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MINISTERIE VAN BUITENLANDSE ZAKEN

'S-GRAVENHAGE

Aan
Zijne Excellentie
de Minister-President,
Voorzitter van de Raad
van Ministers,
te
's-Gravenhage.

Directie/Afdeling: Beleidszaken Indonesië

Datum: 28 februari 1959

Onderwerp: Verklaringen van de Minister-President en de Minister van Buitenlandse Zaken van Australië

Kenmerk: DBI/PL-30693

Bijlagen:

Naar aanleiding van de bespreking in de ministerraad van 20 dezer inzake de Australische reactie op het recente bezoek van de Indonesische Minister van Buitenlandse Zaken, ./. ./. heb ik de eer U hierbij de tekst te doen toekomen van de redevoeringen, welke de Minister-President en de Minister van Buitenlandse Zaken van Australië terzake op 24 dezer in het parlement hebben uitgesproken.

Afschrift van dit schrijven met de bijlagen doe ik toekomen aan de andere leden van de ministerraad.

DE MINISTER VAN BUITENLANDSE ZAKEN,

ks.

TEXT OF STATEMENT BY PRIME MINISTER

What has been our policy

1. We recognise Dutch sovereignty of West New Guinea. We have supported and continue to support this sovereignty.
2. We say that if sovereignty is to be changed it must be by legal methods, i.e. by some means which international law accepts and recognises.
3. We have in United Nations taken up position that Indonesian submissions on this Netherlands territory are neither in substance nor in form within the effective jurisdiction of the political organisation of the United Nations, that it is not function of General Assembly to interpret agreements nor pass judgements on questions of territorial sovereignty. This did not and does not exclude a reference by parties to International Court.
4. We have advocated and still advocate reference to International Court of Indonesian claim to sovereignty. The Dutch have previously expressed their willingness. Indonesia has refused.
5. We have always maintained that paramount interest ultimately is that of indigenous population. This view recognises sovereignty but looks to future in terms self-determination. The same goes for Australian New Guinea and Papua. Has there been any change? No. On two occasions during Dr. Subandrio's very welcome visit I had opportunity of stating Australia's position. I will put to House that position in substantially the same terms in which as Prime Minister I stated it to Dr. Subandrio :
 - (a) We are and always have been of opinion that Netherlands has sovereignty over West New Guinea. If, as you clearly do,

you dispute this matter it should be determined by a lawful process, i.e. either by adjudication or by agreement arrived at in free discussion.

- (b) We are certainly not prepared to urge Dutch to negotiate. You have made it clear publicly in Australia that your conception of negotiation is that it should lead to and work out conditions of a transfer of sovereignty. Under these circumstances for us to urge Dutch to negotiate would be to take up position that we desire to see sovereignty changed. This would be clear reversal of our policy and we will not do it. We will therefore not advocate a negotiation.
- (c) But should Indonesia and Netherlands come to some agreement in future about sovereignty we will recognise and respect it just as we expect our own sovereignty to be recognised.
- (d) This is not to say that we are not deeply concerned with future of indigenous populations in New Guinea. We are most concerned. We are developing our own portions of New Guinea along lines which will, we hope, in due course, lead to self-determination. We expect similar policies in West New Guinea.
- (e) We would desire that Indonesia should publicly affirm that force will not be resorted to in order to establish territorial claims. This principle is vital to Australia and her own security.
- (f) We would think it a tragedy if our differences on matter of West New Guinea and Netherlands should impair development of sensible friendship and mutual understanding between our two countries. Indonesia is our nearest neighbour of great population. We both have much to gain from peace. We are not

disposed to fall into war with each other. In your search for democratic government and administration your dangers, like ours, come from undemocratic and aggressive world movements.

- (g) You will find Australians instinctively friendly people, clear in their views about New Guinea for vividly remembered historic reasons, and still grievously disturbed by your treatment of Dutch assets. But if we can isolate these matters of difference, and see them dealt with in lawful way, there is no reason why we should not live as friendly neighbours, with mutual assistance and tolerance, with common hopes and interests.

Joint Communiqué of two Ministers was designed to give effect to these propositions. What are complaints? Dr. Evatt must face up to some specific questions

1. Does he regard a disputed territorial claim as unfit for adjudication in the International Court, supreme adjudicating organ of United Nations. For though he says there is nothing to decide the fact is that Indonesia does claim as against the Dutch sovereignty over West New Guinea. There is thus clear justifiable issue.
2. Suppose Indonesia decided to accept jurisdiction of Court. Would Dr. Evatt deny that jurisdiction; if so, why?
3. If Court decided issue of sovereignty in favour of Indonesia, would Dr. Evatt (in my place) repudiate decision or accept it? Should he accept, how would case differ from a transfer of sovereignty freely agreed upon between two parties principal. Can Court do by judgment what parties cannot do by free agreement or settlement? Should he reject decision, what would he do to make his rejection effective. Would he move

United Nations to overrule Court? Would he quarrel with both the Dutch and Indonesians, each of whom had ex hypothesi accepted jurisdiction of the Court? Would he really think that the United Nations would vote to overrule the Court? But pursue matter further Dr. Subandrio is reported to have named Labour Government Australia, chiefly moved on this matter by Dr. Evatt himself, as midwife of new Indonesian Republic Suppose Dutch had, at handover, included Netherlands New Guinea with Netherlands Java and Sumatra and the rest of Netherlands East Indies in transfer. Would Dr. Evatt, as midwife, have refused to deliver additional child? What could or would Labour Government have done had West New Guinea been included, and if Dutch at some future time, exercising their own judgement (and we are clear that any decision must be made freely and not under threat or duress), were to decide to add West New Guinea to the transfer, notwithstanding the fact that we recognise and clearly support their claim to sovereignty, what could or would an Australian Government do except recognise new sovereignty as lawful. It is said that we have changed our policy I venture to assert that it is Labour Party which has changed its policy. On Wednesday last Dr. Evatt said the Minister seems to suppose that if sovereignty over West New Guinea resides in Netherlands it can be transferred at will of the Netherlands to Indonesia and that will be the end of the matter. But it is not. But in 1949 Dr. Evatt's Government thought the matter one between Indonesia and Netherlands. Thus, on October 7 1949, in answer to a question by Mr. Falkinder, Dr. Evatt as Minister said Sovereignty of Dutch New Guinea is in Netherlands and it is for the Netherlands to say whether Dutch New Guinea shall

come into agreement. From our point of view relationship of Dutch New Guinea with Indonesian Republic and future government of territories concerned are matters primarily for Dutch and Indonesian Governments. I repeat that our interest is that there should be a peaceful settlement of that question. Whole of this controversy appears to have sprung from misinterpretation of words would not oppose such an agreement. These words have been twisted to mean that Australia will actually encourage making of such agreement. This is not our attitude, as we made crystal clear to Dr. Subandrio in statements I have already recalled. It just could not be our attitude. For years we have not only accepted and supported Dutch sovereignty but have also supported Netherlands in the United Nations. So clearly have we contemplated continuance of Dutch administration that as recently as November 6th 1957 Australian and Netherlands Governments publicly defined jointly agreed principles being followed in respect of their New Guinea territories. These principles included declaration of basic importance of interests and inalienable rights of indigenous inhabitants and need for co-operation in policy and administration having regard to geographical and ethnological association between two sections of New Guinea. Two governments agreed that they would continue and strengthen their co-operation. In conclusion they said in so doing two governments are determined to promote an uninterrupted development of this process until such time as inhabitants of territories concerned will be in a position to determine their own future. Nothing that we have said or done modifies or contradicts this Joint Declaration in any way. If Honourable Members will look at relevant paragraph of recent Communique, they will see that our non-opposition or, as I would prefer to say, our recognition is to attach only if and after an agreement is reached between Netherlands and Indonesia as parties principal, arrived at by peaceful processes and in accordance with internationally accepted principles. It seems to have been overlooked by some that this Communique contains at least three other statements about New Guinea which are of significance for Australia. The first is that it is now on record in this joint document which will be studied in Indonesia that Australia not only recognises Netherlands sovereignty but also recognises in respect of New Guinea principles of self-determination. Second is that we have stipulated that any agreement should accord with internationally accepted principles. Those principles are in some important ways expressed in Charter of United Nations. They certainly include recognition of duties to native peoples and their ultimate right of self-determination. (As

Mr. Joske pointed out to House Thursday last, on international principles binding on Indonesia, Netherlands and Australia as member nations of United Nations, as expressed in Article 75 of Charter, we think that under that Article all inhabitants of New Guinea, West or East, whoever has the responsibility of administration, have interests declared to be paramount. These, as I have said, are referred to in Joint Communiqué and were emphasised by us in discussions) The third is that Indonesia expressly renounces the use of force to sustain its claim to West New Guinea. In view some threats and rumours of threats we attach great importance to this statement, as no doubt will other powers concerned in peace of South East Asia and South West Pacific. There is another aspect of this matter to which I would wish to make brief reference. We have stated that we will not put pressure on either of parties to come to any new arrangements. It should however be understood that we are not forgetting our special relations with Netherlands, our Joint Declaration of November 1957 and the importance we attach to development of indigenous inhabitants of New Guinea as a whole. We therefore have a lively and continuing interest in the result of any negotiations, should the Netherlands freely decide to engage in them. We would therefore naturally expect to have our voice heard on matters which affect future of New Guinea. We are not aware of any Netherlands intention to negotiate, but clearly any negotiation would relate to a variety of aspects of future of West New Guinea and its inhabitants.

Conclusion. It is I think unfortunate that our friendly and frank but civilised talks with a near and significant neighbour should have given rise here and there to such intemperate forebodings. My own Government has clear record of friendly association with Dutch, with whom we have and will expand as opportunity offers administrative contacts, to which I have referred in respect of our various sections of New Guinea. We have made it plain that Dutch will most certainly be under no pressure from us either to negotiate or withdraw, but it would be offensive

to them to suggest that they are not their own masters. In these as in other things, we have equally made it clear to Indonesia that apart from our firmly held views on Dutch issues, we desire friendship, understanding and peace. We think that recent talks advanced these desires. Before I finish I would like to reiterate Australia's genuine interest in the welfare of the young and growing nation of Indonesia. We were all impressed by the visit we have just had from Dr. Subandrio indicating as it did his Government's real desire for co-operation. We were impressed by Dr. Subandrio himself personally and as the representative of a very significant neighbour whose scores of millions of people live so close to us and whose good will is so important for our own future. I am bound to say that his friendly, well-informed and intelligent approach to us and his explanations of Indonesian problems have done nothing but good in clearing the air of misconceptions which may have existed in some minds. Should ill-considered criticisms of the outcome of his visit damage relations strengthened by this visit, it would be a step backwards. I hope that there will be an end to doubts and fears now that our position has been made clear.

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The Hague, February 24th - Following is the full text of the statement made by the Australian Minister for External Affairs, Mr. R.G. Casey, in the House of Representatives, Canberra, today:

" The matter of our relationships with the Netherlands and Indonesia in respect of Western New Guinea is not one that has arisen in the last few weeks. It has been an active matter of public discussion over a great many years and has been debated at length in the United Nations General Assembly on a number of occasions over that period. It has been elevated in the minds of the people of Indonesia into a prime issue disturbing relations with a number of other countries. On consequence the Australian government considered it most important that during Dr. Subandrio's visit to Australia we should join in an effort designed to put the matter into its proper proportion and allow cooperation between Indonesia and Australia to proceed fruitfully and constructively irrespective of any continuing difference about Dutch New Guinea. I believe that this objective has been advanced and that Dr. Subandrio's visit, his talks with Australian Ministers and the Joint Announcement that concluded the meeting, will all contribute to better relations between Australia and our nearest neighbour. In the course of our many discussions we made it clear to Dr. Subandrio that Australia has not only recognised but continues to recognise Dutch sovereignty in Western New Guinea. We said we would not propose any change in that sovereignty, but Dr. Subandrio asked another question. He asked what Australia's position would be if Indonesia by lawful and peaceful means were to come to an agreement with the Netherlands in regard to Western New Guinea. The nature of that agreement was unspecified and naturally so. Nor could the Australian government be expected to enter into any discussion with the Indonesian Foreign Minister as to the nature of such an agreement because the question is a hypothetical one and, in any case, continuing to recognise, as we do, Netherlands sovereignty, we were not prepared to enter into discussions with the Indonesian government on a possible régime to replace the Dutch. But faced with a direct question as to what we should do if peacefully and lawfully the Dutch and Indonesians came to an agreement on Western New Guinea, there was only one answer we could give. We would recognise the agreement, or, as the Joint Announcement said, we would not oppose it. But we made it clear to Dr. Subandrio that we would take no initiative in advising the Dutch to enter into negotiations. There are in the broad two aspects of the Western New Guinea question on which we are at variance with Indonesians. We recognise Dutch sovereignty whereas Indonesians claim it for themselves. We also believe that there should be preserved for the people of Western New Guinea an opportunity for self-determination, whereas Indonesia wants to incorporate Western New Guinea as an integral part of Indonesia. These points of variance are explicitly set out in the Joint Announcement that Dr. Subandrio and I made at the conclusion of his visit to Australia. There was a full explanation of considerations which have led each country to a different view over West New Guinea (West Irian) with Australia recognising Netherlands sovereignty and recognising the principle of self-determination. This difference remains. Of these two matters, sovereignty and self-determination, I have already discussed sovereignty. Australia recognises Dutch sovereignty, but on the matter of self-determination I shall say something more. The Dutch in administering their territory in New Guinea accept the provision of Chapter XI of the Charter of the United Nations which is a declaration regarding non-self-governing territories. Under this Chapter members of the United Nations with responsibilities for administration of territories whose people have not yet attained a full measure of self-government recognise the principle that the interests of the inhabitants of these territories are paramount.

They accept as a sacred trust the obligation to promote to the utmost within the system of international peace and security established by the Charter the well-being of the inhabitants of these territories. They agree, among other things, to develop self-government and promote constructive measures for development and also to report regularly to the Secretary General for information purposes certain information on territories. Thus, in accordance with Article 73 of the United Nations Charter, the Dutch give the United Nations an annual report which is discussed every year in the General Assembly. The Dutch have set as their goal eventual self-determination for the indigenous people of the territory. This policy has been asserted many times by the Dutch. For example, the Queen of the Netherlands on September 16th, 1952 stated that her government would promote the development of Western New Guinea so that in due course the population would be enabled to decide on its future. In October 1956 the Netherlands government stated the Netherlands would promote the development of the territory to such an extent that application of the principle of self-determination would be accelerated. These statements have been reiterated and confirmed by Netherlands spokesmen in the United Nations General Assembly. This objective lies behind the jointly agreed principles enunciated by the Australian and Netherlands governments on November 6th, 1957 relating to cooperation between their respective administrations in the territories of New Guinea. As suggested to Dr. Subandrio and as I stated in this House last Thursday, this programme of administrative cooperation with Netherlands in New Guinea will continue. The Australian and Netherlands governments have in fact recently accepted the recommendations prepared in Canberra last October by officials of Netherlands and Australian administrations in New Guinea designed to give effect to our agreement on administrative cooperation. In short, the Australian position of recognising the right of the Dutch to make an agreement on the future of their territory is stated against a certain background. That background consists of the repeatedly declared Dutch attitudes towards the rights of the inhabitants. In the face of these statements it would be somewhat gratuitous for the Australian government to offer the Netherlands government public advice about the interests of the inhabitants at a time when there is no indication of a change in Netherlands policy. As I have said, we did not in our talks with Dr. Subandrio discuss any alternative to the present Dutch administration. The Dutch are there. They have pledged themselves both by their own efforts and in cooperation with Australia to work towards self-government and self-determination for the peoples of Western New Guinea. Their sovereignty is recognised by Australia and we are working actively with them in pursuance of many common interests. As I said in this House on February 18th, the clarification of our attitude contained in the Joint Announcement represents no new departure in policy. The simple fact is that the parties principal in this matter of Western New Guinea are the Netherlands and Indonesia. As I have said on many occasions, Australia is no more and no less than a very interested third party. As such we can in international law and practice not prohibit a direct discussion between the parties principal and we would have no firm grounds on which to oppose any arrangement freely reached by the parties principal. But this does not mean that we would be indifferent or without a view which we would express during any such negotiation if it were to take place. Indeed, it would be inconsistent with all we have said publicly in the past if we were silent in such circumstances. In conclusion let me repeat what I said at the start. Dr. Subandrio visited this country at the invitation of the Australian government in order to promote understanding and cooperation between our two countries. His visit was very useful. He and his party made excellent impression. We were able to explain our respective positions, and the relations between Australia and Indonesia have undoubtedly benefitted".
