

[W 8035]

MINISTERIE VAN BUITENLANDSE ZAKEN

Kopie No. 3

REFERENTIE No:

7938

KOPIE:

m, s, dgpz, poad
z, dbi, -/pt
doa, -/op
dio, -/pz
chef dnw
plv.chef dnw
chef dvb
dve
gs
z.e.bot
mp
financien

AFDELING VERBINDINGEN

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ONTVANGEN
CODEBERICHT

DATUM VAN ONTVANGST:

13 augustus 1962

BESTEMD VOOR:

min. v. b.z.

Dir./Afd.:

Visie:

Ag. No:

Dossier:

DATUM VAN AFZENDING:

13 augustus 1962

AFKOMSTIG VAN:

new york
informatiekopie geseind aan: washington

PARAAF/OPM:

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delegatie nr drieennegentig stp
volgt tekst ontwerpovereenkomst plus ontwerpbrief
van s g ter introductie van het agendapunt met eksplanatory
memorandum voor algemene vergadering en ontwerpresolution
kma heden bij opening van vergadering uitgereikt stp
deze tekst wordt morgen besproken en kan dus nog aan
nadere wijzigingen onderhevig zijn stp

voorlopig verwacht men ondertekening op woensdag
stp

draft agreement between the republic of indonesia
and the kingdom of the netherlands concerning west
new guinea hk west irian slhk
hk matters left for further discussion kma as well
as changes suggested by the secretariat are included
in the tekst in capital letters slhk
note de quo capital letters unquo worden door mij gespatieerd
geseind stp

the governments of the republic of indonesia
and the kingdom of the netherlands kma

having in mind the interests and welfare of
the peoples of the territory of west new guinea hk
west irian slhk hereinafter referred to as quo the
territory unquo kma

desirous of settling their dispute regarding
the territory kma

now kma therefore kma agree as follows dbbpnt
ratification of agreement and resolution of
the general assembly of the united nations
article one

after the hk formal slhk hk p r e s e n t slhk
agreement between the governments of the netherlands
and indonesia has been signed and ratified by both
parties kma the netherlands and indonesia will jointly
sponsor a draft resolution in the united nations under
the terms of which the general assembly takes note
of the hk formal slhk hk p r e s e n t slhk agreement

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hk acknowledges the role of the united nations in the said agreement slhk kma and authorizes the secretary general to carry out the tasks entrusted to him in the agreement stp

transfer of administration
article two

after the adoption of the resolution referred to in article one kma the government of the netherlands will transfer administration of the territory to a united nations temporary eksclusive authority hk untea slhk hk established by and under the jurisdiction of the secretary general slhk kma upon the arrival of the united nations administrator appointed in accordance with article four stp the untea will in turn transfer the administration to indonesia in accordance with article eleven stp

united nations administration
article three

in order to facilitate the transfer of administration to the untea after the adoption of the resolution by the general assembly kma the government of the netherlands will invite the secretary general to send a representative to consult briefly hk for eksample kma one week to ten days slhk with the netherlands governor of the territory prior to the latter's departure stp the netherlands governor will depart prior to the arrival of the united nations administrator stp

article four

a united nations administrator kma acceptable to the governments of indonesia and the netherlands kma will be appointed by the secretary general of the united nations stp

article five

the united nations administrator kma as chief eksclusive officer of the untea kma will have full authority under the direction of the secretary general to administer the territory for the period of united nations administration in accordance with the terms of the present agreement stp

article six

the secretary general will provide the untea with such security forces as the united nations administrator deems necessary ptkma such forces will primarily supplement eksisting papuan police in the task of maintaining law and order stp the papuan volunteer corps and the indonesian armed forces in the territory will be under the authority of kma and at the disposal

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of kma the secretary general stp the united nations administrator will kma to the extent feasible kma use the papuan police as a united nations security force to maintain law and order and kma at his discretion kma use indonesian armed forces stp the netherlands armed forces will be repatriated as rapidly as possible and while still in the territory will be under the authority of the united nations administrator stp
article seven

the united nations administrator will send periodic reports to the secretary general on the principal aspects of the implementation of the present agreement stp the secretary general will submit full reports to the governments of indonesia and the netherlands and may submit kma at his discretion kma hk s u m m a r y slhk reports to the general assembly or to all united nations members stp

first phase of united nations administration
article eight

the united nations administrator will replace as rapidly as possible top dutch officials as defined in anneks aa with nondutch kma nonindonesian officials during the first phase of united nations administration which will be completed on may first kma oneninesiksthree stp the united nations administrator will be authorized to employ on a temporary basis all dutch officials other than top dutch officials defined in anneks aa kma who wish to serve the untea hk c n s e c o n d m e n t o n a t e m p o r a r y b a s i s k m a a n d i n a c c o r d a n c e w i t h s u c h t e r m s a n d c o n d i t i o n s a s t h e s e c r e t a r y g e n e r a l m a y s p e c i f y slhk stp as many papuans as possible will be brought into administrative and technical positions stp to fill the remaining required posts kma the untea will have authority to employ personnel provided by indonesia stp

article nine

immediately after the transfer of administration to the united nations kma the untea will widely publicize and explain the terms of the present agreement kma and will inform the population concerning the transfer of administration to indonesia and the provisions for the act of selfdetermination as set out in the present agreement stp

article ten

to the extent that they are consistent with the letter and spirit of the present agreement kma existing laws and regulations will remain in effect stp the untea will have the power to promulgate new laws and regulations or amend them within the spirit

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3. Over de inhoud van een codebericht mag niet met verwijzing hiervoor per telefoon worden gesproken.
Dossiers, welke codebericht bevatten, dienen veilig te worden opgeborgen.

2. Afschriften van codeberichten mogen uitsluitend door de afdeling Verbindingen worden vervaardigd.

1. Op een codebericht mag teleg. niet in open taal worden geantwoord, tenzij aan bepaalde voorwaarden wordt voldaan (zie Richtlijnen).

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and framework of the present agreement stp the representative councils will be consulted prior to the issuance of new laws and regulations or the amendment of existing laws stp

second phase
article eleven

the united nations administrator will have discretion to transfer all or part of the administration to indonesia at any time after the first phase of united nations administration hk i e kma after may first kma oneninesiksthree slhk stp hk the united nations administrator s slhk hk unteas slhk authority will cease at the moment of transfer of full administrative control to indonesia stp

article twelve

united nations security forces will be replaced by indonesian security forces after the first phase of united nations administration stp all united nations security forces will be withdrawn hk prior to slhk hk u p o n slhk the transfer of administration to indonesia stp

indonesian administration and selfdetermination
article thirteen

after the transfer of full administrative responsibility to indonesia kma indonesian national laws and regulations will in principle be applicable in the territory kma it being understood that they be consistent with the rights and freedoms guaranteed to the inhabitants under the terms of this agreement stp new laws and regulations or amendments to the existing ones can be enacted within the spirit of the present agreement stp the representative councils will be consulted as appropriate stp

article fourteen

after the transfer of full administrative responsibility to indonesia kma the primary task of indonesia will be further intensification of the education of the people kma of the combating of illiteracy kma and of the advancement of their social kma cultural and economic development stp after the transfer of administration to indonesia kma efforts will be made in accordance with present indonesian practice to accelerate the participation of the people in local government through periodic elections stp any aspects relating to the act of free choice will be governed by the terms of this agreement stp

article fifteen

at the time of the transfer of full administrative responsibility to indonesia a number of united nations

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Dossier, welke codebericht, dienen veilig te worden opgebo-

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eksperts kma as deemed adequate by the secretary general after consultation with the government of indonesia kma will be designated to remain wherever their duties require their presence stp their duties will kma prior to the arrival of the united nations representative kma who will participate at the appropriate time in the arrangements for selfdetermination kma be limited to advising on and assisting in preparations for carrying out the provisions for selfdetermination hkeks except in so far as indonesia and the secretary general may agree upon their performing other ekspert functions slhk stp they will be responsible to the secretary general for the carrying out of their duties stp article sikeks

indonesia will invite the secretary general to appoint a representative who kma together with a staff made up kma inter alia herhaal inter alia kma of personnel referred to in article fifteen kma will carry out the secretary general's responsibilities to advise kma assist and participate in arrangements which are the responsibility of indonesia for the act of free choice stp the secretary general will kma at the proper time kma appoint the united nations representative in order that he and his staff may assume their duties in the territory one year prior to the date of selfdetermination stp such additional staff as the united nations representative might feel necessary will be determined by the secretary general after consultations with the government of indonesia stp hkeks to enable the proper performance of their functions kma the united nations representative and his staff will be free to travel throughout the territory stp slhk article seventeen

indonesia will make arrangements kma with the assistance and participation of the united nations representative and his staff kma to give the people of the territory the opportunity to exercise freedom of choice stp such arrangements will include dbbpnt a consultations hkeks with the representative councils on procedures and appropriate methods to be followed for ascertaining the freely expressed will of the population stp b the determination of the actual date of the exercise of free choice within the period established by this agreement stp c formulation of the questions in such a way as to

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permit the inhabitants to decide hk a slhk whether they wish to remain with indonesia ptkma or hk b slhk whether they wish to sever their ties with indonesia stp

d the eligibility of all adults kma male and female kma not foreign nationals to participate in the act of selfdetermination who are resident at the time of the signing of the agreement and at the time of the act of selfdetermination including those residents who departed after oneninefourfive and who return to the territory to resume residence after the termination of netherlands administration stp hk discussion on inclusion of provision for secret ballot see point two of ambassador bunkers note of ten august oneninesikstwo stp slhk article eighteen

the united nations representative will report to the secretary general on the arrangements arrived at for freedom of choice stp

article nineteen

the act of selfdetermination should hk shall slhk be completed not later than hk thirty one december slhk oneninesiksnine stp

article twenty

after the exercise of the right of selfdetermination kma indonesia and the united nations representative will submit final reports to the secretary general who will report to the general assembly on the conduct of the act of selfdetermination and the results thereof stp rights of the inhabitants

article twentyone

primo the untea and indonesia will guarantee fully the rights kma including the rights of free speech kma freedom of movement and of assembly of the inhabitants of the area stp these rights will include the existing rights of the inhabitants of the territory at the time of the transfer of administration to untea stp

secundo the untea will take over existing netherlands commitments in respect of concessions and property rights stp

tertio after indonesia has taken over the administration it will honor those commitments which are not inconsistent with the interests and economic development of the people of the territory stp a joint indonesian nether

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1. Op een codebericht mag teogr. niet in open taal worden geantwoord, tenzij aan bepaalde voorwaarden wordt voldaan (zie Richtlijnen).

Lands commission will be set up after the transfer of administration to indonesia to study the nature of the above mentioned concessions and property rights quarto during the period of united nations administration there will be freedom of movement for indonesians and netherlands hk civilians slhk to and from the territory stp
article twentytwo

vacancies in the representative councils caused by the departure of dutch nationals or for other reasons kma will be filled as appropriate consistent with eksisting legislation by elections kma or by appointment by the untea stp the representative councils will be consulted prior to the appointment of new representatives stp

financial matters
article twentythree

een deficits in the budget of the territory during the united nations administration will be shared equally by indonesia and the netherlands stp the governments of the netherlands and indonesia will be consulted by the secretary general in the preparation of the untea budget ptkma hk however kma the secretary general will have the final decision slhk

twee hk the secretary generals decision on matters relating to this budget and other financial matters relating to united nations responsibilities under this agreement will be final stp slhk
drie hk the parties to the present agreement will reimburse the secretary general for all costs incurred by the united nations under the present agreement and will make available suitable funds in advance for the discharge of the secretary generals responsibilities stp the parties to the present agreement will share on an equal basis the costs of such reimbursements and advances stp slhk

hk results of the act of self determination

article twentythree bis

the parties to the present agreement will recognize

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and abide by the results of
the act of self-determination
hk left for discussions slhk stp slhk
previous treaties and agreement
article twentyfour

the present agreement will take precedence over
any previous agreement on west new guinea stp previous
treaties and agreements regarding west new guinea
hk west irian slhk may therefore be terminated or
adjusted as necessary to conform to the terms of this
agreement stp

privileges and immunities
article twentyfive
for the purposes of the
present agreement kma the gove
rnments of indonesia and
the netherlands will apply
to united nations property kma
funds kma assets and official
the provisions of the con
vention on the privileges and
immunities of the united na
tions stp in particular kma the
united nations administrator kma appointed pursuant to
article four kma and the
united nations representative
kma appointed pursuant to
article six kma will enjoy
the privileges and immuni
ties specified in section nineteen
of the convention on the
privileges and immunities
of the united nations stp

ratification
article twentysiks
een the present agreement will be ratified in accordance
with the constitutional procedures of the contrac
ting parties stp
twee the instruments of ratification will be ekschanged
as soon as possible at the headquarters of the
united nations by the accredited representatives of
the contracting parties stp
drie the secretary general of the united nations
will draw up a proces verbal of the ekschange
of the instruments of ratification and will furnish
a certified copy thereof to each contracting party stp

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1. Op een codebericht mag teleg. niet in openbaar worden gantwoord,
tenzij aan bepaalde voorwaarden wordt voldaan (zie Richtlijnen).

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door de afdeling Verbindingen worden vervaardigd.

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entry into force
article twentyseven

primo the present agreement will enter into force
upon the date of the adoption by the general
assembly of the resolution referred to in article
one of the present agreement stp hk upon ekschange
of the instruments of ratifi
cation slhk

secundo upon the entry into force of the present agreement
kma the secretary general of the
united nations will register it in accordance with
article onehundred andtwo of the charter kma and article
four of the regulations to give effect to that article
kma adopted by resolution ninetyseven hk rom one slhk
of the general assembly of the united nations as modified
by its resolutions threesiksfour b hk rom four slhk
and foureighttwo hk non five slhk stp
authentic teksts
article twentyeight

the present agreement is drawn up in the hk indonesian
kma dutch and slhk english language hk s slhk kma
hk all three teksts being equally authentic stp slhk
hk the english authentic tekst will prevail in case
of divergent interpretation of the indonesian and
dutch teksts stp slhk

i n w i t n e s s w h e r e c f the undersigned
plenipotentiaries kma being duly authorized for that
purpose by their respective governments kma have signed
the present agreement stp

done at the headquarters of the united nations
kma new york kma on this pntje pntje day of pntje
pntje oneninesikstwo kma in three identical copies
kma of which one shall be deposited with the secretary
general of the united nations and one shall be furnished
to the government of each of the contracting parties
stp

for the government of the for the government of the
republic of indonesia kingdom of the netherlands

tekst brief

sir kma i have the honour kma pursuant to rule fifteen
of the rules of procedure kma to submit for inclusion
in the agenda of the seventeenth regular session of
the general assembly the following additional item

quo agreement between the republic of indonesia
and the kingdom of the netherlands concerning
west new guinea hk west irian slhk unquo

i attach copies of an eksplanatory memorandum

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on this subject together with an annex including
the tekst of the aforesaid agreement stp
accept kma sir kma the assurances of our highest
consideration stp

u thant
acting secretary general

the president of the
general assembly

draft explanatory memorandum
primo the general assembly considered the differences
which have arisen between indonesia and the
netherlands regarding the territory of west new guinea
hk west irian slhk at its ninth kma tenth kma eleventh
kma twelfth and sixteenth sessions stp the assembly
has shown its concern over these differences kma but
no solution has resulted from past efforts to reconcile
them stp

secundo in recent months kma following appeals by
the acting s g kma indonesia and the netherlands
have been engaged in negotiations seeking to resolve
their differences stp they have been assisted by
ambassador clsworth bunker who kma at the request
of the acting s g kma has been acting as mediator
stp ambassador bunker put forward certain proposals
kma on the basis of which an agreement has been reached
stp the acting s g has been kept fully informed of
the progress of negotiations and the results achieved
stp the final negotiations took place at united nations
headquarters under his chairmanship stp

tertio the agreement between the republic of indonesia
and the kingdom of the netherlands concerning
west new guinea hk west irian slhk was signed kma
at united nations headquarters kma on pntje pntje
august oneninesikstwo by representatives of indonesia
and the netherlands stp instruments of ratification
of this agreement were ekschanged at united nations
headquarters on pntje pntje oneninesikstwo stp it
will come into force upon the date of the adoption
by the general assembly of a resolution taking note
of the agreement and authorizing the secretary general
to carry out the tasks entrusted to him therein stp
quarto a copy of the agreement is attached to the
present memorandum stp the agreement provides
that kma shortly after it comes into force kma the
administration of west new guinea hk west irian slhk
will be transferred by the netherlands to a united

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nations temporary eksecutive authority hk untea slhk
kma established by and under the jurisdiction of the
secretary general stp the untea kma which will be
headed by a united nations administrator kma will
in due course kma after one may oneninesiksthree kma
transfer the administration to indonesia stp the
agreement also lays down the modalities for the untea
and indonesian administrations of the territory pending
the eksercise of the right of selfdetermination by
the peoples thereof stp
quinto the agreement contains certain guarantees

for the population of the territory kma including
detailed provisions regarding the eksercise of the
right of selfdetermination under arrangements made
by indonesia with the advice kma assistance and partici-
pation of the secretary general who will appoint a
united nations representative for this purpose stp
the act of selfdetermination is to take place before
thirtyone december oneninesiksnine stp
seksto the agreement specifically states that all

costs incurred by the united nations under
it will be met by the governments of indonesia and
the netherlands on an equal basis stp

septimo it is hoped that the general assembly will
give the highest priority to this item kma
as the agreement will only come into force and can
only be implemented when the assembly has authorized
the secretary general to undertake the responsibilities
conferred on him in the agreement stp as stated in
the agreement kma the governments of indonesia and
the netherlands will jointly submit a draft resolution
at the appropriate time for the consideration of the
assembly stp

tekst ontwerpresolution stp

agreement between the republic of indonesia
and the kingdom of the netherlands concerning
west new guinea hk west irian slhk

indonesia kma netherlands dbbpnt draft resolution
the general assembly
noting that the governments of indonesia and the
netherlands have reconciled their differences concerning
west new guinea hk west irian slhk by peaceful means
ptkma

noting also kma with appreciation the successful
efforts of the acting secretary general to bring about
this reconciliation ptkma

having considered the agreement between the republic
of indonesia and the kingdom of the netherlands concerning
west new guinea hk west irian slhk ptkma

primo takes note of the agreement ptkma

secundo authorizes the secretary general to carry

out the tasks entrusted to him in the agreement stp

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