

Netherlands New Guinea and was fulfilling its obligations under Article 73. (2) If the Netherlands were to agree to transfer the territory to Indonesia without first ascertaining the wishes of the inhabitants, it would be forsaking its duty to them and to the United Nations. (3) The Netherlands had solemnly promised the territory's inhabitants that they would be granted the opportunity to decide their own political future as soon as they were able to express their will on this. (4) In the absence of such a decision, the Netherlands could not and would not comply with any Indonesian demands for the annexation of the territory. Nor would it enter into any negotiations about its future status.

The Agreement on Transitional Measures signed by Indonesia and the Netherlands at the Round Table Conference, the Netherlands representative continued, had established the right of territories to exercise self-determination with regard to their position within the federal Republic of Indonesia and with regard to the possibility of negotiating a special relationship outside the Republic. These provisions would have been applicable to New Guinea, in view of its particular circumstances and its stage of development. They had, however, remained a dead letter, particularly after the Republic of the United States of Indonesia had been replaced in 1950 by a unitary state, in which there was no place for federal states or territories, nor for any special relationship of any territory either with the Netherlands or with Indonesia. Moreover, Indonesia had unilaterally abrogated the Round Table Agreements in 1956. Thus, any possible relevant obligations on the part of the Netherlands under these Agreements had lapsed.

The Netherlands representative further stated that Indonesia was not really advocating negotiations with the Netherlands so as to reach a solution by common consent which would take the wishes of the territory's inhabitants into account. On the contrary, it was urging the General Assembly to advocate negotiations on the basis of two assumptions: (1) that Netherlands New Guinea was legally part of Indonesia and illegally occupied by the Netherlands, and (2) that the territory should be transferred to Indonesia without its population being previously consulted.

The Netherlands, he added, was willing to have the first assumption tested by the International Court of Justice. The second assumption, he thought, was a denial of the right of self-determination and thus contrary to the Charter.

There were indications that the Indonesian Government was trying to create a threat to international peace, even though it was clear that Western New Guinea posed no such threat. Outrages had been committed against Netherlands nationals in Indonesia and the Indonesian President had indicated that Indonesia would resort to methods which would startle the world if the United Nations did not comply with his Government's wishes.

The Netherlands representative explained that the joint Australian-Netherlands statement of 6 November 1957 clarified the aims and principles of the co-operation of the two Authorities administering the area. It did not prejudice the decision which the inhabitants of the two parts of the island would eventually have to make for themselves. It recognized their ethnological and geographical affinity and opened up possibilities for their future development along sound lines for their existence in the modern world.

The representative of Australia regretted that the Indonesian Government had again brought this question before the Assembly only eight months after the Assembly had rejected a draft resolution which advocated the Indonesian claim that there was a case for negotiations over Western New Guinea. The Netherlands Government, he felt, had attacked the task of promoting the territory's development with determination and in accordance with the principles and policies set forth in Chapter XI of the Charter. It was abiding by its obligations under Article 73. But these obligations would cease to exist if the territory became an integral part of the Republic of Indonesia, since the latter would then be in a position to reject any claim by the United Nations for information on conditions in West New Guinea.

The joint Netherlands-Australian statement of 6 November 1957 was fully consistent with the terms of Chapter XI of the Charter, the Australian representative said. It was a solemn undertaking by the two Governments that their policies would be such as to prepare the people