DOSSIERKOPIE

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REFERENTIE No: 7225

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MINISTERIE VAN BUITENLANDSE ZAKEN
AFDELING VERBINDINGEN
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Kopie No. 1

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Visie:
Ag. No: W 6244-6800 GS
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ONTVANGEN CODEBERICHT

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AFKOMSTIG VAN: washington
informatiekopie geseind aan: new york

PARAAF/OPM:

GEHEIM

Bom
Cauba
Lunch
Pangkalan

delegatie no drievier
heden overhandigde bunker de onderstaande brief van stavropoulos kma tezamen met bijlage stp na vluchtige kennisname verklaarden beide delegaties dat zij enkele punten zagen waarop correctie nodig zou zijn doch dat zij hun reacties wensten uit te stellen tot maandag middag ten einde deze documenten eerst grondig te kunnen bestuderen stp
quo
dear ambassador bunker
as requested i attach a draft on principles and procedures for the eksercise of self determination by the population of western new guinea stp should you feel this draft contains provisions which you know would be unacceptable to one or other of the parties kma and would this complicate negotiations cma please do not fail to delete or alter such provi sions stp
the draft has been prepared on the assumption that it might be inserted as a new paragraph five in your proposals for negotiations between the govern ments of indonesia and the netherlands cma or as an anneks to such an agreement stp were the latter course adopted it might be desirable for paragraph four of the proposals to state that the anneks forms an integral part thereof stp
the attached draft perhaps calls for some comments stp paragraph one concerns the appointment of a united nations commissioner by the secretary general cma which appoinment will be automatic after the lapse of a certain period of time to be determined by you in the light of the limit to be set in paragraph four of your proposals stp for reasons already eksplained cma i believe a commissioner would prove a more satis factory and less ekspensive alternative then a commission stp

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Kenmerk: Van Roijen 610/delegatie 34.
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paragraph rom two relates to the functions of the commissioner stp part hk a slhk thereof concerns consultation with the local population on the methods and procedures for the eksercise of self determination stp this has been broadly drafted to permit the possi bility of not only a plebiscite but also cma or alter natively cma other forms of ascertaining the peoples wishes stp we feel this is necessary because of condi tions in the territory cma which may permit of a plebiscite in the more populous and advanced areas but not in others in which conditions are too primitive and in which some form of tribal or headman consultation may be the appropriate solution stp we have also provided for the possibility cma in part hk d slhk cma that the questions put to the population in the eksercise of selfdetermination may ekstend beyond those you mentioned to me to encompass other possibi lities such as union with some other territory cma etc stp eligibility to vote has been defined along the lines desired by the parties although cma as i have pointed out in our telephone conversation cma difficulties may arise in ascertaining who is quo adult unquo and in applying universal suffrage in the conditions pertaining in parts of west new guinea stp in view of such difficulties we have thought it desirable to vest the final discretion on eligibility in the united nations commissioner stp

paragraph rom three of the draft concerns reporting to the secretary general and the general assembly stp we feel it is necessary for the assembly to be informed at least at two points of the operations cma namely when arrangements have been completed for the eksercise of selfdetermination and when the actual eksercise of self determination has taken place stp otherwise the secretary general should be free to submit periodic reports of the commissioner to the assembly if he thinks it desirable stp

you will see that we have throughout referred to quo the secretary general unquo and not the quo acting secretary general unquo stp in view of the anticipated duration of the arrangements contemplated we feel this is the appropriate designation for use throughout the agreement stp

yours sincerely
constantin a stavropoulos
legal counsel

unquo

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1028-11-61 130517*-1

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quo

the governments of indonesia and of the netherlands agree that the right of self determination will be eksercised on the basis of the following principles and procedures

rom one after indonesia has assumed full respon sibility for the administration of the territory cma the secretary general cma after consultation with the governmenst of indonesia and of the netherlands cma will appoint a personal representative to act as united nations commissioner for the purposes herein after specified and will provide him with the necessary staff and facilities stp the commissioner will carry out cma on behalf of the secretary general cma the secretary general s responsibilities regarding assistance and participation in making the legal and other arrange ments necessary for ensuring that the people of the territory will be given the opportunity to freely ekspress their choice as to their future political status stp the commissioner and his staff will have the right to be present in the territory and to freely travel cma observe and consult throughout the territory stp the commissioner will include in his staff the united nations personnel who remained after the transfer of administration to indonesia to advise and participate in the act of free choice stp

rom two in the discharge of their responsibilities the commissioner and his staff under his direction will i n t e r a l i a provide assistance and participate in

a consultations with the population on the appropriate methods and procedures for the eksercise of their right of self determination cma including the possibi lities for a plebiscite and or other forms for ascer taining the freely ekspressed will of the population stp

b the determination of the actual date for the eksercise of the right of self determination within the period established by indonesia and the netherlands in this agreement stp

c the establishment of general conditions under which the population may freely eksercise their right of self determination

d the formulation of the questions to be put to the population when they eksercise their right of self determination cma which will comprise or include the questions whether they wish to remain within or to sever their ties with indonesia stp

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e the establishment of the categories of persons eligible to participate in the eksercise of self determination and the drawing up of lists of such persons stp this will be done on the basis of the universal adult suffrage of the indigenous population stp it will also provide for the right of nonindigenous adult persons to participate on an equal footing if they

i are resident in the territory at the date of the signing of the present agreement cma and continue to be so resident at the time of the eksercise of the right of self determination pntcma or

ii were resident in the territory prior to thirtyfirst december oneninefourmine and resume such residence prior to the eksercise of the right of self determination stp

in cases of doubt or dispute cma the commissioner will determine whether cma in the light of the foregoing principles cma certain categories of cma or specific individuals are entitled to participate in the eksercise of the right of self determination stp

f the operations connected with the eksercise of the right of self determination stp

rom three the commisioner will report to the secretary general as occasion may require on the progress of his mission and compliance with the foregoing provisions stp the secretary general may submit such reports cma with his observations cma to the general assembly stp in particular the commissioner will submit a report to the secretary general on the arrangements arrived at in collaboration between indonesia and himself for the eksercise of self determination when such arrangements have been completed but prior to the actual eksercise of self determination stp the secretary general will submit this report to the general assembly for approval of the arrangements stp

rom four after the eksercise of the right of self determination indonesia and the commisioner will submit final reports to the secretary general for transmission to the general assembly on the conduct of the operations in connection with the eksercise of self determination and the results thereof stp unquo

van roijen 610.

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