

‘THE CHILD OF THE UNITED NATIONS’

SELF-DETERMINATION, SOVEREIGNTY AND THE INDONESIAN QUESTION

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INTRODUCTION

“...Indonesia is one of the most important States of South East Asia, having a population of 72 million. It has the largest Moslem population on the world. Economically, politically, and strategically, it occupies a key position in international politics. Secondly, it may in a sense be said to be the child of the United Nations.”¹

With this statement, the representative of India requested the Security Council (SC) to discuss the admission of the Republic of Indonesia to the United Nations (UN). During this particular meeting, a turbulent period came to its end. A period in which the former Netherlands Indies became a sovereign and independent state. The process towards independency did not go smoothly. The dispute between the Netherlands and the self-acclaimed Indonesian Republic escalated into an armed conflict and the SC was asked to take action in order to cease hostilities. Years full of meetings, resolutions, commissions, agreements, violations of these agreements and the establishment of new agreements followed the first cease-fire order. These years of hard work resulted in the transfer of sovereignty at the end of 1949 and UN membership in the autumn of 1950.

The discussions in the SC were marked by the different opinions about the manner in which the Council was obliged to take action considering the Indonesian dispute. Several members were of opinion that the right of self-determination of the Indonesian people was being repressed by the, in the first stadium, British- and later on, at a larger scale, the Netherlands forces. On the other side, the Netherlands authorities were of opinion that the SC, by taking action, was interfering in the internal affairs of the sovereign Kingdom of the Netherlands. The members that were supporting the right to self-determination of the Republic were basing their arguments on Article 1.3 of the first Chapter of the Charter of the UN, which talked about developing friendly relations between nations based on respect for the principle of equal rights and self-determination of peoples.² However, in Article 2.1 and 2.7 of the same Chapter, the principle of sovereign equality and the non-intervention in matters which are within the domestic jurisdiction of a state were included.³

¹ United Nations Security Council Official Records (UNSCOR), 503rd meeting (26 September 1950), 12

² Charter of the United Nations, Chapter I, Article 1.2: “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.”

³ Charter of the United Nations, Chapter I, Article 2.1: “The Organisation is based on the principle of the sovereign equality of all its members.”; and, Article 2.7: “Nothing contained in the present Charter shall

Because of the inclusion of both the principle of sovereignty and the principle of self-determination in the Charter of the UN a field of tension evolved between the two principles. The Indonesian Question was the first case of decolonization that came before the SC, in which the principles of self-determination and sovereignty appeared to be of major importance. Therefore, researching the Indonesian question would be a great opportunity to analyse the development of the two principles in relation to each other during the discussions in the SC concerning the Indonesian dispute. In order to be able to come to a conclusion about the development of the two principles during the Indonesian dispute the question which must be asked is: what role was played by the principles of self-determination and sovereignty in the discussions before the SC that contributed to the settlement of the Indonesian dispute in 1945-1950?

The answer to this question could provide for a better insight of the development of the provisions of the Charter of the UN. It will give an understanding in the growing difference between theory and practice during the first years of the SC. Next to that, this research will show the influence of the changing era of decolonisation on international relations and world organization. On the other side, it will put the Indonesian dispute in the broader context of the development of world government and international relations.

HISTORIOGRAPHY

Works that describe and analyse the Indonesian struggle for independence appeared in a lot of different shapes and forms. The Dutch works were especially acquainted by the military actions that were executed by the Netherlands forces.⁴ On the other side, the economic and cultural developments have been analysed also.⁵ The struggle as a whole was often recorded by the means of exhaustive books that merely described the development and outcome of the conflict.⁶ Other works focused on the foreign influence on the dispute.⁷ However, most of

authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.”

⁴ René Kok, Louis Zweers and Erik Somers, *Koloniale oorlog: 1945-1949: Van Indië naar Indonesië* (Amsterdam, 2009); Stef Scagliola, *Last van de oorlog: De Nederlandse oorlogsmisdaden in Indonesië en hun verwerking* (Amsterdam, 2002); J.J.P. de Jong, *Avondschot: Hoe Nederland zich terugtrok uit zijn Aziatisch imperium* (Amsterdam, 2011); Frans Glissenaar, *Indië verloren, rampspoed geboren* (Hilversum, 2003)

⁵ Els Bogaerts and Remco Raben (ed.), *Van Indië tot Indonesië* (Amsterdam, 2007); H.W. van den Doel, *Afscheid van Indië: de val van het Nederlandse imperium in Azië* (Amsterdam 2000)

⁶ George McTurnan Kahin, *Nationalism and Revolution in Indonesia* (Ithaca 1952); Anthony Reid, *The Indonesian National Revolution, 1945-1950* (Hawthorn, 1974)

⁷ Ruth T. McVey, *The Soviet View of the Indonesian Revolution, A study in the Russian Attitude Towards Asian Nationalism* (Ithaca, 1957); Marc Frey, Ronald W. Pruessen, and Tan Tai Yong (ed.), *The Transformation of Southeast Asia, International Perspectives on Decolonization* (Armonk 2003); Frances Gouda with Thijs Brocades Zaalbers, *American Visions of the Netherlands East Indies/Indonesia, U.S. foreign policy and*

them left aside the SC as a major actor in the dispute. Just a few works analysed the Indonesian question in relation to the UN. Two of these works were written by UN officials who worked also with the Indonesian dispute.⁸ These works were merely written within 10 or 20 years after the settlement of the dispute and lack a certain broader viewpoint and particular focus. This research will close the gap by placing the Indonesian struggle for independence in the broader context of the development of sovereignty and self-determination in the discussion before the SC.

The development of the principles of sovereignty and self-determination has also been researched in a comprehensive manner. The tension between the two principles is apparent in the literature that is written about them. Many writers gave the UN a distinctive role in the development of self-determination in international relations and law. However, as much writers acknowledged that, besides decolonisation, self-determination cannot be seen as a positive right. Frederic Kirgis searched in his article, 'The degrees of self-determination in the UN' era',⁹ for the possibility of granting a right to self-determination to peoples in a system of international law that is based on the principle of sovereignty. He stated that it depends on the stability of a regime. Yehuda Blum wrote in his article, 'Reflections on the changing concept of self-determination',¹⁰ about the development of the principle in relation to the principle of sovereignty. He started at the Wilsonian moment and ended with the implication of the right of self-determination for 'all peoples. Michla Pomerance also analysed the development of self-determination in her article, 'Self-determination today: the metamorphosis of an ideal.'¹¹ He wrote not only about the problems that evolved around the implementation of self-determination, but wrote also about the manner in which the UN applied to the principle. Pomerance held the view that the UN had a preference for a territorial manner of practising the principle, especially regarding the colonial peoples. Helen Quane reacted in her article, 'The United Nations and the evolving right to self-determination', on this territorial manner and states that the problem is somewhat more nuanced. There were also cases to find that did not show this preference.

Indonesian Nationalism, 1920-1949 (Amsterdam 2002); Richard McMillan, *The British Occupation of Indonesia: 1945-1946: Britain, The Netherlands and the Indonesian Revolution* (Oxon, 2005)

⁸ J.F. Collins, "The United Nations and Indonesia," *International Organisation* 115 (1950): 37-56; A.M. Taylor, *Indonesian Independence and the United Nations*, (London 1960).

⁹ F. L. Kirgis, "The degrees of self-determination in the United Nations era," *The American Journal of International Law* 88:2 (April 1994): 304-310.

¹⁰ Y. Z. Blum, "Reflections on the Changing Concept of Self-determination," *Israel Law Review* 10 (1975): 509-514

¹¹ M. Pomerance, "Self-determination today: the metamorphosis of an ideal," *Israel Law Review* 19 (1984): 310-339

These writers, among others,¹² all started their analysis of self-determination and decolonisation with General Assembly Resolution 1514 (1960) that proclaims that all peoples have the right to self-determination. However, the Indonesian dispute shows that the UN was already acquainted with the principle of self-determination and decolonisation at the beginning of its practice. During the first meetings of the SC the members were stating that the era of colonialism and imperialism had ended and that the principle of self-determination was a main principle within the Charter of the UN.¹³ The literature did not refer to this early point in the evolution of the UN and its relation to the right of self-determination.

Mark Mazower, though, wrote in his book, 'No Enchanted Palace: The end of empire and the ideological origins of the United Nations,'¹⁴ about this early period of the UN. He stressed that the UN was in the first place not at all an organisation that would make a great effort in the process of decolonisation. Many of its founders still believed that the colonies would provide a quick recovery from the incurred damage from the Second World War. However, Mazower based his resource mainly on the many different actors that were acquainted by the establishment of the UN, instead of researching the practice of the UN in cases like the Indonesian dispute.

Martti Koskenniemi, in contrast, did write about the practice of the UN and especially the SC in his article, 'The Police in the temple: order, justice and the UN: A dialective view.' In this article he compared the practice of the SC with the theory of the Charter. He stated that the SC was lacking authority and decisiveness in following up its resolutions and doing its tasks by providing solutions for situations that threaten peace and security all over the world. However, Koskenniemi wrote mainly about the later practice of the SC, but stresses a phenomenon that was already expressed in the discussions about Indonesia.

The research of this thesis will provide an extension to the literature about the Indonesian dispute, which will place the dispute in a wider development within international relations. It will provide a better insight in the development of decolonisation in relation to the UN and the SC regarding the principles of sovereignty and self-determination and it will give

¹² See also: R. Emerson, "Self-determination," *The American Journal of International Law* 65 (1971): 459-475; M.C. Lãm, "Making room for peoples at the United Nations: Thoughts provoked by Indigenous claims to self-determination," *Cornell International Law Journal* 15 (1992): 603-622; M. Koskenniemi, "National Self-determination Today: Problems of Legal Theory and Practice," *International and Comparative Law Quarterly* 43 (1994): 241-269; C. Eagleton, "Self-determination in the United Nations," *The American Journal of International Law*, 47:1 (January 1953): 88-93; N. Berman, "Sovereignty in Abeyance: self-determination and international law," *Wisconsin International Law Journal* 7 (1988-1989): 51-105

¹³ UNSCOR, 14th mtg., 206-207

¹⁴ Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Oxford 2008)

an idea about the difference between the letter of the Charter and the eventual implementation of this Charter by the SC concerning sovereignty and self-determination.

The sources upon which this research will be based are the verbatim records of the United Nations Security Council Meetings.¹⁵ These documents provide a lively and extensive image of the discussions among the members of the SC. The Indonesian Question was issued by the Council from the first time it was called together until it decided upon the recommendation for admission of the Republic of Indonesia to membership of the UN. The speeches given by the representatives show the different opinions of the members of the Council regarding the Indonesian question, but the records also show the struggles of a new international body with the rightful implementation of the charters and the search for the correct way of procedure.

The fact that the Republic of Indonesia was also invited to participate in the discussions before the SC, provides for an even broader view on the different standpoints in the SC towards the Indonesian dispute. It gives also an insight into how a dependent colony was able to use the Council in search for its independence and in contrast the failure of the Netherlands delegation to do the same.

METHOD

The analysis of these sources in order to find an answer to the main question of this research enquires a proper understanding of the principles of sovereignty and self-determination. The first chapter will provide an analysis of these two concepts.

The second and third chapter will give an analysis of the debates in the SC in order to determine the role which the concepts of self-determination and sovereignty did play in the debates. In order to be able to analyse the debates it is needed to identify the different actors which had a major influence on the debates and also on the ways of use of the concepts of self-determination and sovereignty. In order to define this influence and the ways of use of the two concepts it is necessary to analyse the interaction of these actors. Therefore, the identification and the analysis of the interaction of the actors will be presented in chapter two. In order to make this analysis a method will be used that is practised in social psychology to analyse conflict situations. This method identifies three different roles actors can adjust regarding a situation of conflict, the victim, rescuer and prosecutor. It is called the Drama

¹⁵ Security Council Official Records, First Year (1946), Meetings 2, 12, 13, 14, 15, 16, 17, 18; Second Year (1947), Meetings 171, 172, 173, 174, 178, 181, 184, 185, 187, 192, 193, 194, 195, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 222, 224, 225; Third Year (1948), Meetings 247, 248, 249, 251, 252, 256, 259, 316, 322, 323, 326, 328, 329, 341, 342, 388, 389, 390, 391, 392, 393, 395, 396; Fourth Year (1949) Meetings 397, 398, 400, 401, 402, 403, 404, 405, 406, 416, 417, 418, 419, 420, 421, 422, 455, 456; Fifth Year (1950) meeting 503.

Triangle and founded by Stephen B. Karpman in 1968.¹⁶ The Drama Triangle is used in two different disciplines of psychological science, structural analysis and transactional analysis. Structural analysis attends to the matter of defining the conflict roles and transactional analysis discuss the switching of roles by the actors during the conflict. In this thesis the concept of the Drama Triangle will be used in particular for structural analysis of the debates in the SC. It will occur that some actors switch their roles. Although, this will not be the main focus of the research. The debates in the SC about the Indonesian Question showed the same dynamic as a conflict situation that is analysed by means of the Drama Triangle. The discussion in the SC will be looked upon if it is the conflict situation, instead of the whole Indonesian dispute. The representatives of the different countries in the SC, including the non-members that were participating in the discussion, will be looked upon if they are persons dealing with a situation of conflict

Following the analysis of the main actors and their interaction by means of the roles of the Drama Triangle, chapter three will discuss the different viewpoints and ways of use of the concepts of self-determination and sovereignty. The identification of the different actors by means of ascribing roles to these and their interaction because of these roles, will provide a base on which the ways of using the two concepts can be analysed. It will be shown that each role will approach and use the two concepts differently. The analysis of these different viewpoints and ways of use will provide for an answer to the main question: what role was played by the principles of self-determination and sovereignty in the discussions before the SC that contributed to the settlement of the Indonesian dispute in 1945-1950?

¹⁶ Stephen B. Karpman, "Fairy Tales and Script Drama Analysis", *Transactional Analysis Bulletin*, 7: 26 (1968), 39-43

1. SOVEREIGNTY AND SELF- DETERMINATION

The two concepts of sovereignty and self-determination are known for their long and turbulent history. Since the beginning of international relations, the concept of sovereignty has been an important principle of international law and relations. Sovereignty was in the first place a principle that belonged to the King or Queen of a territory. Legitimacy was an important factor regarding this sovereignty. Legitimacy was based on lineage. The territory of a state was the heritage of the emperor and could be extended by way of marriage or conquest.

As the populations of territories started to demand more participation in the administration of their country, the status quo of international relations changed. The legitimacy of the sovereign administration shifted from lineage to popular consent. The French Revolution, the Glorious Revolution, and the American Revolution are examples of the rise of this popular consent. These revolutions represent the first expressions of the principle of self-determination within a political entity. By that time self-determination was often referred to as the sovereignty of the people. The absolute power to rule over a territory by an emperor became outdated, but the principle of self-determination was limited by the boundaries of the territory in which it was executed.¹⁷

The principle of self-determination appeared in international relations during the First World War in the war-time speeches of President Woodrow Wilson. In his fourteen points he presented his vision on the new world order that had to be implemented after the end of the war. These fourteen points contained government by consent. The administration of a country must represent the interests of the inhabitants of the territory.¹⁸ Wilson, however, was not in favour of self-government for colonial people all over the world. His idea of self-determination was preferably projected at the re-division of Europe. During the Paris Peace Conference, it was determined where the new boundaries of the European countries were placed. In some areas, especially in border zones between countries, plebiscites were held to figure out the popular will. In this manner, the international community was for the first time concerned with self-determination of certain peoples in certain areas. However, the involvement was limited to specifically the countries in Europe and some other parts of the world.¹⁹

Despite this, people from all over the world came to Paris and tried to schedule a meeting with Wilson to discuss self-government for their people. The majority of these peoples came from colonial territories. Often, these people had to leave Paris without ever talking to President Wilson. Self-

¹⁷ E. J. Kolla, "The French Revolution, "The Union of Avignon, and the Challenges of National Self-Determination," *Law History Review* 31:4 (November 2013) 717

¹⁸ E. Manela, *The Wilsonian Moment: Self-determination and the International Origins of Anticolonial Nationalism*, (Oxford 2007) 22.

¹⁹ *Idem* 24-25

determination was not a right which colonial people were entitled to.²⁰

With the ending of the Second World War this perception changed. The rise of the United States and the decline of the European Empires caused a new world order in which the new main power had a fundamental aversion towards colonialism. Because of this aversion, administering a colonial territory was not wide-spread accepted anymore and voices to free dependent peoples were heard more often. A crucial role was played by the UN, and its primary body, the SC. In 1960 a resolution was adopted by the General Assembly that proclaimed the right to self-determination for all peoples in the world, specifically the colonial peoples. However, the UN firmly expressed their disapproval for the secession of States. Despite the emphasis on colonial people, international law professionals are still debating the merits of the right to self-determination of all peoples.²¹

This chapter will explain in general the definitions of the two concepts and the debate that was caused by the entering of the right to self-determination in international relations that were based upon the cardinal principle of sovereignty

SOVEREIGNTY

The history of the principles of sovereignty and self-determination show that the two concepts have many faces and are not independent of each other. In order to understand the complicated relationship between the two concepts, it is important to come to a definition of the two concepts. With regard to the historical sequence of the concepts, the definition of sovereignty will be analysed at first.

The most standard definition of sovereignty is described as the authority, which is recognized by internal and external factors, to make decisions and to use coercion within the domestic sphere of a territory. According to this definition, the concept of sovereignty consists of five essential elements: recognition; statehood; authority; coercion; and, territory. Janice Thomson gives in her article about state sovereignty in international relations a detailed description and analysis of the different elements of sovereignty.²² Her starting point is the recognition of the sovereignty of an entity by the international community of sovereign states. The element of recognition is preventing states to claim sovereignty without really possessing it. The fact that recognition of the sovereignty of a state may be subject to the personal agendas of certain other sovereign states causes a few problems. For example, how many recognizing sovereign states are required for an entity to become a sovereign power? Is the recognition of certain sovereign states indispensable for a world-wide recognition of the sovereign status of an entity? A final question that is often asked refers to the conditions which an entity must possess in order to receive recognition.²³ These conditions are similar to the conditions that are distinctive for the element of statehood. Because of the distinguishing characteristics of statehood, this

²⁰ Idem 215

²¹ Blum, "Reflections on the changing concept of self-determination," 511-512

²² J. E. Thomson, "State Sovereignty in International Relations: Bridging the Gap between Theory and Empirical Research," *International Studies Quarterly* 39:2 (June 1995) 219.

²³ Idem, 219-220

element will be discussed later.

The third element of sovereignty is authority. Authority is the factor that provides the ability to dictate the corridors of power of the political entity, the state. It determines which areas are political and which areas are private. Within the political area the state is authorized to use coercion in order to safeguard the political area.²⁴ This coercion is another element of sovereignty. The element of coercion is similar to the idea of the monopoly on violence by a state. The military and police forces are placed under the authority of the state. It occurs that the state transfers some of its powers of coercion to private institutions. However, the state's sovereignty is not at stake. The decision to transfer these kinds of powers stays within the jurisdiction of the sovereign authority in question.²⁵

Finally, the element of territory is essential for the determination of a sovereign state. All the elements discussed above cannot exist without a territory with clearly defined boundaries. The international community of states cannot recognize an entity which cannot be determined precisely. Authority cannot put into progress without the determination of where this authority ends and coercion cannot be operated sufficiently without ambiguous borders.²⁶

The elements of sovereignty are also distinctive conditions of statehood. Because of this, the element of statehood requires some additional attention. It often appears that the concepts of sovereignty and statehood are confused with each other or are determined as similar. Like it is described earlier sovereignty is seen as an extra addition of statehood, but the following analysis will show that the distinction between these two is less straight forward.

In determining statehood, the Montevideo convention is regarded as the leading doctrine. This convention provides four criteria an entity must comply with to be regarded as a state. These four criteria differ slightly from the elements of sovereignty. The first criterion obligates the entity to possess a permanent population. A state must consist of people who are citizens that belong to that entity. It is logical that without people a state cannot function, therefore territories without population cannot be considered as states. The second criterion is the territory in which this permanent population is living. Like described before, boundaries are essential for the exercise of authority. The third criterion is similar to this authority. It describes the condition that a state must operate an effective government. A government that is capable of exercising authority and using coercion. This government is also required, and this is the fourth criterion, to have the capacity to engage in international relations, to sign treaties and to fulfil the obligations concerning these treaties.²⁷

In practice it turns out that these four criteria are no exhaustive criteria for the recognition of statehood. There are states that exist without complying with these criteria. On the other hand, several experts are of the opinion that these four criteria are not comprehensive enough. One of the most

²⁴ Thomson, "State Sovereignty in International Relations," 222-225

²⁵ Idem, 225-227

²⁶ Idem, 227-228

²⁷ T.D. Grant, "Defining Statehood: The Montevideo Convention and its Discontents," *Columbia Journal of Transnational Law* 37 (1998-1999) 414

important conditions of statehood is not included in the Montevideo criteria. This condition is the independency of the entity.²⁸ However, entities can be recognized as states without acquiring full independence. A sovereign state is by definition independent contrary to, for example, states belonging to the British Commonwealth who became states before they received general independence. A similar example is the composition of the United States of America. The USA is a federal entity that consists of 50 states. These states comply with almost all of the criteria but because they are constitutional linked with each other by means of a federation; the federation possesses the sovereignty and not the individual states. Thus, a sovereign state cannot be constitutional linked with another state. Alan James named this condition of sovereignty ‘constitutional independence’. He wrote that sovereignty is a condition that is attributed to the state by means of its own constitutional law.²⁹ Thus, the composition of a constitution of a certain state is an act of sovereignty. In contrast with the most of the aforementioned criteria of sovereignty, constitutional independence is an internal observation of the sovereign status of a state. It is an internal factor which will lead to another extra criterion of sovereignty and with that, statehood. An entity must claim to be state and must claim to be sovereign in order to get recognized as a state or sovereign power. Without a claim the international community of states are not able to recognize a new state.³⁰

The recognition of the statehood of an entity is subject to the era its claim is issued. During the era that followed the Second World War, democracy was the form of government the Western world preferred. Because of this preference, new criteria were added to the list of conditions the newly established states had to acquire in order to get recognized as such. One of these criteria was that the claim for statehood must be established out of popular consent. The national aspirations of a territory must be supported by the population of that territory. The idea that a newly established state is preferred to become a democracy stands in relation to the criterion of popular consent. Without these criteria an entity can claim statehood but it will risk the reluctance of the Western Powers regarding the recognition of the claim. Without the recognition of the Western Powers and especially the Powers that possess a right to veto resolutions in the SC of the UN it is difficult to gain an equal place among other states in the international community. With this in mind, some experts add also membership of the UN to the list of criteria for statehood. Of course, this criterion is not exclusive. There are states that are completely sovereign but did not become members of the UN – Switzerland for example.³¹

To conclude the analysis of the concept of sovereignty, it is clear that the concept and especially the criteria that are trying to define the concept are subject to change. With time, criteria are added and criteria are excluded – like legitimacy through lineage. Criteria like democracy and popular consent

²⁸ Idem, 437

²⁹ A. James, “The Practice of Sovereign Statehood in Contemporary International Society,” *Political Studies* 67 (1999) 460-462

³⁰ Grant, “Defining Statehood: The Montevideo Convention and its Discontents,” 438

³¹ Idem, 440-442

gained a more important place in the list of conditions. This change could be connected with the growing role of self-determination in the question of statehood and sovereignty.

SELF-DETERMINATION

As mentioned in the introduction of this chapter, self-determination gained its place in international relations during the First World War. As an addition to the story of the war-time rhetoric of President Woodrow Wilson mentioned that the leader of the Soviet Union, Lenin, did use the principle of self-determination in his fight against the former administration of Russia earlier than Wilson did. With the establishment of communism, the principle of self-determination became a tool in a fight for the public opinion of Europe. This fact makes it even more understandable that the principle of self-determination earned its place in the world in such a small amount of time.

The concept of self-determination can be divided into two forms; internal self-determination and external self-determination. Internal self-determination is the exercise of self-determination within the boundaries of a state without the involvement of the international community. On the other hand, external self-determination is the exercise of self-determination outside the boundaries of a state and with the involvement of the international community. An example of internal self-determination is the French Revolution or, generally speaking, the privileges of a minority to have its own beliefs and customs without state-repression. When dealing with a case of internal self-determination there is no secession of a state or establishment of a new state. When dealing with a case of external self-determination a new state is formed. This last type of self-determination is in conflict with the principle of sovereignty and did not fit into the status quo of international relations.

The easiest way to define the right of self-determination is to quote the words of Yehuda Blum who wrote: the right of self-determination “implies the right of every people to political independence.”³² Another straightforward definition is the definition of Rupert Emerson. He stated: “I take the right of self-determination to be no more and no less than one aspect of the right of revolution.”³³ A more detailed description is written by Mikulas Fabry. He wrote: “Self-determination of peoples is a liberal idea of international justice that emerged in the second half of the eighteenth century. It was rooted in the proposition that a group of people sharing certain social bonds vis-à-vis other groups of people has a right to establish, whether within or outside of the borders of the country in which it finds itself, alone or in union with other peoples, its own government.”³⁴

Like with the concept of sovereignty, self-determination has also a few elements that are important in the analysis of its definition. The most important element is the ‘self’, the peoples. Who are entitled to exercise the principle of self-determination? Fabry described in his definition the ‘self’ as being a group of people with certain social bonds. He marked explicit that these social bonds had to

³² Blum, “Reflections on the changing concept of self-determination,” 510

³³ R. Emerson, “Self-determination,” *American Society of International Law Proceedings* 60 (1966) 135.

³⁴ Mikulas Fabry, *Recognizing States: International Society and the Establishment of New States Since 1776* (Oxford 2010) 9

be different from other groups of people.³⁵ These social bonds can imply the race of the people, or the presence of a certain culture. In the process of executing the right of self-determination, it is important that these social bonds differ from the social bonds of the group of people administering the territory. Otherwise the need for self-government is not important enough to secede.

Another element of the right to self-determination is the element of determination. Who is going to determine the process towards self-government and who is determining the interests of the people that search for independence? Who decides who belongs to the group of people and who does not belong? These questions are not answered to exhaustion in any of the research concerning the principle of self-determination. Nathaniel Berman showed in his article about self-determination and international law that most of the time these questions are difficult to answer in completeness.³⁶ However, the answers to the questions are in some cases important for the execution of a right to self-determination. Especially since the principle of self-determination is regarded as a positive right in international law. In the second and third chapter of this thesis will be shown that these questions were important for the Dutch Government regarding the nature of the nationalistic movement in Indonesia.

In comparison with the definition of sovereignty, the definition of self-determination appears to be rather simple. However, when self-determination becomes a principle in international relations, the straightforward definition must become more detailed, which proved to be a very complex matter.³⁷ To illustrate the difficulty of determining the precise definition of self-determination Frederic L. Kirgis made a list of the many faces of the principles:

1. The right to be free from colonial domination: this type of self-determination is nowadays - since the adoption of resolution 1514 by the General Assembly of the UN- an established right in international politics. However, during the Indonesian dispute, this right was expressed by certain members in the SC but by then it was not an established right yet.
2. The right to remain dependent: For example, in a situation like this, territories decided to remain dependent from a foreign administrator, which would give them a greater advantage regarding, for example, international relations, trade, and financial matters.
3. The right to dissolve a state: The people of one country have the right to decide to split the country up in multiple other countries. For example, the dissolution of the Soviet Union into multiple other states after the fall of the Berlin wall.
4. The right to secede: This type of self-determination contains, for example, the expressed wish of several Catalonians in Spain who wanted to secede from Spain and establish their own state. The right to secede is not supported by, for example, the UN.

³⁵ Idem, 9

³⁶ Nathaniel Berman, "Sovereignty in abeyance: Self-determination and International Law," *Wisconsin International Law Review* 7:1 (1988-1989) 90-94

³⁷ Emerson, "Self-Determination," 459

5. The right of divided states to become one state, to reunite: For example, the unification of East and West Germany after the end of the Berlin wall and the Soviet Union.
6. The right of limited autonomy: For example, the relation of the Caribbean Netherlands with the Kingdom of the Netherlands. These countries have their own parliaments but are dependent of the Netherlands concerning their foreign affairs and defence.
7. The rights of minority groups to, for example, speak their own language or practice their own beliefs. The minority protection system that was issued by the League of Nations is an example for this type of self-determination.
8. The internal self-determination of every human being to have the freedom to choose one's own form of government. This type of self-determination contains the right to vote and to choose representation in parliament.³⁸

Like it is shown by the eight different faces of self-determination above, the concept of self-determination can be explained in many different ways. These different ways made it difficult to apply the concept of self-determination into international law and relations, because each different face requires a different approach. The next paragraph will show this difficulty, in particular when the concept of self-determination is placed against the concept of sovereignty.

THE DEBATE

The implementation of the principle of self-determination in international politics and law is the starting point of the conflict between the principle of sovereignty and the principle of self-determination. The support for a claim for self-determination by a foreign country is in theory a violation of the internal sovereignty of a state. From the beginning of international relations, the internal sovereignty of a state has been the basis of international law and politics.

Blum describes the difference and relation between the two principles very clear as he links the principle of sovereignty to legitimacy and the principle of self-determination to revolution.³⁹ The idea that legitimacy is contested by another claim, which results into revolution is as old as the concepts of statehood and sovereignty. However, besides the old Roman right of resistance, which was used to legitimize the Dutch Revolt, revolution was not seen as a right, it was merely a tool. The appearance of the right of self-determination in international politics meant in theory an attack to the established basis of the principle of sovereignty. If the international community gets involved with the principle of self-determination, the internal affairs of sovereign states are at stake. The development of the right of self-determination required a new balance between sovereignty and self-determination. A new status quo for international relations was needed to handle this question.

Many different experts on international law and relations have tried to find a definition of the

³⁸ Kirgis, "The degrees of self-determination in the UN era," 307

³⁹ Blum, "Reflections on the changing concept of self-determination," 511

right of self-determination that fits into the international system without devaluing the principle of sovereignty. For example, Kirgis, who made a list of the many faces of self-determination, made also a scheme in which the chance that a claim for self-determination is granted recognition is presented. He explained that the conditions in which the claim for self-determination is executed are of essential value for the chance of recognition of the claim: the factor of stability of the contested government and the factor of destabilization of the claim for self-determination. If the contested government is a stable government, a destabilizing claim for self-determination is often not recognized. On the other hand, if a contested government is less stable, a less destabilizing claim for self-determination is more often recognized.⁴⁰ Like it was said before, the definitions of statehood and sovereignty were also subjected to stability and developments over time. A good example for these developments is the adoption of the UN doctrine ‘Responsibility to Protect’ during the 2005 World Summit to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity. The UN stated that “sovereignty no longer exclusively protects States from foreign interference; it is a charge of responsibility that holds States accountable for the welfare of their people.”⁴¹ Sovereignty is no longer only a status, it has become a responsibility. Thus, if a sovereign state loses the criterion of responsibility, a claim of self-determination is worthy of consideration.

On the other side, because of the many criteria and exceptions, the question is asked if the right of self-determination can be considered as a positive international right. Farby is of opinion that the principle of self-determination as a positive right could only be implemented when decolonization was involved. He said that implementing self-determination as a positive right substituted the “self-help-based mode” for a “wish-based mode”.⁴² Thus, the positive implementation of self-determination granted peoples from all over the world, Farby was mentioning colonial people, to wish for self-government. That wish was no longer a wish that had to be fulfilled by the foreign administrator, but was supported by the international community. However, besides the positive right of self-determination for the colonial communities, the positive right of self-determination for other peoples is not established yet. Fabry explained the difference between positive and negative rights concerning the principle of self-determination as that “negative rights are claims to secured space in which subjects might pursue their own concerns without interference.” This points out that, for example, revolutions taking place without the interference of foreign powers. In contrast with the negative rights, “positive rights are claims that the space [must] be filled with something.”⁴³ In other words, negative rights oblige inaction and positive rights oblige action. If the right of self-determination for all peoples is regarded as a positive right in international law, the international community of states, for example the UN, will be obliged to take action concerning any claim for self-determination. Because of the

⁴⁰ Kirgis, “The degrees of self-determination in the UN era,” 309

⁴¹ Office of the Special Advisor on the Prevention of Genocide, the Responsibility to protect, <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml> (visited 29 November 2015)

⁴² Fabry, *Recognizing States: International Society and the Establishment of New States Since 1776*, 149

⁴³ *Idem*, 10

aforementioned factors of stability and destabilization, self-determination as a positive right, in exception of decolonization, is seen by a lot of experts as an unwanted precedent.

THE CHARTER OF THE UNITED NATIONS

The growing role of the principle of self-determination in international politics was strengthened by the establishment of UN and the inclusion of self-determination in the Charter of the UN. The right of self-determination became a strong argument for their role as advocates for the suppressed and dependent colonial peoples. Like aforementioned in the introduction, the United States was also not in favour of the continued existence of colonial empires. However, much of the other Allied Powers were. The European imperial powers held the view that their colonies would help them to recover from the war. Therefore, the United States were reluctant to openly support the dissolution of the European overseas empires. Instead of official abolishing colonialism by means of the UN's establishment, it was decided that the League's mandates should be registered by the General Assembly and became trusteeships and the colonies became Non-Self-Governing Territories. In the Charter a voluntarily signed declaration was included in which the goals and purposes of these territories were defined. In this declaration it was agreed that the interests of the colonial people was paramount⁴⁴

The alteration of colonies into Non-Self-Governing Territories and a special place for these territories in the Charter in combination with the inclusion of the principle of self-determination in Chapter I, Article 1.2 of the Charter⁴⁵, self-determination gained a permanent role in international relations. Many members of the UN started to view the principle as one of the major principles of the world organization. However, when the Charter of the UN was established, it was decided that a compromise had to be made. The principle of sovereignty remained the basis of international relations. This was expressed in Article 2.1⁴⁶ and 2.7⁴⁷ of Chapter I of the Charter. These articles were concerned with the principle of sovereign equality of states and the principle of non-intervention into the domestic affairs of member states. However, Article 7 contains a reservation that referred to Chapter VII which contains the measures to take action with respect to threats to the peace, breaches of the peace, and acts of aggression. The sovereignty of states did not provide for immunity anymore. This development is also linked to the developments in the criteria for statehood and the stabilizing

⁴⁴ Charter of the United Nations: Chapter XI: 'Declaration Regarding Non-Self-Governing Territories'

⁴⁵ Charter of the United Nations: Chapter I, Article 1.2: 'To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.' <http://www.un.org/en/sections/un-charter/chapter-i/index.html> (visited 29 November 2015)

⁴⁶ Charter of the United Nations: Chapter I, Article 2.1: 'The Organization is based on the principle of the sovereign equality of all its Members.' <http://www.un.org/en/sections/un-charter/chapter-i/index.html>

⁴⁷ Charter of the United Nations: Chapter I, Article 2.7: 'Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.' <http://www.un.org/en/sections/un-charter/chapter-i/index.html>

factor of a claim for self-determination.

The two principals were included in the same Chapter of the Charter. Article 1 of the Charter, which contains the principle of self-determination, described the purposes of the UN. These purposes were a set of goals to achieve by the newly established world organization. These goals were: 1. to maintain international peace and security; 2. to develop friendly relations among nations; 3. to achieve international co-operation; and, 4. to be a centre for harmonizing the actions of nations in the attainment of these common ends. These goals were at that time not yet established. Thus, the principle of self-determination, included in the second goal, was not an established right. In contrast to that, the principle of sovereignty was included in the second Article of the Chapter. This Article contained the principles of the UN. These two articles were the starting points in which manner the aforementioned objectives should be achieved. Like Blum mentioned in his article, the principle of self-determination was not an operative principle of the UN, in contrast to the principle of sovereignty.

THE COLD WAR

Like aforementioned, the right of self-determination was already issued by the leader of the Bolshevik revolution, Vladimir Lenin, before President Woodrow Wilson used the concept in his ideas about government by consent. During the final years of the First World War, both World Powers were already fighting for the public opinion of Europe. After the Second World War this rivalry would expand from Europe towards other parts of the world, especially the colonies that were administrated by European Powers and fighting for independence. A few years after the war, the rivalry between the United States and the Soviet Union led towards the beginning of the Cold War. The United States was not in favour of maintaining the imperial empires of the European Powers. However, it was dependent on the European Powers in their fight for influence. So, the United States had to be very careful in carrying out their policy. In order to strengthen their position, the State Department developed ideas that resulted in the Truman Doctrine and Marshall Aid.⁴⁸ The difficulties of their position of strengthening the European countries, and either supporting the national ambitions of dependent peoples, will be showed in the second and third chapters of this thesis.

Concluding the discourse of the principles of sovereignty and self-determination, it can be said that self-determination did not established itself as a positive right in international law. Like it is shown in the analysis of the Charter articles, self-determination was not supposed to be a positive right. However, many dependent peoples in the world viewed it as such. With the adoption of the General Assembly's 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, the UN acknowledged its role as the advocate for colonial independence. The Indonesian question, which was issued by the SC during the first years of the UN, is a case which shows the aforementioned developments that provided for the growing role of self-determination in international relations and

⁴⁸ M. Mazower, *Governing the World, the History of an Idea* (London 2012) 214-244

the changing concept of the principle of sovereignty.

2. THE INDONESIAN DISPUTE: THE ACTORS AND THEIR INTERACTION

As is mentioned in the previous chapter, the concepts of self-determination and sovereignty gained each a different place in the Charter of the UN. However, this place in the Charter was of major significance for the development of the two concepts. It is seen that self-determination became a positive right for colonial people, instead of a negative right –for European powers- in the pre-war period. The Indonesian Question was the first case of decolonisation that was issued by the SC and the admission of the Republic of Indonesia to membership of the UN was seen as a triumph for the SC.⁴⁹ From the moment the SC was established, decolonisation gained a significant place on the agenda of world politics and the UN and the SC were assigned an important role in the process.

The history of the Netherlands and Indonesia goes back to the beginning of the Golden Age of the Netherlands. From 1816 the archipelago was referred to as the Netherlands-Indies. During the Second World War, the colony became occupied by the Japanese forces and the Western inhabitants of the archipelago were interned in camps. With the bombing of Hiroshima and Nagasaki, the Japanese capitulated, but the Netherlands-Indies were still for a great part occupied by the remaining Japanese forces.⁵⁰ The Allied Powers decided to send a mission, led by the British forces, to disarm the remaining Japanese forces and to free the prisoners of the Japanese internment camps. In the meanwhile, the nationalists in the Netherlands-Indies proclaimed the independent Republic of Indonesia under the leadership of President Sukarno. The first negotiations started with the British forces and the leaders of the Republic. Because of the presence of the British troops in the Netherlands-Indies and the alleged abuses of these troops, the attention of the SC was requested by the delegation of the Ukrainian Soviet Socialist Republic. The British were accused of using the remaining Japanese forces against the nationalist movement of Indonesia.⁵¹ This first time the SC discussed the matter of Indonesia, it was decided to undertake no action.⁵² As soon as the Netherlands were prepared to restore the administration of the Netherlands-Indies, the government of the Republic of Indonesia challenged the Dutch claims on the territory and claimed their right to self-determination and independence. Negotiations between the Dutch authorities and the Republic resulted in the signing of the Linggadjati agreement and with that the recognition of the *de facto* authority of the Republic over the islands of Java, Sumatra and Madura. The new state in the making would become a federation

⁴⁹ It was put into the agenda of the Security Council at its second meeting: United Nations Security Council Official Records, 2nd meeting (25 January 1946) 15-20

⁵⁰ Van de Doel, *Afscheid van Indië*, 69

⁵¹ UNSCOR, 12th meeting (7 February 1946) 175-176

⁵² UNSCOR, 18th meeting (13 February 1946) 257-263

and the Republic of Indonesia would be one of the states of the federated United States of Indonesia. Due to different interpretations of this agreement, difficulties rose between the two parties⁵³ and the Dutch authorities launched the first military-action against the Republicans in Indonesia.⁵⁴ The use of military action in Indonesia resulted in another debate in the SC about the Indonesian dispute. This time it was decided to take positive action and ask for the cessation of hostilities.⁵⁵ Besides the cease-fire resolution, it was also decided to establish a consular commission and a Committee of Good Offices (GOC). The consular commission was asked to provide information to the SC about the implementation of the cessation of hostilities and the GOC was asked to assist the quarrelling parties during the negotiations.⁵⁶ These negotiations resulted in a truce agreement and the establishment for political principles, known as the *Renville* Agreement, which would provide a directive on the shape and form of the newly, soon to be established, independent state.⁵⁷ Unfortunately, after these agreements, negotiations between the Netherlands and the Republic reached a deadlock and a second military-action took place. After the second military-action, the SC started to use more authority to come to a solution of the Indonesian Question.⁵⁸ In the end, a year after the second military-action and due to the successful preliminary conference and the Round Table Conference, the queen of the Netherlands transferred the sovereignty to the Republic of the United States of Indonesia.⁵⁹

This chapter will determine the main actors of the discussion in the SC, and will analyse the interaction between these actors. In order to do so, the actors will be given a role that is used by the concept of the Drama Triangle: a role of victim, persecutor or rescuer. The roles shall be used as a means to analyse the interaction between the actors and the ways of use of the concepts of self-determination and sovereignty. Like it is written in the introduction, the different ways of use of the concepts of self-determination and sovereignty will be discussed in the third chapter of this thesis.

THE UKRAINIAN COMPLAINT

Like mentioned above, the Indonesian question was for the first time inserted in the agenda of the SC, because the Ukrainian SSR complained in a letter to the president of the SC about the situation in the Netherlands-Indies.⁶⁰ In this letter the delegation expressed that “the Indonesians believed that the basic principles of the Charter of the UN, laying down the right of all peoples to self-determination, would be applied to them.”⁶¹ However, according to the Ukrainian delegation, the opposite was taking

⁵³ Taylor McDonald, *Indonesian independence and the United Nations*, 28-32

⁵⁴ *Idem*, 33-34

⁵⁵ UNSCOR, 173rd meeting (1 August 1947) 1700-1703

⁵⁶ UNSCOR, 194th meeting (25 August 1947) 2209; Resolution 31 (25 August 1947) United Nations Document S/5252.II

⁵⁷ UNSCOR, 178th meeting (17 February 1948) 162

⁵⁸ The establishment of the UNCI and a time-line: UNSCOR, 406th meeting (28 January 1949) 21-33; Resolution 67 (28 January 1949) United Nations Document S/1234

⁵⁹ De Jong, *Avondschoot*, 669

⁶⁰ UNSCOR, 2nd mtg., 16

⁶¹ UNSCOR, 12th mtg., 175

place in Indonesia. The Ukrainian delegation accused the British forces of suppressing the national movement of Indonesia and using Japanese forces against this national movement.⁶² The Ukrainian representative stated that the actions of the British troops violated the Charter of the UN and asked to send a commission of enquiry to Indonesia, which would report to the SC about the situation in Indonesia.⁶³ Besides the complaint in general, the letter was also sent as indirect reaction to an earlier made complaint about the situation in Iran. The Ukrainian SSR was an independent state within the Soviet Republic. Despite its independent status, Ukrainian's foreign policy was the same as the foreign policy of the Soviet Union. Therefore, the Ukrainian SSR sent this letter in reaction to a situation in which the Soviet Union was involved. In general this meant that the Ukrainian SSR functioned in the SC as an extra vote for the Soviet Union.⁶⁴

The majority of the members of the SC did not see the urgency of sending a commission to Indonesia without the approval of the United Kingdom and the Netherlands.⁶⁵ It seems that the British and Dutch representatives did explain their cause and the situation in Indonesia to satisfaction before the SC. During this first time the Indonesian Question was brought to the attention of the SC, the Council members seemed to be in agreement with each other. A resolution was not adopted⁶⁶ and the letter from the Ukrainian delegation did not cause a lengthy discussion in the Council.⁶⁷ However, the first outlines of the debates, that were held later on, appeared during the debate about the Ukrainian complaint. The first outline is the right of self-determination for the national movement in Indonesia that proclaimed independence in August 1945⁶⁸, and the second outline is the sovereign jurisdiction of the Netherlands in Indonesia.⁶⁹ These two subjects in the debate were concerned with the appearance of the British troops in Indonesia and the use of Japanese forces against the Indonesian Nationalists.

Although the discussion following the letter from the Ukrainian delegation did not show many disagreements between the members of the SC, the roles of the Drama Triangle could be already ascribed to certain actors in the discussion. With the condemnation of the British actions in Indonesia and the request to send a commission of enquiry, the representative of the Ukrainian SSR complied with the characteristics of the role as persecutor. Unsurprisingly, the representative of the Soviet Union supported the arguments of the Ukrainian representative⁷⁰ and also adopted an attitude that complied with a role as persecutor.

The British representative reacted against the persecuting statements of the Soviet representatives in a very defensive way. The representative stated that he was offended by the

⁶² *Idem*, 175-176

⁶³ UNSCOR, 12th mtg., 177

⁶⁴ Iran had complained that the presence of Soviet forces interfered Iran's international affairs.

⁶⁵ UNSCOR, 16th meeting (11 February 1946) 236

⁶⁶ UNSCOR, 18th mtg., 258

⁶⁷ The debate was held in only 7 meetings in comparison with the debates following the first and second police actions.

⁶⁸ UNSCOR, 13th meeting (9 February 1946) 190-193

⁶⁹ *Idem*, 193-196

⁷⁰ UNSCOR, 14th meeting (10 February 1946) 199-209

allegations that were made by the Ukrainian representative. In his reaction he tried to invalidate the statements of the Ukrainian representative.⁷¹ Besides the allegations, the British representative had also another reason to defend the British position in Indonesia and Southeast Asia. The United Kingdom held the view that Southeast Asia was vulnerable for the communist influence from the Soviet Union. Support from the SC for a case about self-determination and independency that was called upon by a Soviet State was not preferred by the British foreign office.⁷² With his defensive response, the British representative complied with the characteristics of the role as victim in the conflict situation.

The third main actor in the discussion, the representative of the Netherlands, supported the defensive arguments of the British representative and explained the part of the problem that did not lie within the jurisdiction of the United Kingdom and neither the jurisdiction of the SC, the independence of Indonesia.⁷³ With the explanation of the Dutch representative and the assurance that negotiations with the Indonesian nationalists were about to take place, the Netherlands representative complied with most of the characteristics of the role as rescuer in the discussion. Because of the supportive arguments and assurance of the Netherlands, the SC decided that there was no urgency to send a commission of enquiry to Indonesia. However, it is questionable if the SC would have abandoned the idea of sending a commission without the insurance of the Netherlands representative that the Netherlands Government was intended to negotiate with the Indonesian Republic. Therefore, the adopted role as rescuer in this debate was crucial in order to direct the debates towards a preferred outcome –non-intervention.

The British and Netherlands representatives, in contrast with the Ukrainian representative, divided the situation that was brought to the attention of the SC in two separate parts. The first part was the Allied mission in East-Asia that had the duty to disarm the remaining Japanese forces and to free the many Western internees who were imprisoned by the Japanese. In general, the British forces had nothing to do with the Indonesia nationalists. The claim that Indonesia was to become an independent nation was a problem that lay within the jurisdiction of the Netherlands.⁷⁴ The Ukrainian representative and with him the representative of the Soviet Union did not see this difference and linked the military presence of the United Kingdom in Indonesia with the repression of the Indonesian nationalists. In this way, the Ukrainian representative was able to make allegations towards the British.⁷⁵ However, the notion that the presence of the British army in Indonesia was part of an Allied mission and the Ukrainian delegation did not ask for the withdrawal of the British troops, the majority of the members of the SC saw no reason to undertake any action.⁷⁶

⁷¹ UNSCOR, 12th mtg., 178-182

⁷² R. Owendale, "Britain, the United States, and the Cold War in South-East Asia, 1949-1950" in: *International Affairs*, 58:3 (Summer, 1982), 450

⁷³ *Idem*, 182-187

⁷⁴ UNSCOR, 17th meeting (12 February 1946) 246-247

⁷⁵ *Idem*, 248-249

⁷⁶ UNSCOR, 16th mtg., 234-238; 17th mtg., 243-244

THE FIRST MILITARY ACTION

One and a half years later, the soothing words of the Dutch representative proved to be in disagreement with the actions by his Government back home. Like he had mentioned during the debate concerning the Ukrainian complaint, the Dutch authorities had started negotiations and following these negotiations an agreement was reached at Linggadjati. The Republic of Indonesia became recognized as the de facto authority in Java, Sumatra and Madura, but it would become part of a sovereign and federal United States of Indonesia. During the interim-period Dutch sovereignty would stay intact. The new state would form a Union with the Kingdom of the Netherlands, headed by the Queen.

However, this Linggadjati Agreement did not meet the expectations of the Dutch parliament and the ratification of the agreement was followed by an explanation that, in short, limited the de facto recognition of the Republic and made the, to be established, Union between the United States of Indonesia and the Netherlands, a Union that could be better described as a new version of the Kingdom of the Netherlands. The real sovereign independence of the Indonesian people, as represented by the Indonesian Republic, was not conceivable by the Netherlands Government.⁷⁷

The leaders of the Indonesian Republic that signed the original Linggadjati Agreement were not eager to ratify Linggadjati as interpreted by the Netherlands Government. The Netherlands Government reacted to this refusal with the execution of its first military action against the Indonesian Republic. This action was held in the first place to eliminate the radical parts of the Republic –who did not want to sign the new Linggadjati- and restore order in the areas that were held by the Republican forces. The Dutch Government had hoped that, by eliminating the radical parts, the more neutral parts of the Republic would be open to negotiate and sign the altered Linggadjati Agreement. However, they miscalculated the amount of support the Republicans had in the Netherlands Indies and the strength of the Republican army. They also miscalculated the response of the international community at their actions and were not prepared for an elaborate intervention by the UN, requested by the Republican Government.⁷⁸

The military action was brought to the attention of the SC by the delegations of Australia and India, two members of the British Commonwealth. Both were young, almost independent, states that longed for an important place in international relations in their own region, Southeast Asia and Oceania. Both states were firmly against colonialism. They accused the Dutch Government of causing a threat to international peace and security and waging a colonial war against the Indonesian people who were executing their right of self-determination. According to the delegations of Australia and India, the Netherlands had violated the Charter of the UN and with the launch of the military actions, had caused a threat to international peace and security. Besides the threat to international peace and security, both

⁷⁷ De Jong, *Avondschoot*, 28-34

⁷⁸ *Idem*, 37-38

Australia and India were also dependent on the situation in Indonesia regarding the stability in the area. The instable situation in Indonesia would have had an influence on the regional stability of, for example, trade. The representatives of Australia and India held the view that the Dutch Government was to blame for the difficult situation in Indonesia.⁷⁹ The arguments which were put forward by the Dutch representative in defence of the actions of his government were poorly received by the representatives of Australia and India. The proactivity and judgment shown by these two countries in convicting the actions of the Dutch Government showed characteristics that belong to the role of persecutor, like the role that was ascribed to the two Soviet representatives during the debate about the Ukrainian complaint.

As soon as the Dutch representative was able to give an explanatory speech in defence of his Government before the Council, the representative stated that the SC was not entitled to intervene in the Indonesian question, because the dispute was within the domestic jurisdiction of the Kingdom of the Netherlands. The representative acted as if the Kingdom of the Netherlands was the victim of unlawful intervention by the UN. He presented the military actions as police measures against the numerous bands that terrorized the Indonesian inhabitants. With the elimination of these bands, the execution of the right of self-determination of the Indonesian people who did not sympathize with the Republic would be safeguarded. The Republicans did not represent the whole Indonesian population, according to the Dutch representative.⁸⁰

Analysing the arguments of the Netherlands representative in its explanatory speech, characteristics of several roles of the Drama Triangle are found. It seems that in regards to different elements of the debate, different roles can be ascribed to the representative. To the attitude of the representative towards the argument about the competence of the SC could a role as victim be ascribed. The representative postulated his arguments in a way that it seems that the SC was violating the Charter by intervening in the dispute instead of the Dutch Government. Another role can be ascribed to the argument the representative put forward in regards to the self-determination of Indonesia. The representative explains that the military action was waged against terrorists and bands in order to safeguard the self-determination of the whole population of Indonesia. It seems that the representative held the view that the 'normal' Indonesians must be saved from the terrorizing Republic. Considering this argumentation, also a role as rescuer could be ascribed to the Dutch representative. Regarding the different elements in the debate, the representative used a role as victim or a role as rescuer. This switching of roles could be ascribed to the image the representative wanted to portray to the SC of the Dutch Government and its sovereign responsibilities in Indonesia. The role as victim was aimed at non-intervention in the Indonesian dispute by the SC and the role as rescuer was aimed at soothing the SC members and convincing the Council of the good intentions of the Netherlands Government. Although, only the Western powers in the SC were partially convinced of

⁷⁹ UNSCOR, 171st meeting (31 July 1947) 1623-1628

⁸⁰ *Idem*, 1640-1647

the incompetence of the SC and the good intentions of the Netherlands Government.⁸¹ This position of the Western powers is to explain from an imperial point of view. The European powers that still administrated colonies did not prefer a UN that intervened in their imperial policies.

A more plausible role as rescuer could be ascribed to the representative of the United States of America. In his speeches the representative did not take sides for either party. He stated that the Dutch representative had every right in challenging the jurisdiction of the SC. However, he was also convinced that the Council had the right to ask the conflicting parties to cease hostilities. The representative divided the problem in two parts. A part that belonged to the domestic jurisdiction of the Kingdom of the Netherlands, and a part that belonged within the competence of the SC, the hostilities that were taking place in Indonesia.⁸² The United States supported the resolution that asked for the cessation of these hostilities without mentioning the threat to international peace and security, which was issued by the Australian and Indian representatives. He was convinced that the UN and the international community must view the dispute in an equal manner, and stated that the Council must be acting impartial in its decisions and actions.⁸³ Besides this preference for equality, the United States were, at first, reluctant to intervene in the conflict. After their intervention had failed in China, they were not eager to cause another failure in Southeast Asia.⁸⁴ Another reason for the moderate stand of the United States' representative was the value that was given by the State Department to friendly relations with European powers.⁸⁵

The statement about impartiality was especially projected upon the permanent Council member which was ascribed the role of persecutor in regards to the debate about the Ukrainian complaint. During the debate about the launch of the first military action, the Soviet Union appointed the Dutch Government as the aggressor that invaded the territory of another state, the Indonesian Republic.⁸⁶ The Soviet representative stated that the SC was obliged to support the Indonesian Republic and demanded the withdrawal of the Dutch troops.⁸⁷ With help of an argumentation in accordance with the role as persecutor, the Soviet Union was proclaiming its role as fore-fighter for the right of self-determination of the dependent and suppressed people of, particularly, the Western colonies.

Regarding the debate in the SC about the first military action of the Dutch Government in Indonesia from the receipt of the letters of Australia and India to the adoption of the resolution that called for the cessation of hostilities in Indonesia, several main actors are determined. At first the representatives of Australia and India brought the matter to the attention of the SC and were ascribed a role as persecutor

⁸¹ In particular Belgium and France: UNSCOR, 172nd mtg., 1653; UNSCOR, 173rd mtg., 1677

⁸² UNSCOR, 187th meeting (19 August 1947) 2069

⁸³ *Idem*, 1668

⁸⁴ Ovendale, "Britain, the United States, and the Cold War in South-east Asia," 448-452

⁸⁵ Mazower, *No Enchanted Palace*, 150

⁸⁶ *Idem*, 1662

⁸⁷ UNSCOR, 173rd mtg., 1690-1692

in the conflict regarding the Drama Triangle. The Dutch representative reacted to the attitude of Australia and India in a defensive and explanatory way. Like it is mentioned, regarding the different elements of the debate, the representative switched between the roles of victim and rescuer. The United States, dragged into the debate by its offer of Good Offices to the Dutch and Indonesian Governments, was ascribed a role as rescuer. Because of its policy of impartiality, the representative was able to let the SC come to a compromise regarding the cease-fire resolution. The representative of the Soviet Union reacted offended by the impartial policy of the United States and asked for a clear condemnation of the actions of the Dutch Government in Indonesia. In regards to this attitude, the Soviet Union was ascribed the role as persecutor again.

With the different roles that were visible during the debate in the SC, the different actors were trying to convince the SC of their right, and with that trying to gain influence regarding the settlement of the dispute. The attitude of the different representatives regarding the conflict caused also the attitude of other representatives which could be ascribed to the different roles. The persecuting attitude of Australia and India caused the defensive attitude of the representative of the Netherlands and the policy of impartiality that was preferred by the representative of the United States caused the adoption of a persecuting attitude by the representative of the Soviet Union.

THE COMMITTEE OF GOOD OFFICES

When the SC adopted the resolution that called upon both the Dutch Government and the Republican Government to cease hostilities, the debate in the SC did not end. The first step of intervention by the UN was set and it was time to discuss the second part of the problem, the settlement of the dispute. In order to receive information concerning the dispute from not only the Netherlands but also the newly established Republic of Indonesia, the Council invited a representative of the Indonesian Republic to the discussions at the Council table, by special request of the representative of the Soviet Union.⁸⁸ This invitation was not sent to the Republic without a debate beforehand. The representative of the Netherlands held the view that only sovereign, independent states were allowed to participate in the discussions in the SC and opposed the request of the Soviet representative.⁸⁹ More and more, it becomes clear that the Dutch representative and with him the Dutch Government were holding on to a system of international relations that was based on international law instead of politics. The United States, with its moderate approach, seems to have made the shift to international politics much sooner. Like before, during the debate about the determination of a threat to international peace and security, the United States' representative found a way that compromises between the different viewpoints of the representatives. He proposed to follow the UN's Charter not by letter but by spirit. The Republic of Indonesia was a party in a dispute the Council discussed. So, it was only fair to invite the Republic to present the other side of the conflict. This would, however, not mean that the SC recognized the

⁸⁸ UNSCOR, 171st mtg., 1618-1619

⁸⁹ *Idem*, 1619-1620

Republic as a state.⁹⁰

Like aforementioned, the Dutch representative was opposed to active mediation by the SC, but he made a suggestion to the United States to act as mediator and provide for Good Offices.⁹¹ The United States accepted this proposal⁹² but several Council members, primarily the Soviet Union, accused the Netherlands of trying to by-pass the SC. In his opinion, the Republic of Indonesia was dependent on the SC for finding a just solution that would bring the Republic towards self-government. It would be unfair if the SC would abdicate the question to the Netherlands and some mediators without involvement by the SC.⁹³ Regarding the evolving Cold War during the Indonesian conflict, by-passing the Council by an act of mediation does not seemed to be of main concern by the Soviet Union. However, the real problem in this case lies within the idea that the United States would act as mediator and with that function would have a great influence on the process towards independence of Indonesia.

As soon as the Republic had been invited by the Council to participate in the discussions, the representative of the Republic made clear that it preferred an intervention by means of a UN commission rather than an offer of good offices from the United States of America.⁹⁴ The Indonesian Republic suggested establishing a commission with powers of arbitration. The establishment of a commission of arbitration was a rather rigid measure in comparison with an offer of good offices. Giving good offices to two parties in a conflict is merely just giving advice how to proceed when the two parties would ask for it. Arbitration is something different. Both parties would lay the settlement of their conflict in the hands of a third party. The decision of the third party about the settlement of the conflict would be binding.

Following the statements of the Dutch representative, the establishment of a commission with arbitration powers was not acceptable for the Netherlands. Once again, the Netherlands were granted a lighter version of the initial plans for intervening in the Indonesian dispute. It was decided that a Committee of Good Offices would be established, consisting of three members of the SC. The Netherlands and the Republic each had to choose one and the two chosen members had to choose the third one.⁹⁵ The Dutch Government asked Belgium to represent their cause and the Republic asked Australia. Australia and Belgium choose, in turn, the United States of America to complete the Committee.⁹⁶

The establishment of the GOC following the cease-fire resolution without the notion of a threat to international peace and security shows that the Dutch representative in the SC received enough support to let their arguments of competence count. The debates in the SC made visible that

⁹⁰ UNSCOR, 181st meeting (12 August 1947) 1931-1932

⁹¹ UNSCOR, 171st mtg., 1640

⁹² *Idem*, 1648

⁹³ SCOR, 187th meeting (19 August 1947), 2060-2061

⁹⁴ UNSCOR, 184th meeting (14 August 1947) 2001-2003; UNSCOR, 193rd meeting (22 August) 2175

⁹⁵ UNSCOR, 194th mtg., 2209; Resolution 31 (25 August 1947) United Nations Document S/525.II

⁹⁶ UNSCOR, 206th meeting (1 October 1947) 2480

the supporters of the Netherlands had still a lot of influence in the decision-making-process in the SC –France and the United Kingdom, both colonial powers, had veto power in the SC Later on, it will be shown that when this support shrinks, the decision-making-process in the SC would change.

The discussions in the SC about the invitation of the Republic and thereupon the discussions about the establishment of a special commission showed no major moderation in the attitude of the main actors towards the dispute in Indonesia. However, one thing did change. The Republic of Indonesia was not only the subject of the debates anymore. It had become also one of the actors of the debates in the SC. Immediately from the moment the Republican representative held his first speech before the Council, he portrayed the Indonesian people as victims of the colonial exploitation of the Kingdom of the Netherlands. The Indonesians were longing for independence and with the launch of the military action and the following violations of the cease fire order, the Netherlands were still trying to restore colonial rule. The Government of the Republic formally requested the SC to intervene in the dispute and to establish a commission that would help find a solution for the problem in Indonesia.⁹⁷ The Republic chose deliberately to use the UN and its role of growing importance in public opinion as the means to acquire independence. It followed a policy that was preceded by India as part of the British Commonwealth but with ambition to become the leader of Asia.⁹⁸

From the moment the representative of the Indonesian Republic joined the debate in the Council a competition started between the representatives of the Netherlands and the Republic for the sympathy of the SC and a debate about which party was right. To and fro, accusations were expressed and sacrifices were summed up. With the tone the Republican representative had set for his speeches, he tried to win over the Council's sympathy. Also the decision to refuse the United States' offer of good offices was taken because the Republic was eager to involve the international community and in particular the UN with the Indonesian dispute. Another argument to refuse the United States' offer was the support it had given to the Netherlands during the debates in the SC. The United States representative prevented the adoption of a resolution that acknowledged the existence of a breach in international peace and security; he decided to invite the Republic of Indonesia at the Council table as a party in the dispute rather than an independent state; and he managed to let the SC establish a GOC rather than an arbitration commission. Because of this support, the representative of the Republic decided to win over the sympathy of the SC, chose to ask Australia as their representative at the GOC, and tried to find a settlement by means of intervention by the UN. Later on, the presence of a representative from the Republic in the SC would prove to be of major importance.

The representative of the Soviet Union, who had requested the SC to invite a representative of the Republic, was in disagreement with the measures the SC was taking to provide a quick settlement of the dispute. He was not in favour of the impartial way of approaching the matter and kept

⁹⁷ UNSCOR, 184th mtg., 2001-2003

⁹⁸ Mazower, *No Enchanted Palace*, 169, 188-189

demanding a formal condemnation of the actions of the Dutch Government in Indonesia. He stated that if the SC would proceed in this way, the right of self-determination for the Indonesians would not be executed in a fair manner.⁹⁹ Therefore, the GOC must be altered into a commission that contained members from the SC and had powers that were similar to a commission of arbitration.¹⁰⁰ Even when the representative of the Republic seems to be in agreement with the actions of the SC, the Soviet Union did not. The representative kept persecuting the Netherlands Government and when the SC made progress regarding the dispute, the representative started to also persecute the SC and, later on, also the United States.

Regarding the establishment of the GOC it is seen that a change in the dynamics between the major actors occurred because of the invitation and presence of a representative from the Republic at the council-table of the SC. The Dutch and Republican representatives had started a competition for the sympathy of the international community and their right. The United States' representative's attitude towards the means to find a settlement of the dispute that could be described as a role as rescuer, was not accepted by the representative of the Republic of Indonesia. Australia and India received from the presence of the representative of the Republic input that strengthened their argumentation. However, the Soviet Union did not show any alterations regarding the presence of a representative from the Republic. It held on to the same arguments and the same reluctance to make compromises it had done before.

The representatives of Australia and India agreed with the Soviet Union that the GOC must have more powers regarding the negotiations between the Netherlands and the Republic. However, different than the policy of the Soviet Union, they were willing to make compromises in order to be able to adopt a cease-fire resolution and to establish a commission that would contribute to a settlement of the dispute. The next paragraph will show that these compromises did not mean that Australian and India were satisfied with the manner of intervention by the SC.

THE RENVILLE AGREEMENT

In the same period as the establishment of the GOC, a consular commission to supervise the cease-fire resolution was also established by the SC.¹⁰¹ The first report of this consular commission to the SC showed that both parties experienced difficulties with implementing the cease-fire order. The SC decided to give the GOC instructions to help both parties to better implement the order.¹⁰² The first negotiations between the Netherlands and the Republic were aimed at an agreement about an armistice and principles on which further agreement would be built. During the negotiations, the GOC submitted eight suggestions for this implementation but the parties could not agree with all of the suggestions. In order to overcome the disagreement, the GOC launched its 'Christmas Message', named after the date

⁹⁹ UNSCOR, 209th meeting (9 October 1947) 2542

¹⁰⁰ UNSCOR, 194th mtg., 2203-2204

¹⁰¹ United Nations Official Document S/513

¹⁰² UNSCOR, 219th meeting (1 November 1947) 2750

it was sent: Christmas day. The Republican delegation accepted this 'Message' as a whole, but the Dutch delegation did not. The Netherlands submitted a counter proposal and stated that these 12 principles were final and not open for discussion. The GOC, in reaction to the Netherlands, responded with seven additional principles. The Dutch Government was put under pressure from the United States to accept these additional principles. At the Dutch Embassy in Washington it was announced that the acceptance of the additional principles would have a decisive influence on the granting of Marshall Aid to the Netherlands. The Dutch Government agreed upon the principles, which were reduced to six principles, with reluctance. The GOC, on their turn, consulted the Republic and pressed the Republic to accept the 12 principles that were submitted by the Netherlands and the six additional principles of the GOC. In the end, the GOC granted the Republic some informal promises about the status of the Republic that were not in agreement with the wishes of the Dutch Government.¹⁰³ Like Linggadjadi, this Renville agreement, called after the location of the negotiations -a United States' battleship-, also became a dual agreement.¹⁰⁴

According to Renville it was agreed to put a halt to the federal practices of the Netherlands-Indies Government in the areas that were former Republican territories.¹⁰⁵ At the islands of Java and Madura several federal governments were established in order to counter balance the Republic. Van Mook, Governor-General of the Netherlands-Indies, was of opinion that there was no other option to administrate the archipelago of Indonesia than by means of a federal system. Instead of the establishment of federal states the inhabitants of Indonesia should decide upon their relation towards the Republic by means of a plebiscite. In return, the Republic recognized the sovereignty of the Netherlands over Indonesia until it would transfer its sovereignty to the United States of Indonesia.¹⁰⁶

The report of the GOC that described the signing of the Renville agreement was received by the SC with mixed feelings. The Soviet representative, still retaining the attitude of a persecutor, argued strongly against the agreement. He did not trust the GOC and held the view that the SC, with help of the United States, was aiding the colonial aims and warfare of the Netherlands. In his eyes, the Renville agreement was a step back on the road towards independence for Indonesia.¹⁰⁷

The representative of the Republic used the discussion about the report to stress the amount of concessions the Republic had to make in order to come to an agreement. He also asked for strengthening the GOC with granting it the power to make concessions without waiting to be asked in front.¹⁰⁸ This viewpoint was supported by the Australian representative at the GOC and the Australian representative at the SC. They held the view that, in order to let the Renville agreement succeed, the GOC had to gain more powers; otherwise it was possible that an impasse just like after Linggadjadi

¹⁰³ Van den Doel, *Afscheid van Indië*, 255

¹⁰⁴ UNSCOR, 252nd meeting (21 February 1948) 237

¹⁰⁵ UNSCOR, 248th meeting (17 February 1948) 154-156

¹⁰⁶ UNSCOR, 247th meeting (17 February 1948) 140-143

¹⁰⁷ UNSCOR, 249th meeting (18 February 1948) 174-186

¹⁰⁸ UNSCOR, 248th mtg. 154-156

would occur.¹⁰⁹

The Dutch representative, backed by the Belgian representative at the GOC, stated that the SC did not have the competence to grant the GOC more powers. He stressed the problem with the domestic jurisdiction and the competence of the SC again.¹¹⁰

Despite the success of the GOC in letting both parties come to an agreement, some actors in the SC debates were not satisfied with the results. Especially Australia and India stressed the fact that Renville was an agreement about an armistice and principles on which further elaboration should be ground. Both parties were one step closer to a solution for a final settlement. However, like aforementioned, the Australian member of the GOC stated that the negotiations towards the signing of Renville were very exhausting and difficult. In order to simplify these talks, the GOC should be granted more powers. The Soviet Union was of the opinion that the GOC should be disbanded immediately and a new commission should be established. Renville was a victory for the Netherlands and their colonial rule and not a success to be proud of. The least satisfied was the Republic itself. The debate in the SC did not talk about the difficulties that were experienced with ratifying the agreement. However, the speeches of the Republican representative showed that he was not really satisfied with the outcome of the negotiations. The Republic was forced to make a lot of concessions and the representative exaggerated these concessions in his speeches before the SC. He did this also, like his other speeches, to present the goodwill of his government before the SC and to win over the sympathy of the Council-members.

One of the agreements that were made in the Renville agreement was that the Dutch authorities would stop supporting the establishment of new federal states. However, after the signing of the agreement, several Dutch officials in Indonesia kept supporting these states. These alleged violations of Renville by the Dutch authorities gave an opportunity to the representative of the Republic to change from his underdog position and ascribed role as victim to a more persecuting role in the debates by accusing the Dutch Government in Indonesia of proceeding with the establishment and strengthening of federal states in order to diminish the influence of the Republic. He held the view that the Netherlands were not establishing federal states in the spirit of the right of self-determination. He stated that the Netherlands were trying to by-pass the Republic in order to gain more influence in Indonesia after it would receive independence. Besides this, the Dutch Government were violating the newly signed Renville agreement.¹¹¹

During these debates about the Renville agreement and the implementation of this agreement it is visible that the representative of the Republic gained more influence regarding the debates in the SC. With the signing of the agreement under supervision of the GOC, the Republic found a place where it could complain about violations of this agreement, in contrary to the earlier signed

¹⁰⁹ UNSCOR, 247th mtg., 146-148

¹¹⁰ UNSCOR, 248th mtg., 165-167

¹¹¹ UNSCOR, 256th meeting (26 February 1948) 304-310

Linggadjati agreement. The Dutch authorities in Indonesia could not do whatever they pleased anymore without a reaction from the international community. At first, the SC reacted only on the presence of armed combat in Indonesia, but after the signing of Renville, other actions that undermined an agreement that was signed under supervision of a SC commission were also no longer tolerated. This weakened the position of the Dutch Government and made the policy of the Dutch representative -ascribed a role as victim, respectively rescuer- towards the debates in the SC gradually more unreliable. This weakened position will become clearer after the launch of the second military action.

THE SECOND MILITARY ACTION

The Renville agreement became, like Linggadjati, a dual agreement. The duality of the agreement lay within the status of the Republic. Formally, it was agreed that the Republic would become a part of a sovereign and federal United States of Indonesia. The Republic would become just a minor part of this state. However, a member of the GOC had promised that the Renville agreement would not alter the status of both of the parties, which meant that the Republic had the status it had proclaimed about itself during the declaration of independence in 1945.¹¹² The status of the Republic, alongside some other issues, caused a standstill in the negotiations that took place after the signing of the Renville agreement. Suggestions that were presented by the GOC were not accepted by the Dutch Government and the United States became reluctant in the support it would give to the Netherlands. In the meanwhile, the Republican Government successfully struck down a communist revolt, better known as the Madiun revolt. The Dutch Government had seen the rise of the communists as proof that the Republicans were not able to provide for stability. It was one of the situations that could provide for a plausible argument to start a military action. However, the Republic was successful with repressing the revolt and the United States came to the conclusion that it would no longer put into question the future of the Republic. From that moment, the United States held the view that the Republic was capable of providing for law and order in Indonesia and that it should have a future as a state.¹¹³ During this particular period it is seen that the stability of the claim for self-determination was of importance for the United States. Besides the stability-factor, the nature of the claim of self-determination by the Republic –anti-communist- was preferred by the United States.

Only a few in the Dutch Government, for example the minister of foreign affairs, took the warning of the United States to let go of the idea to start a second military action seriously. The Dutch Government offered the Republican Government an agreement that literally asked for the ending of the Republic as a state. The Republic did not give in to this suggestion and the Dutch Government believed they had no other option to start the military action.¹¹⁴ However, the Dutch authorities decided to wait for the SC to hold its recess during the Christmas holidays. By January the Republic

¹¹² De Jong, *Avondschoot*, 54-55

¹¹³ Van den Doel, *Afscheid van Indië*, 286

¹¹⁴ De Jong, *Avondschoot*, 231-249

would be demolished and an interim government could be established with support of the federalists. The United States representative at the GOC urged Hatta, the prime-minister of the Republic, to send a letter to the Dutch Government in order to resume negotiations. However, the Dutch Government just repeated their earlier presented conditions and called an ultimatum. It was impossible for the Republic to react on the ultimatum on time and the Dutch Government ordered to proceed with the military action on 18 December 1949. During this action, Yogyakarta, headquarters of the Republic, became occupied and the leaders of the Republic were captivated. Despite the first successes the Dutch troops had, everything turned out different than the Dutch Government had expected.¹¹⁵

Despite the planned execution of the military action during the holiday of the SC, the Council did not wait until the holiday was over and immediately arranged an emergency meeting.¹¹⁶ The Dutch representative was summoned to explain the military actions of his Government before the SC. He stated on behalf of his Government that the military action was held in order to repress certain “irresponsible and extremist elements”. These elements had to be eliminated in order to provide for law and order in the areas concerned. From the Dutch point of view, the Government of the Republic belonged to the elements which should be repressed in order to provide for law and order. Therefore, the Dutch troops arrested the Republican leaders and imprisoned them on an island. The SC requested the Dutch authorities to free these leaders, but the Netherlands were of opinion that these leaders endangered the stability in Indonesia. Law and order were essential in the process of the organisation of plebiscites and the expression of freedom of speech by the Indonesian people. The representative of the Netherlands held the view that the Dutch forces were freeing the Indonesian people of repression, laid upon them by the Republicans. The Netherlands claimed before the SC to ‘rescue’ the right of self-determination of the people of Indonesia.¹¹⁷

The representative of the Republic, who was totally isolated from his Government, acted in compliance with the role as victim again and stated before the SC that the Dutch representative portrayed the ‘irresponsible and extremist elements’ in a wrong way. The real reason of the chaotic situation and lack of law and order in Indonesia was, according to the Indonesian representative, the growing resistance and hatred towards the foreign occupation of the Netherlands by the inhabitants of, in particular, Java and Sumatra. From his point of view, the Netherlands were suppressing again the expression of self-determination by the Republicans and their followers.¹¹⁸ It seems that, for the second time, both parties were accusing the other party of suppressing the right of self-determination. The Dutch representative used a line of arguments that was compatible with the role of rescuer again in order to let the SC believe their good intentions and, therefore, to let the SC step back from the case. The representative of the Republic, in compliance with the role as victim, let the Council believe the

¹¹⁵ *Idem*, 305

¹¹⁶ UNSCOR, 388th meeting (22 December 1948)

¹¹⁷ *Idem*, 2-31

¹¹⁸ UNSCOR, 389th meeting (22 December) 34

opposite and convinced the Council that the Republic needed its help.

The representative of the United States, acted like the role as rescuer, had adopted, in the first place, a more impartial approach towards the arguments of the representative of the Netherlands. However, after the launch of the second military action, the impartial tone of the speeches of the representative changed into a more reluctant standpoint towards the arguments of the Netherlands.¹¹⁹ After the successful suppression of the communist revolt in Indonesia by the Republic Government, the United States State Department was convinced of the capabilities of the Republican administration by Hatta and his parliament.¹²⁰ Because of the second military action, the United States representative turned openly from an attitude compatible to a role as rescuer to an attitude that was compatible with a role as persecutor. For the first time, the United States representative made it clear that the State Department held the view that the situation in Indonesia was causing a breach in international peace and security. The competence of the SC was no longer disputable. The Dutch Government had to fulfil the orders that were given by means of the adoption of several resolutions by the SC.¹²¹

The Soviet Union, still acting like a persecutor, adopted a gradually emerging aggressive tone towards, in particular, the Netherlands and the United States. During the aftermath of the 'Renville' agreement, the Soviet representative expanded its persecutions already from the Netherlands, to the United States, and to the SC. This time, the representative accused the United States of suppressing the right of self-determination by supporting the crushing of the communist uprising. He did not say a word about the involvement of the Republican Government.¹²² From this moment on, the Soviet Union became unclear in its arguments. Generally speaking, its representative was opposed to almost all resolutions and actions that were undertaken by the SC. Later on, this attitude would strike a hold to some important plans of the SC. The representatives of the Soviet Union and the Ukrainian SSR abstained and sometimes vetoed resolutions and paragraphs of resolutions that expressed in part certain actions that were supported by these representatives. However, because of the impartiality that was used in these resolutions, the representatives abstained or vetoed them.¹²³ It became apparent that the Soviet Union only agreed with its own strategy towards the Indonesian question and did not accept compromise.

In reaction to the accusations, presented by the actors that acted in compliance with the role as persecutor, the Dutch representative, with help of the Belgian and France representatives, changed its attitude that complied with a role as rescuer into an attitude that complied with a role as victim again. The representative stated that the Netherlands was not neglecting the Charter, but the SC was. He held the view that the SC was "undermining the whole structure of the UN by breaking away one of its

¹¹⁹ *Idem*, 42-49

¹²⁰ H.W. van den Doel, *Afscheid van Indië*, 286

¹²¹ UNSCOR, 389th mtg., 47

¹²² UNSCOR, 391st meeting (23 December 1948) 29-41

¹²³ UNSCOR, 392nd meeting (24 December 1948) 32

main pillars, which is that the UN shall refrain from interference in the internal affairs of member states.¹²⁴

The change in attitude of the United States representative enabled the SC to take stronger decisions. It was decided to step back from merely giving Good Offices to both parties and alter the GOC into a United Nations Commission for Indonesia (UNCI) which held more powers than the GOC. This commission would advise and urge the two parties to come to an agreement. With the establishment of the UNCI, an action plan describing the release of the Republican leaders, the restoration of the Republic, the interim period and the transfer of sovereignty was also adopted.¹²⁵ From this moment on, the SC was no longer only acquainted with the cessation of hostilities and providing good offices, the SC decided to play a more active role in the settlement of the dispute and the safeguarding of the right of self-determination executed by the Indonesian people.

The debates in the SC following the second military action showed also another important difference between the debates following the first military action. With the imprisonment of the Republican leader, the Dutch authorities had hoped to eliminate the Republic as an actor in the negotiations towards an interim government and the final establishment of the United States of Indonesia. However, the Republic survived this elimination, for a major part, thanks to the presence of a representative at the table of the SC. Therefore, it was not possible to eliminate the Republic as an actor in the dispute and hold back intervention from the SC.

THE UNITED NATIONS COMMISSION FOR INDONESIA AND THE ROUND TABLE CONFERENCE
The world-wide condemnation of the military actions caused a sense of realism within the Dutch delegation in Indonesia and the Government at home. As soon as the resolution that called for the establishment of the UNCI and provided for a plan of action for the final settlement of the dispute, the Dutch Government, like mentioned above, made a 360 degrees turn concerning their policy in Indonesia. The members of the SC, in particular, the United States representative, did not trust in the first place the intentions of the Dutch Government. The United States representative was not in favour of the change of policy and demanded that the obligations that were laid upon the Netherlands with the resolution of 28 January had to be fulfilled.¹²⁶ Other members, for instance India, held the view that the Netherlands were not only neglecting the resolutions of the SC but also were trying to by-pass the SC with its new policy.¹²⁷

However, the representative of Australia, who had acted like a persecutor throughout the whole dispute, stated that the organisation of a round table conference in itself was a plan that was acceptable by anyone in the SC. The intentions of the Dutch Government and the terms and conditions

¹²⁴ UNSCOR, 400th meeting (14 January 1949) 5

¹²⁵ UNSCOR, 406th mtg., 21-33; Resolution 67 (28 January 1949) United Nations Document S/1234

¹²⁶ UNSCOR, 416th meeting (10 March 1949) 33

¹²⁷ UNSCOR, 416th mtg., 14-19; UNSCOR, 417th meeting (11 March 1949) 7

of the conference were disputable, but the procedure in itself was acceptable.¹²⁸

In this spirit, a new important actor presented itself in the debate. The representative of Canada provided for the Dutch Government a way in which their new policy could work. Canada was, like Australia and India, a member of the British Commonwealth who aspired an important role in international relations. Different from the regional focus of Australia and India, Canada fulfilled a mediator role between the members of the Atlantic Alliance and in particular the Western powers.¹²⁹ With the absence of the United States as a constructive force in the mediation process between the Republic and the Netherlands, Canada managed to fill this gap. The representative suggested the organisation by the UNCI of a preliminary conference that would discuss the ordered restoration of the Republic.¹³⁰ With this statement he took the role of rescuer over from the representative of the United States, who was at first very reluctant towards the new suggestion. The United States was of opinion that the organisation of a preliminary conference was not in concord with the resolution. Adopting the Canadian proposal would mean, in their eyes, the neglect of the previous SC resolution.¹³¹ Therefore, it was proposed to match the preliminary conference to the restoration of the Republic. The message that would be sent to the UNCI would contain a reference to the earlier adopted resolution. After it was clearly determined that the preliminary conference would not by-pass earlier decisions of the SC, it was decided to send the message to the UNCI.¹³² By this manner, the Canadian representative took the role as rescuer over from the representative of the United States and provided for a step in the good direction towards a final settlement in a period of time the United States was not capable to do so.

The agreement to organize a preliminary conference gave the SC an opportunity to bring the Indonesian dispute to an end. The reluctance that was showed by the United States representative towards the policy of the Netherlands was not constructive regarding the search for a solution of the dispute. Neither was the attitude of the Netherlands towards the competence of the SC. Otherwise, the Canadian representative did follow a constructive method by taking over the Dutch idea to held a preliminary conference and let this conference fit in with the decisions that were already made. It opened a path towards the final agreement about the transfer of sovereignty.

THE TRANSFER OF SOVEREIGNTY AND THE UNIFICATION OF INDONESIA

The preliminary conference became a success the moment the United States decided to support and put under pressure both parties again instead of only supporting the Republic and only pressing the Netherlands. An agreement about the terms and conditions of the restoration of the Republic and the agenda of the soon to be held round table conference was reached.¹³³

¹²⁸ UNSCOR, 417th mtg., 18

¹²⁹ M. Neufeld, 'Hegemony and Foreign Policy Analysis, The Case of Canada as Middle Power' in: *Studies in Political Economy* 48 (Autumn 1995) 11

¹³⁰ *Idem*, 21

¹³¹ De Jong, *Avondschot*, 487-489

¹³² UNSCOR, 421st meeting (23 March 1949) 25-26

¹³³ De Jong, *Avondschot*, 586-592

Following the preliminary conference, the Round Table Conference was held in The Hague. During this conference the constitution of the United States of Indonesia was written and the terms and conditions of the union with the Netherlands were decided. According to the SC debate regarding the Round Table Agreement, it seems like the negotiations during the RTC went well. All members of the SC and other participants were in a celebrating spirit and both parties were praised for their co-operation.¹³⁴ This assumption is false. Negotiations went really difficult and the delegations needed to step up in order to please their Governments. The Dutch delegation had to use the subject of New Guinea to get the RTC agreement ratified by the Dutch parliament. The Indonesian delegation held the view that New Guinea did belong to the Indonesian archipelago, but the Netherlands were of opinion that New Guinea was not yet ready to gain independence. The UNCI solved this problem to promise to the Republic delegation that negotiations would proceed after the transfer of sovereignty and that New Guinea would join the United States of Indonesia in a year.¹³⁵

The issue of New Guinea was a way of the Dutch parliament to express its doubts about the fastened transfer of sovereignty. Some members were still of opinion that the policy of the Government seemed like an abandonment, a policy that was openly condemned by the parliament and also the Dutch public opinion.¹³⁶ Some members of the parliament held the view that the RTC agreement that was reached during the Conference did not contribute to the execution of the right of self-determination for all Indonesians. They expressed their concerns about the removal of an interim period and demanded an extra explanation concerning the right of self-determination alongside the ratification by the parliament of the RTC agreement.¹³⁷

The Republican delegation had also concerns. They were really focussed on the transfer of real unconditional sovereignty. The clause the Dutch parliament adopted alongside the ratification of the RTC agreement was viewed with doubt. Also the Union with the Netherlands, headed by the Queen, was one of the major issues. The Dutch Government was favouring a strong 'heavy' Union and the Republic delegation was in favour with a Union with no real powers. They were afraid that through the Union, the Dutch Government could keep some influence regarding Indonesia.¹³⁸ The UNCI was the body that interfered and came with options both parties could agree upon and right in time an agreement was reached.¹³⁹

Like aforementioned, the UNCI report which described the RTC agreement was received in the SC with enthusiasm. They praised the efforts of both parties and the role the SC had played, by means of

¹³⁴ UNSCOR, 455th meeting and 456th meeting (12 December 1949)

¹³⁵ De Jong, *Avondschot*, 658-660

¹³⁶ *Idem*

¹³⁷ De Jong, *Avondschot*, 655-657; Tweede Kamer der Staten-Generaal, 30th meeting (6 December 1949) 822; UNSCOR, 455th mtg., 6

¹³⁸ De Jong, *Avondschot*, 641-647

¹³⁹ *Idem*, 649-653

the UNCI.¹⁴⁰ The real debates before the SC about the Indonesian question came to its end. However, the actors were still playing different roles in discussing the RTC Agreement. Most of the time, the introduction of the speeches was merely the same, but the Republic and Dutch representatives each addressed the RTC agreement in a different way.

The Netherlands representative stayed put in the flow of arguments he had presented the SC regarding the competence of the SC. Therefore, he stated that the agreement about a settlement of the dispute could have been reached without help of the UN.¹⁴¹ He kept defending the domestic jurisdiction of the Netherlands until the end. With this argument he tried to point at the cooperative character of the Dutch authorities towards the SC. The Netherlands did believe that the SC had no competence, but they tried within their capabilities and responsibilities to comply with the resolutions.

Another argument that was apparent towards the whole debate was the claim of the Dutch representative that all the actions of the Dutch Government were executed in the name of the right of self-determination. They were concerned about the execution of this right after the sovereignty would be transferred to the Republic of United States of Indonesia. In an extra clause alongside the RTC agreement, the Dutch Government pledged that it would observe the right of self-determination in Indonesia. If it is considered that this right is on stake, the Dutch Government would do everything that lay within its power to implement the right.¹⁴²

Not in direct response to the Dutch representative, but logically responsive to the responsibilities the Dutch Government had laid upon itself, the Republican representative stressed the real character of the sovereignty that was to be transferred to the Republic of United States of Indonesia. It claimed that the sovereign status of Indonesia would provide for the protection of Indonesia's domestic affairs. The Netherlands would not have the right to interfere anymore, even when they held the view that the right of self-determination is at stake.¹⁴³

Both viewpoints showed that both parties acted in compliance with the roles that were ascribed to them because of the earlier debates in the SC. The Dutch representative did this because he kept arguing about the responsibility of the Netherlands in Indonesia. He had done this a couple of times before when he acted like the role as rescuer. The Indonesian representative kept complying with the role as the victim of the dispute, because of the manner in which he stressed the sovereignty Indonesia would receive after the transfer of sovereignty from the Kingdom of the Netherlands. He seems to claim that after the transfer of sovereignty, no one would have the right to interfere in the domestic jurisdiction of Indonesia again. Finally, Indonesia would be independent and free from Dutch influence and suppression.

¹⁴⁰ UNSCOR, 455th mtg., 2, 13, 28, 30

¹⁴¹ *Idem*, 4

¹⁴² UNSCOR, 455th mtg., 6

¹⁴³ *Idem*, 7-13

In contrary to the United States, Australia and India, who praised the developments in the Indonesian dispute's settlement, the Soviet Union was the most persistent in its role as persecutor. According to the Soviet representative, the war in Indonesia was still going on and the Dutch forces were still suppressing the nationalist aspirations of the Indonesian people. His delegation submitted a resolution that pleaded for the abolishment of the UNCI and the establishment of a whole new SC commission in which every member of the Council was represented.¹⁴⁴ He and the representative of Ukraine voted against the resolution that was supposed to congratulate the UNCI with its achievements and to encourage the commission to supervise the RTC agreement. For the Soviet representative this meant that the Soviet Union vetoed the resolution and the SC was not able to adopt it.¹⁴⁵ This had no real influence on the activities of the UNCI, but it gave a statement to the SC and the UN, that one of the world powers did not approve with the procedure and policy of the SC towards the decolonisation of Indonesia. The reason for this disapproval is to be found in the evolving Cold War between the Soviet Union and the United States. The United States had a large influence in the settlement of the Indonesian dispute and the Government of Indonesia choose a kind of government that was more suitable in the Western world, instead of a communist regime.

At December 27, 1949, the transfer of sovereignty from the Kingdom of the Netherlands to the independent Republic of the United States of Indonesia was signed by Queen Juliana and Mohamed Hatta in the Royal Palace in Amsterdam.¹⁴⁶

The transfer of sovereignty did not follow up an interim period in which the new state could build its own state-structure. The newly established Republic of the United States of Indonesia was built during one conference and practically structured from scratch. During the summer of 1950, it was no surprise that the leaders of the federal state decided to form a unitary state in Indonesia. This transformation was decided without the consultation of the Indonesian people by means of a plebiscite.¹⁴⁷ Like aforementioned, the Dutch Parliament had adopted an extra clause besides the ratification of the Round Table Agreement that obliged the Dutch Government to monitor the execution of self-determination in Indonesia and to act when this self-determination was at stake. Therefore, the Dutch Government contacted the UNCI, who was not discharged yet and acquainted with the observation of the implementation of the Round Table Agreement, about the unification in combination with the right of self-determination. Despite the absence of a plebiscite, the UNCI reported that the unification did not threaten the right of self-determination of the Indonesian

¹⁴⁴ UNSCOR, 455th mtg., 14-28; UNSCOR, 456th mtg., 5-12

¹⁴⁵ UNSCOR, 456th mtg., 34

¹⁴⁶ De Jong, *Avondschoot*, blz. 669

¹⁴⁷ UNSCOR, 503rd meeting (26 September 1950) 9; UNSCOR, "Letter dated 25 September 1950 from Mr. L. N. Palar, Ambassador Extraordinary and Plenipotentiary, Permanent observer of the Republic of Indonesia to the United Nations to the Secretary General concerning application of the Republic of Indonesia for admission to membership of the United Nations and a declaration accepting obligations under the Charter"(25 September 1950) Document S/1809

people.¹⁴⁸

It appears that the Dutch Government really felt responsible for the self-determination of the Indonesian people, a policy that was repeated throughout the debates in the Council. Despite the minor impact the unification of Indonesia had in the SC, the Dutch Government's correspondence with the UNCI seems to show that the Dutch Government still wanted to prove the negative character of the Republic and the lack of representativeness they had. The unification without plebiscites could show that the role as rescuer, played by the Dutch Government during the debates, in particular about the right of self-determination in Indonesia, was more accurate than other Council members thought. However, it must be said that the action of the Dutch Government regarding the unification can also be explained from a point of view that the Dutch Government was trying to keep some influence in Indonesia and to undo the unification. The federalisation of Indonesia could be explained as one of the means to gain more influence and weaken the Republic, who were fighting against this influence.

Despite the Dutch questions, the aforementioned attempt to restore Dutch influence in Indonesia showed the results of the transfer of sovereignty to Indonesia. Internal issues, like the unification, were not judged upon by the SC or UN. No one during the Council meeting that discussed the membership of Indonesia talked about the transformation in state-structure. The Republic of Indonesia became a sovereign state with its own internal issues that were to be respected by the internal community.

¹⁴⁸ UNSCOR, "Report on the Commission's activities since the transfer of sovereignty" (13 April 1951) document S/2087, 50

3. THE INDONESIAN DISPUTE: THE ACTORS AND THE CONCEPTS OF SOVEREIGNTY AND SELF-DETERMINATION

The analysis of the actors in the SC debates about Indonesia showed that three roles were ascribed to the different actors. The representatives of Australia, India, and the Soviet Union were ascribed a role as persecutor; the representatives of the Netherlands and the Republic of Indonesia both were ascribed a role as victim; and, the representative of the United States and, now and then, the representative of the Netherlands were ascribed a role as rescuer also. Next to this, the United States representative was also ascribed a role as persecutor following the second military action. And during the time the United States was playing the role as persecutor, Canada took over its role as rescuer. These different roles caused a certain way of interaction between the actors in the SC but also led to different viewpoints on and use of the concepts of self-determination and sovereignty. This chapter will analyse these different ways of use and viewpoints.

The chapter will be laid out in paragraphs that are arranged by theme. In these paragraphs an analysis will be made about the way the different actors, with their ascribed roles, adjust to the different subjects that came before the SC regarding the concepts of self-determination and sovereignty. At first, the subject of the competence of the SC in the Indonesian dispute will be analysed. Was the self-determination of Indonesia of concern by the SC or was it merely a case that lay within the domestic jurisdiction of the Netherlands? At second, the nature and status of the Republic will be discussed. This subject caused a lively discussion in the SC and showed up in all stages of the dispute. The commissions that were established by the SC in order to assist the settlement of the dispute will be discussed in the third paragraph of this chapter. In this paragraph an analysis will be made of the development in the SC considering the establishment of, at first, the GOC and further on the modification of the Committee into the UNCI. This subject was also acquainted with a lot of different opinions regarding the use of self-determination and sovereignty. The fourth paragraph will analyse the growing rivalry between the United States and the Soviet Union. Why choose the Soviet Union to aggressively oppose the SC, the United States and its actions? At last, the manner will be discussed in which the different actors in the dispute used the debates for image forming at a global scale.

THE COMPETENCE OF THE SECURITY COUNCIL

Like aforementioned, the matter of competence already appeared in the debate when the SC discussed the complaint of the Ukrainian delegation regarding the behaviour of the British troops in Indonesia.

One of the arguments that was used by the Ukrainian representative was that the British troops used Japanese troops to suppress the national movement in Indonesia and with that suppressing the right of self-determination of the Indonesian people. It was stated that colonialism was over and that the former colonies had the right to gain independence. It was a major obligation of the UN and the SC to safeguard this right.¹⁴⁹

In direct response to the alleged obligation of the UN to safeguard the right of self-determination, the Netherlands and British representative argued that the self-determination of the Indonesian people was a case that lay within the domestic jurisdiction of the Kingdom of the Netherlands. Therefore, the Netherlands would undertake negotiations with the nationalist leaders and arrange the best way to settle the independence of Indonesia. The execution of the right of self-determination of the Indonesian people was a responsibility that belonged to the Netherlands because of their sovereign status in Indonesia. The representative claimed that the Netherlands were supporting the right of self-determination of the Indonesian people. The SC expressed its faith in the good intentions of the Netherlands authorities and therefore the SC did not find it necessary to send a commission of enquiry.

The situation changed after the SC became acquainted with the launch of the first military action by the Netherlands authorities. Ascribed persecutors, Australia, India and the Soviet Union, demanded immediate action by the SC. Like aforementioned, the different roles that were apparent during the debates in the SC showed also different approaches towards self-determination and sovereignty. As persecutors the representatives of Australia, India and the Soviet Union were of the opinion that the right of self-determination of Indonesia was threatened by the Netherlands. It is seen that Australia and India followed a different approach than the Soviet Union. However their request to the SC was in general the same. The different approach could be explained by the different motivations the three powers had for their standpoint in the SC. In chapter two it is mentioned that Australia and India were both young states who longed for an important place within international relations.¹⁵⁰ India was even striving for the leadership in its own region, Southeast Asia.¹⁵¹ It fitted in their view on international relations and the UN to take a firm and frontrunner position regarding the case of Indonesia before the SC. However, unlike the Soviet Union, Australia and India benefitted from friendly relations with Western states and followed a more impartial policy regarding the actions of the SC.

In contrast with Australia and India, the Soviet Union had already required a place as ‘ world power’ within international relations. However, its persecuting standpoint originated in the

¹⁴⁹ UNSCOR, 14th mtg., 206

¹⁵⁰ C. Ungerer, “The “Middle Power” concept in Australian foreign policy” in: *Australian Journal of Politics and History* 53:4 (2007) 540

¹⁵¹ Mazower, *No Enchanted Palace*, 169

communist's civilizing program based on stages of human development founded by Marx.¹⁵²

Therefore, the Soviet Union protracted itself as the defender of colonial people dependent on Western administration. Namely, the Soviet regime held the view that every part of the Union stood in an equal manner in connection with one another.¹⁵³ The Soviet Union was of the opinion that colonialism was wrong and tried to win over international public opinion in favour of their own civilizing mission by supporting Western colonies becoming independent.

It is seen that an intervention by the SC would be a violation of the Charter, according to the Netherlands.¹⁵⁴ Thus, the representative was claiming that the sovereign integrity of the Kingdom of the Netherlands was threatened in Indonesia. The representative victimized the Dutch Government as being disrespected by the SC regarding their internal affairs. The representative used the concept of sovereignty in order to try to persuade the SC to stay out of the Indonesian dispute. The speeches of many representatives in the SC had already proved that many of these representatives would be in favour of the independence of Indonesia with the Indonesia Republic as its government. However, it is mentioned that the Netherlands –like other European powers with colonies- though that they were dependent on their colonies to restore their economies after the war. The Indonesian Republic had already made public that it was not in favour of prolonging close relations with the Netherlands during its independence. Therefore, the Dutch Government regarded it as necessary to eliminate or weaken the Republic and persuade the SC that it had no competence.

During the debate following the first military action, the representative of the Netherlands was backed by several Council members, like France, Belgium and the United Kingdom. It was unlikely that without the support of these representatives, the proposed resolution about the cessation of hostilities would be adopted by the SC. Therefore, the United States representative proposed to only call for the cessation of hostilities and leave out the notion of a violation of the charter by the Netherlands authorities. In this manner, the SC could interfere in the dispute without intervening the sovereign integrity of the Netherlands. In the same spirit the GOC was established by the SC. The SC did interfere in the dispute, but with minor matters and with an advisory spirit.¹⁵⁵

The United States was benefiting from its moderate position as rescuer, because it was dependent in its rivalry against the Soviet Union from the European powers. Besides that, the United States possessed several military naval bases and enclaves that were situated in territories that could be described as colonies. A strong opinion against the empirical policies of the European states was not favourable regarding this strategy.¹⁵⁶

¹⁵² F. Hirsch, "Toward an Empire of Nations: Border-Making and the Formation of Soviet National Identities" in: *The Russian Review* 59:2 (April, 2000) 203

¹⁵³ *Idem*, 203-204

¹⁵⁴ UNSCOR, 171st mtg., 1645-1646

¹⁵⁵ UNSCOR, 194th mtg., 2209; Resolution 31 (25 August 1947) United Nations Document S/525.II

¹⁵⁶ Mazower, *Governing the World*, 252

The argument of competence and sovereign integrity did prove to be successful for the Netherlands authorities as long as the United States was supporting the plans of the Netherlands regarding the final settlement. When the United States authorities, especially the State Department, were losing faith in the good intentions and the ability of the Netherlands authorities to come to a final agreement, the attitude and policy of the United States changed. The representative stated clearly that the United States was of opinion that the SC had competence to not only deal with the military situation in Indonesia but also with the manner of Indonesian independency. This change of attitude caused a change in policy of the SC, which was already asked for by, mainly, the representatives of Australia, India and the Republic after the launch of the first military action, and after the signing of the 'Renville' agreement.

The Netherlands representative kept his opinion that the SC was not competent and stated during the discussion in the SC about the RTC Agreement that without the help of the UN, Indonesia would also have become independent.¹⁵⁷

Analysing the debates regarding the competence of the SC it appears that the Netherlands authorities viewed the concepts of sovereignty and self-determination each in a different aspect. It held the view that international relations and law and with that the Charter of the UN were based upon the principle of sovereignty. Like it is explain in the first chapter, in theory they were right.¹⁵⁸ In their view, the execution of self-determination lies within the boundaries of this sovereignty. The self-determination of a colony like the Netherlands Indies was of concern of the administrating power, the Netherlands Government. The Western powers, like the United States, the United Kingdom, France, and Belgium, were supporting the same policy. At first, the other members of the SC, except the Soviet bloc, held also the same view. However, the use of military action was seen as a colonial manner to suppress people that were openly opposed to the policy of the administrating power.¹⁵⁹ The SC members were not of the opinion that the right of self-determination was, in the first place, a matter that should be handled by the SC as a positive right. They just did not trust the Netherlands authorities in granting the Netherlands-Indies independence anymore. India, among others, stated that the Netherlands was fighting a colonial war.¹⁶⁰ Because of this attitude, the Netherlands kept trying to present their case as if they were using military action to protect the national aspirations of the Indonesian people against a Republic that was filled with 'extremist elements' and did not represent the whole Indonesian people considering its claim to self-determination. This policy will become clearer during the analysis of the different views regarding the nature and status of the Republic of Indonesia.

THE NATURE AND STATUS OF THE INDONESIAN REPUBLIC

¹⁵⁷ UNSCOR, 455th mtg., 4-5

¹⁵⁸ Mazower, *No Enchanted Palace*, 150

¹⁵⁹ UNSCOR, 214th meeting (27 October 1947) 2627

¹⁶⁰ India: UNSCOR, 192nd mtg., 2153; China: UNSCOR, 173rd mtg., 1685

Like the debate about the competence of the SC, the debate about the nature and status of the Republic also started already during the discussions following the Ukrainian complaint. During that debate, the Dutch representative and the British representative held the view that the Republic represented a movement that was established by the Japanese and was trained in “Nazi business”.¹⁶¹ The leader of the Republic, Sukarno had indeed worked together with the Japanese during the occupation, but other leaders, like Hatta, did condemn the cooperation with the Japanese and were favouring the support of Western states during their struggle towards independence.¹⁶² The Dutch representative stated before the SC that negotiations were planned to take place. However, a lot of foreign pressure from the United Kingdom and the United States was needed to let the Dutch Government approve that the negotiations contained talks with Sukarno.¹⁶³ Throughout the whole Indonesian dispute this aversion against the Republic had an influence on the policy of the Dutch Government. The first military action was launched to regain order and safety in the Republican area and to safeguard the national aspirations of the, so-believed, ‘normal’ Indonesian people who did not sympathize with the Republic.¹⁶⁴ The ‘Renville’ agreement was violated by the establishment of federal states because it was believed that Indonesia needed other states to strengthen the federalists in order to provide for an alternative for the Republic.¹⁶⁵ The second military action was launched to abolish the Republic entirely in order to precede negotiations with the federalists.¹⁶⁶ The following SC resolutions were neglected because the Netherlands authorities held the view that the release of the Republican leaders would threaten the safety and order in Indonesia and would not contribute to the quick settlement of the dispute.¹⁶⁷ Thus, from the start of the dispute until the end, the Dutch authorities were reluctant to cooperate with the Republic and did not view the Republic as the embodiment of the national aspirations of the Indonesian people. Like aforementioned, the underlying idea of this policy was not in the first place the real nature of the Republic, but the lack of opportunities in the long term the Dutch Government envisioned regarding cooperation with the Republic. The concept of self-determination used in a way compatible with a role as rescuer was not entirely used in benefit of the aspirations of the Indonesian people. If the SC had believed the line of arguments as presented by the Dutch representative, the United States and the SC would have handled differently. If the SC-members had agreed with the Dutch representative, the SC would not have problems with the use of military force against alleged terrorists. The case of Vietnam is an example of a different outcome. However, most of the members of the SC held a different view than the Dutch authorities. They saw the Indonesian Republic as the right means for Indonesia to become independent. It is seen that the United States were at the first place trying to find a compromise that would contribute to both parties. They

¹⁶¹ UNSCOR, 2nd mtg., 17; UNSCOR, 12th mtg., 180

¹⁶² Van den Doel, *Afscheid van Indië*, 30

¹⁶³ Taylor McDonald, *Indonesian Independence and the United Nations*, 20-21

¹⁶⁴ UNSCOR, 171st mtg., 1640-1645

¹⁶⁵ UNSCOR, 256th mtg., 304-310

¹⁶⁶ De Jong, *Avondschoot*, 253

¹⁶⁷ UNSCOR, 388th mtg., 2-31

were of the opinion that the Netherlands' presence in Indonesia was essential for the right settlement of the dispute.¹⁶⁸ With adopting this policy, the representative of the United States adopted an attitude that was compatible with a role as rescuer in the debate and tried to support the self-determination of Indonesia without violating the sovereign integrity of the Netherlands. Although, the United States decided to drop its role as rescuer when it changed its opinion about the leadership of the Republicans. After the communist revolt and the successful repression by the Republican Government, the United States did no longer doubt the capability of providing for law and order of the Government of the. It considered itself obligated to support the pro-Western cabinet of Hatta in order to safeguard Indonesia from any communist influence. The United States became confident that the Republic was representative for the self-determination of Indonesia and consistent with Western customs and values. It appears that the self-determination of Indonesia became more important than the alleged violation of the sovereign integrity of the Netherlands.¹⁶⁹

The Soviet Union did support the Republic as being the embodiment of Indonesian self-determination already from the start of the dispute. However, when the Republican Government repressed the communist revolt, the Soviet Union experienced some difficulties concerning their policy. The Soviet Union proclaimed itself as the advocate of the right of self-determination for dependent and suppressed people, but it was also acquainted with a developing diplomatic war between the Western, Capitalistic part of the world and the Communists. The Government that was seen as the embodiment of dependent people seeking for its right of self-determination repressed a communist party and its rising. They could not openly support the Hatta cabinet, but they also could not speak out against the Republican Government. A solution was found by accusing the United States of striking down the revolt instead of the Republican Government.¹⁷⁰ From that moment, the tensions between the United States and the Soviet Union became clearly visible and sounded almost personal.

THE UNITED NATIONS' COMMISSIONS

. Like it is described in the second chapter, the SC established two commissions, the GOC and the Consular Commission. The GOC changed into the UNCI after the launch of the second military action. The choice for a GOC instead of an arbitrary commission and the change from Good Offices to the UNCI, in particular, is of importance regarding the viewpoints of self-determination and sovereignty.

The establishment of the GOC evolved from the offer of good offices from the United States to the Dutch and Republican Governments -the offer was refused by the Republic- and the request from the Republic to establish two commissions, one that would arbitrate between the two parties and one that would supervise the cease fire resolution.¹⁷¹ The arbitration commission did not receive the

¹⁶⁸ De Jong, *Avondschoot*, 51

¹⁶⁹ Van den Doel, *Afscheid van Indië*, 286

¹⁷⁰ UNSCOR, 391st mtg., 29-41

¹⁷¹ UNSCOR, 184th mtg., 2002-2003

right amount of support from the SC, because of the competence of the SC, like it was presented before. Despite the matter of competence, the Dutch representative did not openly oppose the establishment of the GOC. J.J.P. de Jong is of the opinion that the Netherlands had insinuated the establishment of such a commission.¹⁷² However, the representative kept repeatedly stressing the character of the GOC, which was giving good offices and nothing else. It sounds strange that the Netherlands were challenging the competence of the SC and in the same time suggesting the establishment of a Committee that would interfere in the Indonesian dispute. However, throughout the whole debate it is apparent that the Dutch representative was trying to convince the SC of the good intentions of the Dutch Government. To suggest the establishment of a commission that because of its nature was of no harm to the sovereign integrity of the Netherlands could create the goodwill in the SC, the Netherlands were longing for. By supporting the establishment of the GOC, the Netherlands representative showed that the Dutch Government was really intending to grant Indonesia its independence.

The establishment of the Consular Commission, which had the task to supervise the cease-fire between the Indonesian and Dutch troops, was asked for by the Republican delegation. However, its structure -the career consuls, who were present in Indonesia, would report on the situation regarding the cease fire order to the SC- was suggested by the Dutch delegation. The structure of this commission did adapt to the already present situation in Indonesia. Therefore, it was not needed to send an extra external commission towards Indonesia. This matter could be favoured by the Dutch Government, because it would not change the situation in Indonesia. The Soviet representative was of opinion that this structure would cause an unreliable point of view from career consuls that were already in favour of the Dutch position in Indonesia.¹⁷³

The coming into force of the GOC took a lot more time than the Consular Commission needed to report about the implementation of the cease fire order of the SC. The Consular Commission came to the conclusion that the cease fire was not fully implemented yet and neither of the parties undertook action to come to an agreement about the cease-fire. The SC decided that the Consular Commission and the GOC should work together to find a solution to the problem.¹⁷⁴ The instigation towards a solution of the problem was made by the signing of the Renville agreement. The report of the GOC to the SC informed the Council about this agreement and during the Council meeting, the members of the GOC were given a chance to give their view on the signed agreement. In particular, the Australian member of the GOC was of the opinion that the GOC had not enough powers to handle the Indonesian dispute to satisfaction. Because of its nature of good offices, the Dutch influence in the GOC was disadvantageous for the Indonesian standpoint in the negotiations. Therefore, the Republic had to make huge concessions in order to come to an agreement. These concessions were mainly focussed on

¹⁷² De Jong, *Avondschoot*, 37

¹⁷³ UNSCOR, 193rd mtg., 2179-2183; UNSCOR, 194th mtg., 2197-2198

¹⁷⁴ UNSCOR, 219th mtg., 2750

the status of the Republic. The dissolution of the Linggadjati agreement provided a chance for the Republic to claim its own independent status it had claimed during its declaration of independence. The signing of Renville meant to the Republic that it abandoned its claim for sovereignty and independence and, therefore, diminished itself to be a part of the federal United States of Indonesia without rights to establish foreign relations and to keep its own army. Namely, like it is described in the first chapter, these rights belonged to an independent state. The Dutch Government would remain the sovereign authority in Indonesian during the interim period.¹⁷⁵

However, when analysing the meaning of the Renville agreement for the status of the Indonesian Republic, the question rises why the Republic agreed with the provisions of the Renville agreement in the first place. During the negotiations about the future status of the Republic, the United States' member of the GOC had promised the delegation of the Republic that Renville would not change the status of the Republic, in contrary of the opinion that was expressed by the Dutch delegation. However, the Netherlands delegation was surprised by the change and did sign the agreement despite the notion that was submitted by the GOC that the acceptance of the Renville conditions could not change the status of parties.¹⁷⁶ The Dutch party claimed that it had a sovereign status in Indonesia and the Republic claimed the same. Before it was signed, the Renville agreement became, like the Linggadjati agreement, also a dual agreement. This duality would have a negative influence on the negotiations that took place following the Renville agreement. Like it is seen in the second chapter this resulted in the launch of the second military action by the Netherlands.

It can be said that the lack of machinery of the GOC caused the establishment of a second dual agreement and the launch of the second military action. The absence of arbitrary powers forced the GOC to make promises that undermined the understanding between the two parties. However, the way the negotiations took place and in which manner the agreements were signed and ratified is more to blame. Most of the time, the Dutch delegation in Indonesia had a more rational approach to the dispute than the Dutch Government at home. The Indonesian Republic experienced the same problems.

Because of the internal problems of the Republic, the State Department held the view that the Republic was not stable enough to stand on its own and favoured a large involvement from the Netherlands in the final settlement of Indonesian independence. This point of view did pass on in the policy of the GOC and made an agreement like Renville possible.¹⁷⁷ Like aforementioned, this policy changed when the newly formed Hatta cabinet showed the world community it was able to defend itself against communist influence and to strike down the Madiun revolt. Therefore, the United States changed their policy and started to support the Republic instead of the Netherlands. This change made it possible that after the launch of the second military action, the GOC could extend its machinery and could transform into a commission with arbitrary powers. These extra powers gave the commission

¹⁷⁵ De Jong, *Avondschot* 53

¹⁷⁶ *Idem*, 55

¹⁷⁷ *Idem*, 50-52

the possibility to force upon the Netherlands the restoration of the Republic and to direct the Round Table Conference towards a satisfactory agreement. Therefore, the role as rescuer as played by the United States was determined by the course of events during the Indonesian dispute. When the United States decided that the claim for self-determination of the Republic for Indonesia was stable enough, it decided to support its claim. The choice to rather support the Dutch Government or the Republic depended on the stabilising factor of the actions that were executed by the two Governments. Upon this stabilising factor the representative and delegation of the United States adopted rather an attitude as rescuer or as persecutor regarding the two parties. Before the Madiun revolt, the United States was of the opinion that the Netherlands had to provide for stability, because the Republic was not able to do this. Therefore, in order to create a stable Indonesia, the United States held the view that the Netherlands authorities should guide the Indonesian people towards independence. Abandonment by the Netherlands was because of this policy undesirable.¹⁷⁸

It is seen that during the work of the SC commissions the United States held the view that the stability in Indonesia was a major importance for the way the Indonesian people would be granted independence. Therefore, it had chosen to either support the sovereign responsibility of the Dutch Government or the positive right of self-determination by the Republic.

Other points of view about self-determination and sovereignty were also visible regarding the SC commissions and the Renville agreement. The negotiations between the Republic and the Dutch delegation reached a dead lock regarding the status of the Republic and other provisions that would degenerate de Republic into a minor state within the United States of Indonesia.¹⁷⁹ This shows that the Republic and the Netherlands had both a different view upon the way the right of self-determination should be executed by Indonesia. The Netherlands were of opinion that the Republic was not representative for the whole of Indonesia and held the view that the establishment of a federal state would be more beneficiary for the self-determination of all the inhabitants of Indonesia.¹⁸⁰ In contrast, the Republic supported the view that they were representative for the whole archipelago and not only Java, Sumatra and Madura. They agreed with the establishment of a United States of Indonesia, but preferred a unitary state. The Republic held the view that the Dutch Government preferred a federal Indonesia because of its 'divide and conquer' policy.¹⁸¹

Regarding its attitude towards the policy of the Netherlands, the arguments of the Republic delegation kept showing the characteristics of a role as victim in the debate. The self-determination of the Republic was threatened by the Dutch Government. In contrast, the Netherlands adopted in this situation an attitude that was compatible with a role as rescuer, different regarding the situation in which it challenged the competence of the SC and in which it used a line of arguments that were

¹⁷⁸ Van den Doel, *Afscheid van Indië*, 286

¹⁷⁹ De Jong, *Avondschoot*, 53-58

¹⁸⁰ UNSCOR, 259th meeting (28 February 1948), 6-10

¹⁸¹ UNSCOR, 224th meeting (19 December 1947) 2804

compatible with a role as victim. Because of this role, the Dutch Government would present itself as saving the right of self-determination for the whole of Indonesia and saving the Indonesians from the terror of the Republic. The eventual establishment of the Republic of the United States of Indonesia with the cooperation of the UNCI, showed that the SC did, partially, agreed with the federal policy of the Netherlands and overlooked the unitary aspirations of the Republic. The choice to support a large part of the policy and ideas of the Dutch Government regarding the settlement of the Indonesian question, gave the Soviet Union an excuse to accuse the United States and later on the whole SC to work together with the Dutch Government to restore colonial rule in Indonesia. The growing conflict between the Soviet Union and the United States will be further elaborated in the next paragraph.

THE COLD WAR AND DECOLONISATION

Next to the themes discussed before, which were in direct concern of the Indonesian dispute, also other developments, like the Cold War and the process of decolonisation, did influence the debate in the SC and the ways of use of the concepts of self-determination and sovereignty. Like described in the first chapter, the concept of self-determination was used by Lenin, before the concept became apparent in the speeches of President Wilson. The two major world powers were already fighting for the public opinion of Europe and the world before the Indonesian dispute even started. The concept of self-determination was a major subject of this growing rivalry. Like aforementioned, the Soviet Union presented itself increasingly as the advocate for dependent people fighting for their right of self-determination.

During the period the Indonesian question was issued by the SC, the tension between the Soviet Union and the United States developed into a diplomatic war, centred around spheres of influence and a large scale arms race.¹⁸² Combining the growing spheres of influence, the evolving process of decolonisation, and the role as advocate for the right of self-determination for dependent peoples adopted by the Soviet Union, the struggle for independence of Indonesia could be an important platform to bring these growing tensions to practise.

The statement, made by the representative of Ukraine, about the suppression of the national movement of Indonesia and his claim to be an advocate for all dependent people in the world, put the United States in a delicate position. It was against sustaining the system of colonial empires. However, its major allies were Western powers that were of the opinion that their colonies would help them to recover from the Second World War.¹⁸³ Therefore, the United States did not have the position to openly oppose imperialism and promote the self-determination of colonial people.

On the other side, all members of the SC presented the opinion that the colonial era had come to an end, including the Western powers that were still administrating overseas empires.¹⁸⁴ This did not mean that the UN, or the international community, would force every administrating power to let

¹⁸² Van den Doel, *Afscheid van Indië*, 70

¹⁸³ Mazower, *Governing the World*, 250

¹⁸⁴ UNSCOR, 12th mtg., 183-185; UNSCOR, 13th mtg., 188-190;

go of their colonies immediately. Like it is mentioned in the first chapter, the right of self-determination was included in the Charter of the UN as a future goal and not an established right. The debate in the SC about the Ukrainian complaint showed that the concept of self-determination was seen as a negative right that was to be granted by the administering power. However, the evolution of the Indonesian dispute in the debates following the first and second military actions showed that if an administering power is not willing to grant its colony independence, the foreign community would intervene. The Indonesian dispute showed that, at first, this intervention was established with care for the sovereign integrity of the administering power. Further in the process, the intervention became stronger and moved past notions of sovereignty and domestic jurisdiction. It all depended on the degree of co-operation shown by the administering power.

Thus, in the first place, self-determination for colonial people did not become a positive right at once. States were allowed to keep their colonies. However, once the colonial people had expressed their wishes to become independent, the administering power had no right to suppress these nationalist aspirations anymore due to opposing public opinion. To be clear, this idea confined itself to colonial people who had national aspirations that matched with Western ideas. The case of Vietnam is an example that proved that not all suppression was put to a hold by the SC or UN and that the nature of a nationalist movement was of major importance for the foreign support a wish for self-determination was given.

The aforementioned developments were visible in the debates in the SC about the Indonesian Question. It would explain a large part of the interaction between the United States and the Soviet Union in the debates about the dispute. The United States' involvement in the Indonesian question, with its offer of Good Offices and its membership of the GOC, were a threat to the policy of the Soviet Union regarding the advocacy for the independence of colonial people. If the United States would successfully support the settlement of the dispute, it would widen its sphere of influence from the already pro-Western Philippines, to Indonesia. Therefore, the Soviet representative tried to put the United States into a bad light, and stated that the United States and later also the UN, during that period a machinery that was largely influenced by the United States, were providing the resources and the support for the Dutch to restore colonial rule in Indonesia. The Soviet Union used its ascribed role as persecutor in the debates as a way to strengthen its own argument as advocate of the dependent people in the world. However, it experienced similar controversies while implementing its policy. Like the United States had to find the right approach towards Western empires, the Soviet Union had to develop a policy towards national movements which were longing for Western capitalism and democracy.

The Government of the Indonesian Republic consisted of different parties and one of these parties was a left wing, communist party. Members of this party attended the Government of the Republic until Sukarno installed a moderate Cabinet, led by prime-minister Hatta. The party

radicalized and started the Madiun revolt, which was repressed by the Republican Government itself.¹⁸⁵ With this action, the Republican Government choose openly to pursue a Western style of government and choose to stay out of the Soviet sphere of influence. Openly disapproving with the actions of the Republican Government would harm the Soviet Union's foreign policy. On the other side, doing nothing to support the communists in Indonesia would also harm the Soviet Union's policy. Like it is mentioned before, to save face, the Soviet Union accused the United States of repressing the revolt and therefore the self-determination of the Indonesian communists. The use of the principle of self-determination in foreign affairs by the United States and the Soviet Union proved to lead to difficult choices, for example, how to support a people that claimed their right to self-determination but did not favour a type of government that is compatible with rather the United States' ideology or the Soviet Union's ideology?

IMAGE BUILDING AND THE SECURITY COUNCIL

The paragraph above showed, besides the Indonesian dispute, also other subjects were apparent during the debates about the Indonesian question. This suggests that more than only the contents of the dispute were at stake during the debates. When a comparison is made between the presentation of the several representatives in the debates before the SC and the situation in their countries and governments at home, a different approach is visible concerning the concepts of self-determination and sovereignty. This different approach does not aim at a difference in definition but rather a different way of use of the two concepts. The phraseology of the representatives at the Council table suggests that the debates were merely diplomatic and image building was an important subject in the purpose of these debates. Like it is seen in the previous paragraph, the United States and the Soviet Union had to be careful about what to say and support in order to sustain their reliability. The United States had openly claimed that it was against colonialism and imperialism, but it was dependent on its allies, the Western empires, to make a stand against the growing sphere of influence of the Soviet Union.

However, the cold war and the end of an era of colonialism was not the only factor that showed the importance of image building in the SC regarding the Indonesian dispute. For the both striving parties, the SC debates were a way to convince the Council of their goodwill and their right. With stressing their own good intentions and stressing the misbehaviour of their opponents, both parties tried to win over the sympathy of the Council members and with that the sympathy of the international community. This sympathy could lead to a favourable intervention or non-intervention by the SC.

Other members, like the representative of India, stressed the important obligation the SC had regarding the Indonesian dispute. He also stressed the consequences a lack of decisiveness would have on the image of the SC in the international community.¹⁸⁶ This argument of indecisiveness was also

¹⁸⁵ Van den Doel, *Afscheid van Indië*, 286

¹⁸⁶ UNSCOR, 417th mtg., 7

used against the arguments of the Netherlands about the competence of the SC. The representative of Australia accused the Netherlands of deliberately delaying the decision-making-process in the SC. The delay would also damage the prestige of the SC.¹⁸⁷

Concluding the analysis of the use of the principles of sovereignty and self-determination by the different roles adopted by the different actors in the Indonesian dispute, it can be said that the concepts were not used in a legal way. About the legal definition, the opinions were not really divided. Even the legal arguments the Netherlands representative put forward about the competence of the SC were not used in a legalistic way. Only the request for a judgement on the competence of the SC from the International Court of Justice can be called legalistic. The other ways of use of the two concepts are merely diplomatic and political. Because of this political way of use, the concepts of self-determination and sovereignty were used in order to win over the sympathy of the international community and served national purposes rather than international ones. During the 396th meeting of the SC the Australian representative spoke out his anger about this fact. He said that:

“We have tried to make the Security Council work, but, despite what has been said this afternoon, we feel that it has failed mainly through the play of, or reliance upon, national interests instead of real international truth and justice. [...] There had therefore been a loss of faith; we see a destruction of hope in the world; we see it largely as a result of the failure of the Security Council.”¹⁸⁸

The representative stressed just the problem that appeared during the analysis of the Indonesian dispute in the debates in the SC. Every actor adopted another role, a role that suited the best with which was to be accomplished. With the start of the era of decolonisation, the concept of self-determination was popular to use in order to invoke sympathy from the international public opinion. The concept of sovereignty appeared to be only useful to some extent regarding cases of decolonisation. By means of using sovereignty and self-determination in a political way like this, the debate about the Indonesian dispute in the SC became a role-play between different actors that were merely concerned with their own policy and the prestige of the newly established world organisation, than finding a quick practical solution for the settlement of the Indonesian dispute. It can be said that the way of use of the two concepts partially caused the exhausting progression of the Indonesian dispute.

¹⁸⁷ UNSCOR, 173rd mtg., 1675

¹⁸⁸ UNSCOR, 396th mtg., 44

CONCLUSION

The analysis of the discussions in the SC by means of the ascription of three roles shows that the debates were subject to many different viewpoints and standpoints regarding the Indonesian dispute. Each phase in the dispute was characterised by its own themes. However many appeared throughout the whole dispute. The principles of self-determination and sovereignty played an important role considering these themes.

The first chapter of this thesis discussed the definitions of sovereignty and self-determination; the debate that evolved with the entrance of the principle of self-determination in international relations; and, the implementation of both the principles in the Charter of the UN. It was shown that determining a precise definition is nearly impossible, especially in practice. Next to that, the principles were highly influenced by the developments in world politics, like democratisation and human rights, decolonisation and the evolving Cold War. Because of these developments the UN was obliged to include the notion of the right of self-determination in the Charter of the UN. It was decided to add the principle to the Article dealing with the purposes of the UN. It was shown that implementing the principle as a purpose of the UN, self-determination was in theory not intended to be as a foundational principles.

An important difference regarding the negative versus positive and internal versus external right of self-determination in relation to the concept of sovereignty was also issued. Internal self-determination and the concept of self-determination as a negative right did not cause a lot of problems regarding sovereignty. In contrast, external self-determination and the concept of self-determination as positive right stood in opposite of international relation founded on this sovereignty. Regarding colonial people, this relation was not seen as problematic from the viewpoints of authors who wrote their work after the adoption of resolution 1514 (1960) Of the General Assembly, which stated that colonial people had the right to become independent.

The second chapter of this thesis showed that the execution of the right of self-determination as a positive right for colonial people was not implemented by every member of the SC yet. The inclusion of the right of self-determination in the Charter as a purpose in combination with the lack of experience with the execution of self-determination as a positive right caused a lengthy debate in the SC about the Council's competence in the Indonesian dispute.

Regarding these debates several actors were identified and their interaction was analysed by means of the three different roles of the drama triangle. The attribution of these roles to the actors of the debates showed also the interaction and standpoints that were presented by the actors.

The Indonesian and Dutch representatives both acted like the victim in the debates in the SC. However, in consideration of certain events both representatives changed their line of arguments from a role as victim to, respectively, a role as rescuer or as persecutor. Both representatives chose these lines of arguments in order to win over the sympathy of the SC. This was important for both representatives because it would have helped their governments to arrange the settlement of the conflict in their own preferred way. The Dutch Government preferred to settle the Indonesian dispute without foreign interference and, in contrast, the Indonesian Republic would benefit from an intervention by the UN.

Two other representatives that also would benefit from this sympathy were the representatives of the Soviet Union and the United States. It is seen that from the end of the First World War, the Soviet Union and the United States were fighting for the favour of the world's public opinion. In order to win over the public opinion in the SC the representative of the Soviet Union used a line of arguments that was similar with the role of persecutor. From the start of the debate about the Indonesian dispute, the Soviet Union pointed at the Netherlands as the aggressor and the offender in the dispute. These allegations suited with its self-acclaimed role as advocate of the execution of the right of self-determination of dependent peoples, and in particular the colonial people.

In contrast with the Soviet representative, the United States' representative used a moderate approach towards the dispute. Therefore, the line of arguments showed by the United States was seen as compatible with a role as rescuer. However, when the Dutch Government decided not to listen to the United States Government, it changed its line of arguments into an approach that was more compatible with a role as persecutor. During that period, the Canadian representative took the rescuer role over from the United States and directed the SC towards more constructive action.

The other 'persecutors' in the dispute, the Australian and Indian representatives, did not change their line of arguments like the Soviet representative. However, Australia and India did only act as persecutors when necessary. The Soviet Union went through with its accusatory line of arguments even after the signing of the RTC agreement.

Following the identification of the main actors and their interaction, the third chapter of this thesis analysed the different viewpoints and ways of use of the concepts of self-determination and sovereignty that resulted from the interaction between the main actors and their position towards the Indonesian dispute.

In the second chapter it is seen that the main actors were eager to acquire the sympathy of the SC for their case. In order to accomplish their task, the representatives used the concepts of self-determination and sovereignty in a mainly diplomatic and political way rather than a legal way.

The Dutch representative used the two concepts respectively to win over the goodwill of the Security Council -all measures were taken in benefit of the execution of self-determination- and to exclude the SC from real intervention in the Indonesian dispute -the SC was violating the Charter with implying the establishment of an arbitrary commission-. The Republican representative used the two concepts respectively to include the international community in the finding of a settlement for the Indonesian dispute -the SC was requested to intervene by the Republican Government- and to prove its ability to exercise authority over Indonesia -to provide for law and order was one of the criteria of statehood-.

The representatives of the Soviet Union and the United States were concerned with an even broader audience to convince about their good intention about how to govern the world. The United States benefitted from a warm relation with the European powers and had to be careful in making statements that would judge over the administration of colonial areas. Therefore, the United States did not oppose the Netherlands in the first place. The matter of stability was an important argument that changed this attitude. It seems that the strategy of the Republic had worked.

In contrast to the United States, the Soviet Union expressed from the beginning of the debates a strong condemnation of the actions of the Netherlands and later also the United States. He used the concept of self-determination to try to stress the colonial policy of the Netherlands and the United States in order to win over the sympathy of the newly established former colonial states. This attitude forced the United States to adopt a role as persecutor towards the Netherlands representative following the second military action.

In order to return to the main question of this thesis, following the analysis of the main actors, their interaction and the ways of use of the concepts of self-determination and sovereignty it can be said that the role of these two concepts were of main concern with the image building activities in the debates about the Indonesian dispute in the SC in connection with the national

interests of the actors. The two concepts were of major influence during the establishment of the Charter and also in practice for the UN. It was impossible for the representatives to object the notions about the concept of self-determination as a right for colonial people. On the other hand, it was also impossible to deny the importance and legal position of the concept of sovereignty. Because of the impossibility to ignore the two concepts, the different actors in the dispute could use the concepts in benefit for their own agendas. However, the Republic of Indonesia proved to have acquired more help from the use of the two concepts in their arguments in comparison with the Netherlands. The Republic appealed to the SC to assist with the execution of the right of self-determination for the people of Indonesia and the requirement of full sovereignty over the archipelago. Ignoring a request like this, would negatively influence the prestige of the SC. Therefore, in the end, the Netherlands Government was forced to settle its dispute with the Republic Government and transfer its sovereignty to the Republic of United States of Indonesia.

It can be said that the role that was played by the principles of self-determination and sovereignty did appeared to be a role that was not constructive thorough. The popularity of the principle of self-determination gave the Republic of Indonesia a platform to defend its claim to execute the right of self-determination. However, it is seen that different, other viewpoints and ways of use of the principle could also led to disagreement and prolonging of the dispute. The same could be said about the principle of sovereignty. Even Australia and India openly stated that the principle was used to prolong the discussion in order to delay a decision. Concluding this analysis, it is seen that the political use of –at first- primary legalist terms and rights could cause the prolonging of discussions and even a dispute. To end with the words of the Australian representative:

“...the Security Council [...] has failed mainly through the play of, or reliance upon, national interests instead of real international truth and justice.”

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