

No. 6311

**INDONESIA
and
NETHERLANDS**

**Agreement (with annex) concerning West New Guinea
(West Irian). Signed at the Headquarters of the
United Nations, New York, on 15 August 1962**

Official text: English.

*Registered on 21 September 1962 by the Secretariat acting on behalf of the Con-
tracting Parties pursuant to paragraph 2 of article XXVIII of the Agreement.*

**INDONÉSIE
et
PAYS-BAS**

**Accord (avec annexe) concernant la Nouvelle-Guinée occi-
dentale (Irian occidental). Signé au Siège de l'Organisa-
tion des Nations Unies, à New York, le 15 août 1962**

Texte officiel anglais.

*Enregistré le 21 septembre 1962 par le Secrétariat agissant au nom des Parties
contractantes conformément au paragraphe 2 de l'article XXVIII de l'Accord.*

No. 6311. AGREEMENT¹ BETWEEN THE REPUBLIC OF INDONESIA AND THE KINGDOM OF THE NETHERLANDS CONCERNING WEST NEW GUINEA (WEST IRIAN). SIGNED AT THE HEADQUARTERS OF THE UNITED NATIONS, NEW YORK, ON 15 AUGUST 1962

The Republic of Indonesia and the Kingdom of the Netherlands,
Having in mind the interests and welfare of the people of the territory of West New Guinea (West Irian) hereinafter referred to as "the territory",

Desirous of settling their dispute regarding the territory,

Now, therefore, agree as follows :

RATIFICATION OF AGREEMENT AND RESOLUTION OF THE GENERAL ASSEMBLY
OF THE UNITED NATIONS

Article I

After the present Agreement between Indonesia and the Netherlands has been signed and ratified by both Contracting Parties, Indonesia and the Netherlands will jointly sponsor a draft resolution in the United Nations under the terms of which the General Assembly of the United Nations takes note of the present Agreement, acknowledges the role conferred upon the Secretary-General of the United Nations therein, and authorizes him to carry out the tasks entrusted to him therein.

TRANSFER OF ADMINISTRATION

Article II

After the adoption of the resolution referred to in article I, the Netherlands will transfer administration of the territory to a United Nations Temporary Executive Authority (UNTEA) established by and under the jurisdiction of the Secretary-General upon the arrival of the United Nations Administrator appointed in accordance with article IV. The UNTEA will in turn transfer the administration to Indonesia in accordance with article XII.

¹ In accordance with article XXVIII, the Agreement came into force on 21 September 1962, the date of the adoption by the General Assembly of the resolution envisaged in article I of the Agreement (A/RES/1752 (XVII)). The instruments of ratification were exchanged on 20 September 1962 at the Headquarters of the United Nations, in accordance with article XXVII.

UNITED NATIONS ADMINISTRATION

Article III

In order to facilitate the transfer of administration to the UNTEA after the adoption of the resolution by the General Assembly, the Netherlands will invite the Secretary-General to send a representative to consult briefly with the Netherlands Governor of the territory prior to the latter's departure. The Netherlands Governor will depart prior to the arrival of the United Nations Administrator.

Article IV

A United Nations Administrator, acceptable to Indonesia and the Netherlands, will be appointed by the Secretary-General.

Article V

The United Nations Administrator, as chief executive officer of the UNTEA, will have full authority under the direction of the Secretary-General to administer the territory for the period of the UNTEA administration in accordance with the terms of the present Agreement.

Article VI

1. The United Nations flag will be flown during the period of United Nations administration.
2. With regard to the flying of the Indonesian and Netherlands flags, it is agreed that this matter will be determined by agreement between the Secretary-General and the respective Governments.

Article VII

The Secretary-General will provide the UNTEA with such security forces as the United Nations Administrator deems necessary; such forces will primarily supplement existing Papuan (West Irianese) police in the task of maintaining law and order. The Papuan Volunteer Corps, which on the arrival of the United Nations Administrator will cease being part of the Netherlands armed forces, and the Indonesian armed forces in the territory will be under the authority of, and at the disposal of, the Secretary-General for the same purpose. The United Nations Administrator will, to the extent feasible, use the Papuan (West Irianese) police as a United Nations security force to maintain law and order and, at his discretion, use Indonesian armed forces. The Netherlands armed forces will be repatriated as rapidly as possible and while still in the territory will be under the authority of the UNTEA.

Article VIII

The United Nations Administrator will send periodic reports to the Secretary-General on the principal aspects of the implementation of the present Agreement. The Secretary-General will submit full reports to Indonesia and the Netherlands and may submit, at his discretion, reports to the General Assembly or to all United Nations Members.

FIRST PHASE OF THE UNTEA ADMINISTRATION

Article IX

The United Nations Administrator will replace as rapidly as possible top Netherlands officials as defined in annex A¹ with non-Netherlands, non-Indonesian officials during the first phase of the UNTEA administration which will be completed on 1 May 1963. The United Nations Administrator will be authorized to employ on a temporary basis all Netherlands officials other than top Netherlands officials defined in annex A, who wish to serve the UNTEA, in accordance with such terms and conditions as the Secretary-General may specify. As many Papuans (West Irianese) as possible will be brought into administrative and technical positions. To fill the remaining required posts, the UNTEA will have authority to employ personnel provided by Indonesia. Salary rates prevailing in the territory will be maintained.

Article X

Immediately after the transfer of administration to the UNTEA, the UNTEA will widely publicize and explain the terms of the present Agreement, and will inform the population concerning the transfer of administration to Indonesia and the provisions for the act of self-determination as set out in the present Agreement.

Article XI

To the extent that they are consistent with the letter and spirit of the present Agreement, existing laws and regulations will remain in effect. The UNTEA will have power to promulgate new laws and regulations or amend them within the spirit and framework of the present Agreement. The representative councils will be consulted prior to the issuance of new laws and regulations or the amendment of existing laws.

¹ See p. 288 of this volume.

SECOND PHASE

Article XII

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 the UNTEA administration. The UNTEA's authority will cease at the moment of transfer of full administrative control to Indonesia.

Article XIII

United Nations security forces will be replaced by Indonesian security forces after the first phase of the UNTEA administration. All United Nations security forces will be withdrawn upon the transfer of administration to Indonesia.

INDONESIAN ADMINISTRATION AND SELF-DETERMINATION

Article XIV

After the transfer of full administrative responsibility to Indonesia, Indonesian national laws and regulations will in principle be applicable in the territory, it being understood that they be consistent with the rights and freedoms guaranteed to the inhabitants under the terms of the present Agreement. New laws and regulations or amendments to the existing ones can be enacted within the spirit of the present Agreement. The representative councils will be consulted as appropriate.

Article XV

After the transfer of full administrative responsibility to Indonesia, the primary task of Indonesia will be further intensification of the education of the people, of the combating of illiteracy, and of the advancement of their social, cultural and economic development. Efforts also will be made in accordance with present Indonesian practice to accelerate the participation of the people in local government through periodic elections. Any aspects relating to the act of free choice will be governed by the terms of this Agreement.

Article XVI

At the time of the transfer of full administrative responsibility to Indonesia a number of United Nations experts, as deemed adequate by the Secretary-General after consultation with Indonesia, will be designated to remain wherever their duties require their presence. Their duties will, prior to the arrival of the United Nations Representative, who will participate at the appropriate time in the arrangements for self-determination, be limited to advising on and assisting in preparations for carrying out the provisions for self-determination