

STRICT EMBARGO: UNTIL THE PRIME MINISTER BEGINS TO SPEAK AT APPROXIMATELY 3.05 pm.

STATEMENT BY THE PRIME MINISTER, RT. HON. R.G. MENZIES, C.H., Q.C., M.P.,
IN THE HOUSE OF REPRESENTATIVES ON TUESDAY, 24th FEBRUARY, 1959 :

INDONESIA AND WEST NEW GUINEA

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 the United Nations taken up the 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 the function of the General Assembly to interpret agreements nor to pass judgments on questions of territorial sovereignty. This did not and does not exclude a reference by the parties to the International Court.
4. We have advocated and still advocate the reference to the International Court of the Indonesian claim to sovereignty. The Dutch have previously expressed their willingness; Indonesia has refused.
5. We have always maintained that the paramount interest ultimately is that of the indigenous population. This view recognises sovereignty, but looks to the future in terms of 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 the opportunity of stating Australia's position. I will put to the House that position in substantially the terms in which, as Prime Minister, I stated it to Dr. Subandrio.

- (a) We are and always have been of opinion that the Netherlands has sovereignty over West New Guinea. If, as you clearly do, you dispute this, the matter 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 the Dutch to negotiate. You have made it clear publicly in Australia that your conception of a negotiation is that it should lead to and work out the conditions of a transfer of sovereignty. Under these circumstances, for us to urge the Dutch to negotiate would be to take up the position that we desire to see the sovereignty changed. This would be a clear reversal of our policy, and we will not do it. We will therefore not advocate a negotiation.

- (c) But should Indonesia and the Netherlands come to some agreement in the 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 the future of the indigenous populations of 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 the matter of West New Guinea and the Netherlands should impair the 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 an 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 a lawful way, there is no reason why we should not live as friendly neighbours, with mutual assistance and tolerance, with common hopes and interests.

The joint communique of the two Ministers was designed to give effect to these propositions.

What are the 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, the supreme adjudicating organ of the 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 a clear justiciable issue.
2. Suppose Indonesia decided to accept the jurisdiction of the Court, would Dr. Evatt deny that jurisdiction? If so, why?
3. If the Court decided the issue of sovereignty in favour of Indonesia, would Dr. Evatt (in my place) repudiate the decision, or accept it?

Should he accept, how would the case differ from a transfer of sovereignty freely agreed upon between the two parties principal. Can the Court do by judgment what the parties cannot do by free agreement or settlement?

Should he reject the decision, what would he do to make his rejection effective? Would he move the United Nations to overrule the Court? Would he quarrel with both the Dutch and the Indonesians, each of whom had, ex hypothesi, accepted the jurisdiction of the Court? Would he really think that the United Nations would vote to overrule the Court?

But pursue the matter further.

Dr. Subandrio is reported to have named the Labour government of Australia, chiefly moved on this matter by Dr. Evatt himself, as "the midwife" of the new Indonesian Republic.

Suppose the Dutch had, at the hand-over, included West New Guinea with Java and Sumatra and the rest of the Netherlands East Indies in the transfer, would Dr. Evatt, as midwife, have refused to deliver the additional child?

What could or would the Labour government have done had West New Guinea been included?

And if the Dutch at some future time, exercising their own judgment, (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 the new sovereignty as lawful?

It is said that we have changed our policy. I venture to assert that it is the 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 the Netherlands, it can be transferred at the 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 the 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 the Netherlands, and it is for the Netherlands to say whether Dutch New Guinea shall come into the agreement. From our point of view the relationship of Dutch New Guinea with the Indonesian Republic and the future government of the territories concerned are matters primarily for the Dutch and Indonesian governments. I repeat that our interest is that there should be a peaceful settlement of that question."

The whole of this controversy appears to have sprung from a mis-interpretation of the words "would not oppose such an agreement." These words have been twisted to mean that Australia will actually encourage the making of such an agreement. This is not our attitude, as we made crystal clear to Dr. Subandrio in the 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 the Netherlands in the United Nations. So clearly have we contemplated a continuance of Dutch administration that, as recently as November 6th, 1957, the Australian and Netherlands Governments publicly defined the jointly agreed principles being followed in respect of their New Guinea territories.

These principles included a declaration of the basic importance of the interests and inalienable rights of the indigenous inhabitants; and the need for co-operation in policy and administration, having regard to the geographical and ethnological association between the two sections of New Guinea. The two governments agreed that they would continue and strengthen their co-operation. In conclusion, they said :

"In so doing the two Governments are determined to promote an uninterrupted development of this process until such time as the inhabitants of the 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 the relevant paragraph of the 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 the 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 the principles of self-determination.

The second is that we have stipulated that any agreement should accord with "internationally accepted principles". Those principles are in some important ways expressed in the Charter of the United Nations. They certainly include a recognition of the duties to native peoples and their ultimate right of self-determination.

(As Mr. Joske pointed out to the House on Thursday last, one of the international principles, binding on Indonesia, the Netherlands, and Australia as member nations of the United Nations, is expressed in Article 73 of the Charter. We think that under that article all the 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 the joint communique, and were emphasised by us in the discussions.)

The third is that Indonesia expressly renounces the use of force to sustain its claim to West New Guinea. In view of some threats and rumours of threats, we attach great importance to this statement, as no doubt will other powers concerned in the peace of South East Asia, and the South-West Pacific.

There is another aspect of this matter to which I would wish to make a brief reference.

We have stated that we will not put pressure on either of the parties to come to any new arrangement. It should, however, be understood that we are not forgetting our special relations with the Netherlands, our joint declaration of November 1957, and the importance we attach to the development of the 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 the matters which affect the 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 the 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 a clear record of friendly association with the Dutch, with whom we have, and will, expand as opportunity offers, the administrative contacts to which I have referred in respect of our various sections of New Guinea. We have made it plain that the 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 the Dutch issues, we desire friendship, understanding and peace. We think that the 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 which 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 the 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.

With the compliments of -

Hugh Dash,
Press Secretary to the Prime Minister,
CANBERRA, A.C.T.