

UNITED NATIONS
and
INDONESIA AND NETHERLANDS

Understandings relating to the Agreement of 15 August 1962 between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian), all dated at New York on 15 August 1962:

- I. Exchange of letters (with annexed memorandum of understanding) on cessation of hostilities;**
- II. Memorandum of understanding and related letters on certain financial matters during the period of administration of West New Guinea (West Irian) by the United Nations Temporary Executive Authority (UNTEA);**
- III. Exchange of letters concerning the issue of passports and consular protection during the administration of West New Guinea (West Irian) by the United Nations Temporary Executive Authority (UNTEA);**
- IV. Two aide-memoires concerning the modalities of the transfer of authority over West New Guinea (West Irian)**

Official text: English.

Registered ex officio on 21 September 1962.

No. 6312. UNDERSTANDINGS¹ BETWEEN THE UNITED NATIONS AND INDONESIA AND THE NETHERLANDS RELATING TO THE AGREEMENT OF 15 AUGUST 1962² BETWEEN THE REPUBLIC OF INDONESIA AND THE KINGDOM OF THE NETHERLANDS CONCERNING WEST NEW GUINEA (WEST IRIAN), ALL DATED AT NEW YORK ON 15 AUGUST 1962.

I

EXCHANGE OF LETTERS (WITH ANNEXED MEMORANDUM OF UNDERSTANDING) ON CESSATION OF HOSTILITIES

Letter from the Representative of Indonesia and the Representatives of the Netherlands to the Acting Secretary-General

15 August 1962

Sir,

On behalf of our respective Governments, on the occasion of the signature of the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian),² we have the honour to bring to your attention the Memorandum of Understanding arrived at between our Governments concerning the cessation of hostilities in West New Guinea (West Irian), the signed original of which is contained in annex A³ to this note.

In bringing the annexed Memorandum of Understanding to your attention we have the honour to request, on behalf of our respective Governments, that you indicate your willingness to undertake as an extraordinary measure the functions conferred upon the Secretary-General in it in order to give the earliest possible effect to the cessation of hostilities, reserving your right to report to the General Assembly of the United Nations at the appropriate time. Our respective Governments have in mind, in making this request, the urgent necessity for your assistance and that of United Nations personnel in implementing the agreement on cessation of hostilities.

The Memorandum of Understanding sets out the agreement arrived at between our respective Governments that our Governments will, on an equal basis, meet all costs incurred by you in carrying out your responsibilities under

¹ Came into force on 15 August 1962 upon signature.

² See p. 273 of this volume.

³ See p. 296 of this volume.

the Memorandum. To this end, our Governments have agreed to make available in advance such sums as you may deem necessary.

Accept, Sir, the assurances of our highest consideration.

(Signed) SUBANDRIO
Representative of Indonesia

(Signed) J. H. VAN ROIJEN
Representative of the Netherlands

(Signed) C. SCHURMANN
Representative of the Netherlands

ANNEX A

MEMORANDUM OF UNDERSTANDING ON CESSATION OF HOSTILITIES CONSTITUTING AN AGREEMENT BETWEEN THE REPUBLIC OF INDONESIA AND THE KINGDOM OF THE NETHERLANDS

1. Cessation of hostilities in West New Guinea (West Irian), hereinafter referred to as "the territory", is to take place at 0001 GMT on Saturday 18 August 1962. As from that moment the following rules will be observed :
 - (a) Cease fire by both parties.
 - (b) Indonesia and the Netherlands will not reinforce their military forces in the territory nor resupply them with military matériel.
 - (c) The Secretary-General of the United Nations will assign United Nations personnel (i) to observe the implementation of this agreement and (ii) in particular to take necessary steps for the prevention of any acts endangering the security of forces of both parties to this agreement.
 - (d) Any incidents that might occur will be immediately reported by the party concerned to the United Nations personnel in order that they may take the necessary measures to restore the situation in consultation with both parties.
2. The cessation of hostilities will be communicated to the Netherlands and Indonesian armed forces by the following means :
 - (a) Messages transmitted through Indonesian and Netherlands radio-stations and via other means of communication.
 - (b) The dropping of leaflets in the areas concerned in accordance with the provisions of paragraph 3 hereof.
3. In order to overcome the special difficulties in communicating the cease fire to Indonesian forces in the territory, prearranged flights will be carried out by Indonesian aircraft, with the purpose of dropping leaflets on which a text approved by the Secretary-General will be printed. The Indonesian authorities agree to enable the distribution of this pamphlet to isolated posts as soon as possible and not later than a fortnight from the

cessation of hostilities. On these flights United Nations personnel will be on board to report, in advance and after the flight, on the time and the route of the flight and the areas of dropping leaflets.

4. To facilitate resupply of Indonesian troops in the territory and in order that they may be under the authority of and at the disposal of the Secretary-General at the appropriate time, Indonesia will make the necessary arrangements with regard to their location in selected areas, in agreement with the Secretary-General. The Secretary-General will act in consultation herein with the Netherlands Administrative Authorities.

5. The resupply of non-military matériel to the Indonesian armed forces in the territory will be effected by the United Nations personnel in co-operation with Indonesian and Netherlands authorities. United Nations personnel may use one or two unarmed Indonesian vessels for transport to one or more ports agreeable to the Netherlands authorities. Air supply will be carried out under the direction of the United Nations personnel in United Nations aircraft.

6. With a view to carrying out the arrangements mentioned under paragraphs 3, 4 and 5 hereof, a United Nations liaison and an Indonesian liaison, each consisting of three officers, will be established at a Netherlands forces headquarters in the territory. Military liaison officers will be included in the Permanent Missions to the United Nations of the Netherlands and Indonesia for liaison with the Secretary-General's Office.

7. As soon as possible after the adoption by the General Assembly of the United Nations of the resolution referred to in article I of the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian), and not later than 1 October 1962, a United Nations security force including an infantry battalion with ancillary arms and services will be placed by the Secretary-General at the disposal of the United Nations Temporary Executive Authority (UNTEA) in the territory to primarily supplement the existing Papuan Police in the task of maintaining law and order.

8. The Netherlands will make arrangements through the intermediary of the Secretary-General to repatriate Indonesian prisoners as soon as possible after the signing of the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian).

9. Indonesia and the Netherlands will jointly request the Secretary-General to undertake the functions conferred on him in this agreement.

10. Indonesia and the Netherlands will share on an equal basis all costs incurred by the Secretary-General under this agreement, and will make available in advance such sums as he deems necessary.

DONE on this fifteenth day of August 1962.

For the Republic of Indonesia :
(Signed) SUBANDRIO

For the Kingdom of the Netherlands :
(Signed) J. H. VAN ROIJEN
(Signed) C. SCHURMANN

*Identical letters from the Acting Secretary-General to the Representative of Indonesia
and to the Representatives of the Netherlands*

15 August 1962

Sir,
Sirs,

I have the honour to acknowledge the receipt of the note of today's date addressed to me by the Representative of the Republic of Indonesia and the Representatives of the Kingdom of the Netherlands, concerning the cessation of hostilities in West New Guinea (West Irian), reading as follows :

[See p. 294]

In reply I have the honour to inform you that, subject to the terms and conditions of the note under reference, I am prepared to undertake the responsibilities specified in that note and its related annex.

Accept, Sir, Sirs, the assurances of my highest consideration.

(Signed) U THANT
Acting Secretary-General

II

MEMORANDUM OF UNDERSTANDING AND RELATED LETTERS
ON CERTAIN FINANCIAL MATTERS DURING THE PERIOD
OF ADMINISTRATION OF WEST NEW GUINEA (WEST IRIAN)
BY THE UNITED NATIONS TEMPORARY EXECUTIVE AU-
THORITY (UNTEA)

1. With the view to preparing the budget for the period of administration of the territory of West New Guinea (West Irian) by the United Nations Temporary Executive Authority (UNTEA) in accordance with article XXIV of the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian),¹ a committee will be set up as soon as possible consisting of representatives of the Secretary-General of the United Nations, the Government of the Republic of Indonesia and the Government of the Kingdom of the Netherlands in order to collect the necessary information and to make appropriate recommendations to the Secretary-General. The committee will make recommendations to the Secretary-General concerning the amount to be placed at the disposal of the United Nations Administrator by the Netherlands and the Indonesian Governments at the beginning of the UNTEA period.

¹ See p. 273 of this volume.

2. In establishing the budget for the UNTEA period, the United Nations Administrator will make his calculations on the basis of a rate of exchange for the New Guinea guilder at US \$1.00-N.G. fl. 3.62.

DONE this fifteenth day of August 1962 in three original copies.

For the Republic of Indonesia :

(Signed) SUBANDRIO

For the Kingdom of the Netherlands :

(Signed) J. H. VAN ROIJEN

(Signed) C. SCHURMANN

Identical letters from the Acting Secretary-General to the Representative of Indonesia and to the Representatives of the Netherlands

15 August 1962

Sir,
(Sirs,)

I have the honour to refer to the discussions that took place on 13 and 14 August 1962 at the United Nations Headquarters between representatives of the Government of Indonesia, the Government of the Netherlands and the Secretariat concerning certain financial arrangements which are envisaged in connexion with the United Nations Administration of West New Guinea (West Irian).

In response to the request of the representatives of the two Governments these arrangements are set forth below.

The Secretary-General will prepare, in consultation with the two Governments, a budget covering the total anticipated costs involved in its administration of the Territory, and will request the two Governments to make advance of funds in such currencies and at such time(s) as may be required to cover the anticipated costs.

The funds made available by the Governments to the Organization will be treated as "trust funds" in accordance with United Nations financial regulations 6.6 and 6.7 and will be administered in accordance with the established United Nations financial regulations and rules relating to trust funds, reserve and special accounts, and, in particular, United Nations financial regulations 10.1 (d), 10.2 and 11.3 relating to the arrangements in respect of (a) the maintenance of an internal financial control to provide for an effective current examination and/or review of financial transactions in order to ensure the regularity of the receipt, custody and disposal of the funds, the conformity of obligations and expenditures with the purposes and rules relating to the trust funds, and the economic use of these resources; (b) providing that no obligations shall be incurred until allotments or other appropriate authorizations have been made in writing under the authority of the Secretary-General and (c) maintaining a separate special account for all funds received in trust from the Governments.

As soon as possible after the termination of the United Nations responsibility for administration of the Territory an audited statement of the income and expenditures arising from and in connexion with its administration of the Territory will be rendered to the two Governments, and any balance of funds in the trust fund that are not required to cover commitments entered into by the Organization in this connexion will be refunded in equal shares to the two Governments.

If, after preparation of the initial budget, unforeseen developments should occur giving rise to the need for additional funds from the two Governments, the Secretary-General would prepare a supplemental budget in consultation with the two Governments, and request such additional deposits in the trust fund as would be required.

It may be anticipated that the budget estimates would consist of two major parts, the first relating to what may be described as the normal territorial operations and accounts, and the second relating to expenses to be incurred by the United Nations for staff and other costs (salaries, United Nations pension contributions, insurance, travel expenses, communications costs, etc.) which may not be dealt with appropriately as part of the normal territorial operations. The second part of the budget would also include the costs of any security personnel that might be required and for which no provision has been made in the existing budget for the Territory.

It is my understanding that the representatives of the two Governments participating in the discussions expressed agreement with the arrangements set forth above, but I would be pleased to have you advise me of your Government's concurrence regarding them.

Accept, Sir, (Sirs) the assurances of my highest consideration.

(Signed) U THANT
Acting Secretary-General

III

EXCHANGE OF LETTERS CONCERNING THE ISSUE OF PASSPORTS AND CONSULAR PROTECTION DURING THE ADMINISTRATION OF WEST NEW GUINEA (WEST IRIAN) BY THE UNITED NATIONS TEMPORARY EXECUTIVE AUTHORITY (UNTEA)

*Letter from the Representative of Indonesia and the Representatives of the
Netherlands to the Acting Secretary-General*

15 August 1962

Sir,

On behalf of our respective Governments, on the occasion of the signature of the Agreement between the Republic of Indonesia and the Kingdom of the

Netherlands concerning West New Guinea (West Irian),¹ we have the honour to bring to your attention the following agreement arrived at between our Governments and hereby placed on record, concerning the issue of passports and consular protection during the period of the administration by the United Nations Temporary Executive Authority (UNTEA) provided for in the aforesaid Agreement :

“ 1. The UNTEA shall have the authority at its discretion to issue travel documents to Papuans (West Irianese) applying therefor without prejudice to their right to apply for Indonesian passports instead;

“ 2. The Governments of Indonesia and of the Netherlands shall at the request of the Secretary-General furnish consular assistance and protection abroad to Papuans (West Irianese) carrying the travel documents mentioned in the previous paragraph, it being for the person concerned to determine to which consular authority he should apply. ”

Should the above be acceptable to you, we have the honour further to propose that the note and your reply to the above effect shall be regarded as constituting and placing upon record the agreement reached in his matter.

Accept, Sir, the assurances of our highest consideration.

(Signed) SUBANDRIO
Representative of Indonesia

(Signed) J. H. VAN ROIJEN
Representative of the Netherlands

(Signed) C. SCHURMANN
Representative of the Netherlands

Identical letters from the Acting Secretary-General to the Representative of Indonesia and to the Representatives of the Netherlands

15 August 1962

Sir,
(Sirs,)

I have the honour to acknowledge the receipt of the note of today's date addressed to me by the representatives of the Republic of Indonesia and the Kingdom of the Netherlands, concerning the issue of passports and consular protection during the period of the administration by the United Nations Temporary Executive Authority (UNTEA) of the territory of West New Guinea (West Irian), and reading as follows :

[See p. 304]

¹ See p. 273 of this volume.

In reply I have the honour to inform you that I am prepared to instruct the UNTEA, when it is established as provided for in the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian), to undertake the function referred to in the note under reference. I would like to take this occasion to request your Government to undertake consular assistance and protection abroad to Papuans (West Irianese) as provided in paragraph No. 2 of the note under reference.

This note and your note under reference shall be regarded as constituting and placing on record the agreement reached in this matter.

Accept, Sir, (Sirs) the assurances of my highest consideration.

(Signed) U THANT
Acting Secretary-General

Letter from the Representative of Indonesia to the Acting Secretary-General

15 August 1962

Sir,

I have the honour to acknowledge the receipt of your note of today's date, indicating your willingness to undertake certain functions concerning issue of passports during the period of the administration by the United Nations Temporary Executive Authority (UNTEA) of the territory of West New Guinea (West Irian) and requesting my Government to undertake consular assistance and protection abroad to Papuans (West Irianese) requesting such assistance and protection during the period of the UNTEA Administration. I have the honour to inform you that my Government will undertake such consular assistance and protection.

Accept, Sir, the assurances of my highest consideration.

(Signed) SUBANDRIO
Representative of Indonesia

Letter from the Representatives of the Netherlands to the Acting Secretary-General

15 August 1962

Sir,

We have the honour to acknowledge the receipt of your note of today's date, indicating your willingness to undertake certain functions concerning issue of passports during the period of the administration by the United Nations Temporary Executive Authority (UNTEA) of the territory of West New Guinea (West Irian) and requesting our Government to undertake consular assistance

and protection abroad to Papuans (West Irianese) requesting such assistance and protection during the period of the UNTEA Administration.

We have the honour to inform you that our Government will undertake such consular assistance and protection.

Accept, Sir, the assurances of our highest consideration.

(Signed) J. H. VAN ROIJEN

Representative of the Netherlands

(Signed) C. SCHURMANN

Representative of the Netherlands

IV

TWO AIDE-MÉMOIRES CONCERNING THE MODALITIES OF THE TRANSFER OF AUTHORITY OVER WEST NEW GUINEA (WEST IRIAN)

Aide-mémoire from the Acting Secretary-General handed to the Representative of Indonesia

1. The authority of the Government of the Netherlands over the territory will be terminated when the Special Representative of the Secretary-General takes charge. On the same day the United Nations flag will be hoisted.
2. From the same date the withdrawal and repatriation of the armed forces of the Netherlands will begin under the supervision of the Secretary-General's Special Representative and will be concluded as soon as possible.
3. On 31 December 1962 the Netherlands flag will be struck, and the Indonesian flag will be hoisted side by side with the United Nations flag.
4. The transfer of authority to Indonesia will be effected as soon as possible after 1 May 1963.

15 August 1962

Aide-mémoire from the Acting Secretary-General handed to the Representatives of the Netherlands

1. The authority of the Government of the Netherlands over the territory will be terminated when the Special Representative of the Secretary-General takes charge. On the same day the United Nations flag will be hoisted.
2. From the same date the withdrawal and repatriation of the armed forces of the Netherlands will begin under the supervision of the Secretary-General's Special Representative and will be concluded as soon as possible.

3. On the day of the transfer of authority to the United Nations, the Netherlands flag will be hoisted side by side with the United Nations flag, and it will fly until 31 December 1962.

4. The transfer of authority to Indonesia will be effected as soon as possible after 1 May 1963.

15 August 1962