

# Small files: Tibet 1959-1961, West Irian (Dutch New Guinea) 1958-1961, Yeme...

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Dag Hammarskjöld's saml.

West Irian (Dutch New Guinea)

15-17 Nov. 60

Kamil, Dato Nik Ahmed (Peru. Representative  
of the Federation of Malaya to  
the U. N.)

- 1 letter to D. H.
- 1 letter from D. H.
- end. - Aide-Memoire for the Prime Minister of Malaya.

15 November 1960

Dear Mr. Ambassador,

You will remember that when I had the pleasure of receiving the Prime Minister, he gave me a document on which I promised to give my comments in writing.

.....  
I have now studied the paper and have the pleasure of enclosing a few notes which, in fact, do not go beyond what I said already orally, but which all the same may be of some use to the Prime Minister.

Please transmit to the Prime Minister my sincere regards and my thanks for his call.

Yours sincerely,

Dag Hammarskjöld.

H.E. Dato Nik Ahmed Kamil,  
Permanent Representative to the  
United Nations,  
Permanent Mission of the Federation  
of Malaya to the United Nations,  
Lincoln Building, Room 1836,  
60 East 42nd Street,  
New York, N.Y.

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Secret

15 November 1960

Aide-Memoire

The Memorandum envisages inter alia the placing of West Irian under the trusteeship system of the United Nations and makes some specific proposals concerning the manner in which this should be done.

The international Trusteeship System provided for in Chapters XII and XIII of the Charter is a whole and, consequently, the full range of the articles of both these chapters of the Charter would become applicable to any territory placed under it.

The placing of the territory of West Irian under the trusteeship system would be in application of Article 77 l. c. which provides for "territories voluntarily placed under the trusteeship system by states responsible for their administration". By virtue of Article 79 of the Charter, the terms of trusteeship agreement would require the approval of the State administering the territory and of "the states directly concerned". Any trusteeship agreement which might be placed before the General Assembly regarding West Irian (West New Guinea) would therefore have to be acceptable to the Government of the Netherlands and probably also to the Government of Indonesia which would likely have to be regarded as one of the states directly concerned. It is not unlikely that for reasons of geography Australia too would wish to be regarded as a "state directly concerned".

Of course it is solely for the Netherlands Government to pronounce itself on the matter but the question can be asked whether it would be likely to agree to any trusteeship agreement which did not appoint it as one of the administering authorities. Naturally, there is, however, the possibility that the Netherlands might agree to some kind of multiple trusteeship arrangement which might well include other States, such as Ceylon, India, Malaya.

Any provision in a trusteeship agreement which would state beforehand that this territory should be "handed over to Indonesia" and thus make the trusteeship a kind of transitional caretaker arrangement on behalf of that State, prejudging the destiny of the territory, would be against the letter and spirit of the Charter. Such an agreement would also be in opposition to the stand which the Netherlands Government has taken for a long time and which it has recently reiterated, namely that the inhabitants of this territory should be given the right of self-determination. It is conceivable, however, that a trusteeship agreement might allow for the inhabitants to be consulted at the end of a fixed period of time (two or three years) as to whether they would wish to attain independence alone or in association with other States, including Indonesia.

PERUTUSAN TETAP  
PERSEKUTUAN TANAH MELAYU  
KE-PERTUBOHAN BANGSA<sup>2</sup> BERSATU



PERMANENT MISSION OF THE  
FEDERATION OF MALAYA  
TO THE UNITED NATIONS

60 EAST 42ND STREET, NEW YORK 17, N. Y.

TELEPHONE: YUKON 6-7025

17 November, 1960.

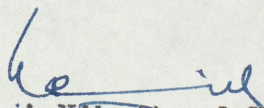
Dear Mr. Secretary-General,

I thank you very much for your letter of 15 November, 1960.

The Aide-Memoire enclosed in your letter has been promptly transmitted to my Prime Minister as requested by you. I have no doubt that the Prime Minister will find the notes extremely useful.

I have also transmitted to the Prime Minister your sincere regards.

Yours sincerely,

  
Dato' Nik Ahmed Kamil

H.E. Mr. Dag Hammarskjold,  
Secretary-General,  
United Nations,  
New York.