

No. 7339

**UNITED NATIONS
and
PAKISTAN**

Exchange of letters (with General Directive) constituting an agreement concerning the United Nations Security Force in West New Guinea (West Irian). New York, 6 December 1962 and 18 April 1963

Official text: English.

Registered ex officio on 20 July 1964.

**ORGANISATION DES NATIONS UNIES
et
PAKISTAN**

Échange de lettres (avec directive générale) constituant un accord relatif à la Force de sécurité des Nations Unies en Nouvelle-Guinée occidentale (Irian occidental). New York, 6 décembre 1962 et 18 avril 1963

Texte officiel anglais.

Enregistré d'office le 20 juillet 1964.

No. 7339. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED NATIONS AND PAKISTAN CONCERNING THE UNITED NATIONS SECURITY FORCE IN WEST NEW GUINEA (WEST IRIAN). NEW YORK, 6 DECEMBER 1962 AND 18 APRIL 1963

I

PO 240 (WENGU) 1

6 December 1962

Sir,

I have the honour to refer to Article VII of the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea² (West Irian) (A/5170) which states, *inter alia*, that the Secretary-General will provide the United Nations Temporary Executive Authority (UNTEA) in West New Guinea (West Irian) with such security forces as the United Nations Administrator in that territory deems necessary, to supplement existing Papuan (West Irianese) police, in the task of maintaining law and order during the period of administration of the territory by the UNTEA. I also have the honour to refer to General Assembly resolution 1752 (XVII)³ of 21 September 1962, which authorizes the Secretary-General to carry out the tasks entrusted to him in the foregoing Agreement.

As your Government has been kind enough to make available, at my request, a contingent of its armed forces to enable me to constitute the United Nations Security Force in West New Guinea (West Irian) by virtue of the authority vested in me by the foregoing Agreement and resolution, I have the honour to transmit herewith, a copy of a General Directive⁴ concerning the United Nations Security Force in West New Guinea (West Irian) which I have issued, and which is to be distributed to contingents of the Security Force. These contingents will serve under this Directive.

The Directive affirms, in sections 3 (a) and 4 (b), that the national contingents provided by Governments comprise part of a United Nations Security

¹ Came into force on 18 April 1963 by the exchange of the said letters.

² United Nations, *Treaty Series*, Vol. 437, p. 273.

³ United Nations, *Official Records of the General Assembly, Seventeenth Session, Supplement No. 17* (A/5217), p. 70.

⁴ See p. 32 of this volume.

Force, under the command authority at all times of the United Nations Commander designated by the Secretary-General. In the exercise of this authority the United Nations Commander is under the immediate direction of the United Nations Administrator, who in turn acts under the general direction of the Secretary-General. Section 5 (a) of the Directive provides that the United Nations Commander shall designate the chain of command within national contingents, making use of the officers of those contingents.

I should like to draw your attention to section 5 (b) of the Directive, which provides as follows :

“ The United Nations Commander has general responsibility for the good order of the contingents under his overall command. He may make investigations, conduct inquiries and require information, reports and consultations for the purpose of discharging his responsibility. Responsibility for disciplinary action in the contingents concerned rests with the commanders of those contingents. Reports concerning disciplinary action and incidents involving third parties shall be communicated to the United Nations Commander who may consult with the Commander of the contingent concerned. ”

The Directive, in section 7, lays down the rights and duties of the Security Force and provides its individual members with the privileges and immunities necessary for the exercise of their functions within West New Guinea (West Irian). Sub-paragraph (e) of section 7, in particular, provides that :

“ All members of the United Nations Security Force shall be granted immunity for official acts performed in the course of their duties. In all other respects they shall be subject to the exclusive criminal jurisdiction of their national authorities. They shall be subject to local civil jurisdiction for acts performed outside the course of their duties. They shall also be subject to the rules and regulations of the contingents of which they form a part without derogating from their responsibilities as part of the United Nations Security Force. ”

In view of the considerations set out in the two immediately preceding paragraphs, I should appreciate your assurance that the commander of the national contingent provided by your Government will be in a position to exercise the necessary disciplinary authority. I should also appreciate your assurance that, if it should become necessary, your Government will be prepared to exercise jurisdiction with respect to any crime or offence which might be committed by a member of such national contingent. Such assurance will assist me greatly in ensuring the proper discharge of my responsibilities in connexion with the Security Force.

Accept, Sir, the assurances of my highest consideration.

U THANT
Secretary-General

His Excellency Muhammad Zafrulla Khan
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Pakistan
to the United Nations
Pakistan House
New York 21, New York

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PAKISTAN MISSION TO THE UNITED NATIONS
PAKISTAN HOUSE
NEW YORK 21, N.Y.

No. 267-S/63

April 18, 1963

Sir,

I have the honour to refer to last para. of your letter No. PO 240 (WENGU) 1 dated 6 December 1962 and to say that the Government of Pakistan have directed me to convey to you the assurance that the Commander of the Pakistan Contingent in West Irian will be in a position to exercise the necessary disciplinary authority, and should it become necessary, the Pakistan Government will be prepared to exercise jurisdiction with respect to any crime or offence which might be committed by a member of the Pakistan Contingent.

Accept, Sir, the assurance of my highest consideration.

ZAFRULLA KHAN
Permanent Representative of Pakistan
to the United Nations

His Excellency U Thant
Secretary-General to the United Nations
New York