

Mar 1952 - Indonesian Proposal for Abolition of Statute of Union. - Protest against Proposed Revision of Netherlands Constitution. - Rejection by Netherlands Government. - The Hague Discussions on Statute of Union and the New Guinea Question. - Suspension of Discussions. - Australian Attitude to New Guinea Dispute.

Discussions between the Indonesian and Netherlands Governments on the revision of the Netherlands-Indonesian Union and the future of Western (Dutch) New Guinea took place in The Hague from Jan. 15-Feb. 29. The proposal that the Statute of Union, signed in November, 1949, should be replaced by a "normal international treaty" had been put forward by the Indonesian Government some months earlier, and had formed the subject of informal discussions in August, 1951. Professor Supomo, the Indonesian representative in the earlier talks, stated on Aug. 16, in explanation of his Government's proposal, that although Indonesia did not intend to break off co-operation with the Netherlands, the Union Statute had proved to be "a form of co-operation which the Indonesian people find it difficult to accept"; that, being regarded as "a vestige of colonial rule," the Statute provided a "weapon to Communists and other extremists"; and that no Indonesian Government which supported it could win the people's confidence.

The opening of the negotiations was delayed by certain disagreements between the two Governments. The Indonesian Government protested in November, 1951, against a proposed revision of the Constitution of the Netherlands which it interpreted as implying the incorporation of Western New Guinea into the territory of the Kingdom of the Netherlands, whilst the Netherlands Government in turn protested in December against the Indonesian Government's seizure of cargoes of arms intended for New Guinea. The course of the two disputes is summarized below.

At an interview with the Netherlands High Commissioner in Jakarta on Nov. 7, Dr. Sukiman, then Indonesian Premier and acting Foreign Minister, stated that reports of the proposed revision of the Netherlands Constitution had aroused a strong reaction in Indonesia, and expressed the opinion that if they were true it would result in an unnecessary sharpening of the difficulties surrounding the Netherlands-Indonesian Union. The High Commissioner, in a reply handed to Dr. Sukiman on Nov. 8, explained that Art. 1 of the Constitution, naming the component parts of the Kingdom of the Netherlands, had had to be adapted to the new situation created by the transfer of sovereignty to Indonesia, and that the following new text had therefore been proposed: "The territory of the Kingdom of the Netherlands comprises the Netherlands, Surinam, the Netherlands Antilles, and Netherlands New Guinea." As this proposal did not imply any constitutional change with regard to New Guinea, where the *status quo* was being maintained pending a solution of the problem, and as there had been no change in the Netherlands

Government's standpoint, the possibility of solving the existing difficulties over New Guinea was in no way affected.

The Indonesian Government, in a Note of Nov. 10 to the Netherlands, expressed dissatisfaction with this reply, and claimed that sovereignty over the whole of Indonesia, including Western New Guinea, was vested in the Indonesian Republic. It therefore proposed, in the interests of good relations between the two countries, that the dispute over New Guinea should be solved before the Netherlands Parliament discussed the proposed constitutional changes, and that in the forthcoming discussions on the Netherlands-Indonesian Union the New Guinea question should find an equally important place.

The Netherlands Government, in its reply to the Indonesian Note (Nov. 16), reiterated its view that the proposed changes in no way affected the position of New Guinea, or the possibility of solving the dispute. In these circumstances, it did not consider it essential that the New Guinea problem should be solved before the discussion of the proposed changes by the States-General, which could not be postponed owing to the procedure for revision included in the Netherlands Constitution and the prescribed time of the elections. The proposals were intended, not to make any change whatever with regard to New Guinea, but to eliminate from the Constitution the anomaly that Indonesia was still mentioned in it as part of the territory of the Kingdom of the Netherlands, and that it still mentioned the Netherlands-Indonesian Union and the federal structure of the Republic of the United States of Indonesia. The Netherlands Government, it was pointed out, had not protested when the Indonesian Government had replaced the Federal Constitution (on the basis of which Indonesia had accepted sovereignty) by a new Provisional Constitution, and had included in it a description of the territory of the State of Indonesia which also comprised Netherlands New Guinea. In conclusion, the Note suggested that the New Guinea question might be treated as a legal dispute, e.g., by submitting it to the Union Court, and expressed the opinion that it need not prove an obstacle to the speedy holding of talks on the possible revision of the Union.

Although the Indonesian delegation arrived at The Hague early in December, the opening of the talks was held up for almost a month by the Indonesian Government's action in seizing cargoes of arms (intended for Netherlands naval units in New Guinea) from two Dutch ships at Tandjong Priok, the port of Jakarta. A Netherlands protest that the seizure of goods in transit was contrary to international law was rejected by the Indonesian Government on the ground that the question was not one of the transit of arms but of their import. However, following the delivery on Jan. 4, 1952, of an Indonesian Note indicating that the Government did not base its action on its claim to Western New Guinea, the Netherlands Government stated on Jan. 9 that it was prepared to open discussions, although it maintained its claim that the arms should be restored, and declared that in the event of continued refusal it would consider submitting the question to an international judicial body.

Formal discussions opened on Jan. 15, the Netherlands delegation being led by Dr. Blom and Mr. Götzen (Under-Secretaries for Foreign Affairs and Union Affairs respectively), and the Indonesian delegation by Professor Supomo. Addressing the opening session, Professor Supomo declared that Indonesia would reject any agreement that infringed her sovereignty; that in view of the "dynamic situation" in Indonesia, and the fact that her relationship with the Netherlands

was still in evolution, there was no point in formal delineation of areas of agreement; and that concrete agreements should therefore be laid down only where a real need existed. For the Netherlands Government, Dr. Blom stated that it was entering the negotiations reluctantly, and that its consent to a cancellation of the Union would depend on what was offered in its place.

By the end of January, although progress had been made in drafting a series of agreements to replace the Union Charter, the talks on the future of Western New Guinea had reached a virtual deadlock. The Indonesian delegation claimed that the cession of Western New Guinea to Indonesia would not only be in the best interests of both the Netherlands and Indonesia, but would also ensure stability in South-East Asia and the Pacific; to this, the Netherlands delegation replied with a counter-proposal that the question should be referred to an international court, which was rejected by the Indonesian delegation on the ground that the issue was not juridical but political. The Netherlands Cabinet on Jan. 28 referred the Indonesian proposals to the Second Chamber's Committee on Union Affairs, the majority of whose members held that even a reference of the subject to an international body or international court without a full debate in Parliament was out of the question; accordingly, on Jan. 31 the Government assured the Second Chamber that it would not take any steps to modify the *status quo* of Dutch New Guinea until Parliament had been enabled to make its views known. The Government thereupon informed the Indonesian delegation on Feb. 1 that it could not accept any proposal involving the surrender of Netherlands sovereignty over Western New Guinea, whereupon the Indonesian delegates, acting on their own responsibility, put forward tentative proposals for the joint administration of the territory which were subsequently endorsed by the Indonesian Cabinet.

Discussions on the new proposals were, however, temporarily suspended on Feb. 29, as the Indonesian delegation had been recalled to Jakarta following the resignation four days earlier of the Cabinet of Dr. Sukiman. A joint communiqué on the discussions was issued at The Hague on March 2, the date on which the Indonesian delegation left Holland.

The communiqué stated that, owing to the suspension of the talks, “the original intention of the two parties to present a joint report on the results of the discussions to the two Governments, which was to have included a rounded-off series of draft agreements, could not be carried out,” but that “in various spheres of co-operation provisional points of agreement have already been reached which can make a useful contribution towards the ultimate results which it is hoped to achieve in further discussions.” When considering economic and financial problems it had become clear that, owing to their complicated nature, the time available for them was completely inadequate, and attention had therefore been devoted to the Assembly of material which could be used as a basis for continued discussions. Sufficient progress had, however, been made in the main fields of trade, balance of payments, investments, and related subjects, to make possible a further fruitful exchange of ideas. Good progress had also been made in the political, juridical, military, social, and cultural fields, whilst, with regard to various special problems (e.g. cultural contacts, common diplomatic interests, the admission and settlement of Netherlands citizens in Indonesia, etc.), recommendations to the two Governments had been formulated or points of view made clear which, it was hoped, would contribute towards the solution of these problems in the near future. Both parties had sought for a solution of the New Guinea dispute, but the discussions had not yet resulted in any joint recommendation to the two Governments.