right to dissolve the Netherlands-Indonesian Union, the

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.

The Netherlands Government, on the other hand, stands by its declaration that it will at the appropriate time give to the inhabitants of Netherlands New Guinea the opportunity to determine their own future. As Mr. Munro well said, the issue is not colonial but territorial. And I believe, with the distinguished Representatives of New Zealand and Colombia, that the Assembly has no right to consider the revision of treaties, the alteration of boundaries and the wholesale transfer of large numbers of people.

The primary concern of my delegation is with the welfare of the local inhabitants of West New Guinea. We therefore welcome the assurances given by the distinguished Representative of the Netherlands concerning his Government's progressive development of the people of West New Guinea and the opportunity which will be given to them at the appropriate time to determine their own future.

In a matter of this kind, no good can come from attempting to assign the blame for the present situation to either party. Certainly my delegation fails to see what useful purpose would be served by the adoption of the Indonesian resolution. For the United Nations to call upon the parties to resume negotiations when neither party admits the claim of the other has a right to consideration would be an empty gesture. And to take it upon the initiative of one of the parties would appear to put the other in the wrong in a way that my delegation does not consider to be justified.

For these reasons the Canadian Delegation will be constrained to vote against the Indonesian resolution.

Mr. Chairman, I have up to now confined my remarks to the Indonesian resolution. A resolution was today introduced by eight powers and an amendment to that resolution has now been introduced by Colombia. My delegation has not had an adequate opportunity to consider this new draft resolution or the amendment and we would hope that they will not be put to the vote today. If they are we would probably vote for the amendment and if it is adopted we would probably not vote against the 8-power resolution as amended although we have strong reservations about the second operative paragraph which would place this item on next year's provisional agenda.

Text of statement made by Mr. D.M. Johnson in Plenary Session on December 10, 1954.

The Canadian Delegation wishes briefly to explain its vote on the resolution now under consideration.

Delegates will remember the circumstances in which this resolution came to a vote in the First Committee on November 30. On that morning the delegates had before them only one resolution, namely a draft resolution sponsored by Indonesia. Shortly before the vote was taken, a new resolution was tabled sponsored by Argentina, Costa Rica, Cuba, Ecuador, El Salvador, India, Syria and Yugoslavia. Speaking on behalf of the Canadian Delegation I said in the First Committee that we would vote against the resolution sponsored by Indonesia. At the same time, I urged that the eight

power resolution should not be put to a vote that day because delegates had not had an opportunity of considering it adequately or receiving instructions from their governments. I also said that if the eight power resolution was put to a vote that day, the Canadian Delegation, for lack of instructions, would abstain. Delegates will recall that the eight power resolution was put to a vote on the same day and that the Canadian Delegation abstained on the resolution as a whole. Delegates will also recall that the Indonesian resolution was not put to a vote.

The Canadian Government has now had an opportunity of studying the resolution before us and finds that though couched in more moderate language than the Indonesian resolution, it seeks to accomplish substantially the same result. The resolution, it seems to us, in effect calls for negotiations between the Netherlands and Indonesia about the sovereignty of the territory of West New Guinea before the fundamental legal questions involved have been resolved and without reference to the wishes of the inhabitants. Hence we oppose the eight power resolution for substantially the same reasons as we gave in the First Committee for opposing the resolution sponsored by Indonesia.

Voting Results

Following is the text of a resolution (U.N. Doc. A/C.1/760) adopted as a whole in the First Committee on November 30, 1954, by a vote of 34 in favour to 14 against, with 10 abstentions (including Canada).

In the 37th plenary meeting voting on the preamble was 34 in favour to 21 against, with 5 abstentions (including Canada); on paragraph 1 of the operative part 34 in favour to 23 against (including Canada), with 3 abstentions; on paragraph 2 of the operative part 33 in favour to 23 against (including Canada), with 4 abstentions. Since the resolution did not achieve a two-thirds majority in plenary session, it failed to be adopted.

Text of Resolution

The General Assembly,

Having considered item 61, "The Question of West Irian (West New Guinea)",

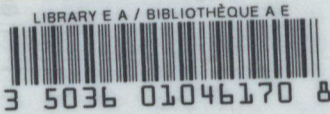
Recalling that by the agreements reached at The Hague in 1949 between Indonesia and the Netherlands a new relationship as between the two countries, as sovereign independent States, was established but it was not then possible to reconcile the views of the parties on West Irian (West New Guinea) which therefore remained in dispute,

Recalling the dedication of the parties to the principle of resolving by peaceful and reasonable means any differences that exist or arise between them,

Realizing that co-operation and friendship between them is the common desire of both parties,

1. Expresses the hope that the Governments of Indonesia and the Netherlands will pursue their endeavours in respect of the dispute that now exists between them to find a solution in conformity with the principles of the Charter of the United Nations;
2. Requests the parties to report progress to the General Assembly at its tenth regular session.

The Canadian Government has now had an opportunity of studying the resolution before us and finds that though couched in more moderate language than the Indonesian resolution, it seeks to accomplish substantially the same result. The resolution, it seems to us, in effect calls for negotiations between the Netherlands and the Indonesian Government on the basis of the sovereignty of the territory in question and without reference to the legal question of the right of the Netherlands to oppose the right power resolution for substantially the same reasons as we gave in the First Committee for opposing the resolution sponsored by Indonesia.



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