

**Questioning the Unquestionable:
An Overview of the Restoration of Papua
into the Republic of Indonesia**

Permanent Mission of the Republic of Indonesia
to the United Nations
New York

2003

Preface

Papua, the easternmost province in Indonesia, has its unique place in multiethnic and multicultural Indonesia, the world's largest archipelago. It has also had a turbulent history within the early history of independent Indonesia.

“Questioning the Unquestionable: An Overview of the Restoration of Papua into the Republic of Indonesia” has been chosen as the title of this publication out of the conviction that a fair, comprehensive and objective assessment of the issues does put to rest attempts to distort the true history or to disrupt its territorial integrity and development of Indonesia. Such schemes achieve nothing but perpetuate the suffering of the Papuans and deny them the full enjoyment of their right to develop as Indonesians.

This publication offers that detached overview of the important points of the history of Papua's journey into its final and irrevocable place as an integral part of Indonesia, and I invite you to share that with the help of the United Nations, this issue was finally and fully resolved in 1969.

From this publication, you will also find important historical information showing the Papua province has been a part of Indonesia when the Netherlands administered the territory; and even during the Kingdom of Majapahit and Sultanate Tidore.

On the other hand, however, Papua province lagged behind other parts of Indonesia not only during the administration of the Netherlands, but also after Indonesia gained its independence. It faces complex social, economic and cultural problems. Despite these measures, it is a serious error of judgment to convert all of those complex problems into the basis for questioning the legality of Papua within Indonesia.

Aware of the many complex social, economic and cultural problems in Papua, the Government of Indonesia decided to give the Province autonomy in 1969. That status was further elevated to wide ranging Special Autonomy in 2001 as a part of the reform process going on in the country.

By the publication of this book, I sincerely hope that you will obtain a comprehensive understanding of the long journey of Indonesia before the restoration of Papua, and avoid the temptation and fantasy of offering visions of independence to the people of Papua. A far more noble cause is to help Indonesian Papuans and Government to develop the province so as to enable the people enjoy a more fulfilling life in all its aspects together with other Indonesians.

New York, Summer 2003

sgnd

*Ambassador Mochamad S. Hidayat
Charge d'Affaires a.i. of the Republic of Indonesia
to the United Nations*

CONTENTS

Preface

Historical Chronology

Introduction	1
I. General Background of Papua: Land, People, and Historical Perspective	3
II. The Origins of the Papua Question	6
The Question of Indonesia in the Security Council	6
The Round Table Conference of 1949: Papua Unresolved	8
III. Indonesia's Quest for a Peaceful Solution	12
In Search of a Bilateral Solution	12
The Question of Papua in the UN General Assembly	13
The Slogan of "Self-determination"	17
IV. The 1962 New York Agreement: The Basis of a Solution	22
Negotiating the Agreement	22
The Implementation of the First Part	26
V. The 1962 New York Agreement : The Solution	28
Preparing for the Act of Free Choice	28
Implementation of the Act of Free Choice	31
The Act of Free Choice: a Retrospective Look	33
VI. Special Autonomy: The Way Forward	37
The Genesis of Special Autonomy	37
Significance of Law 21/2001	39
VII. Conclusion	41

Annexes

Historical Chronology

1292 – 1521	Kingdom of Majapahit rules over Indonesia, including Papua
1660	Treaty signed between Tidore and Ternate, under the auspices of the Netherlands; document states that Papua belonged to the King of Tidore
1828	The Netherlands sets up an administrative post in Fakfak, Papua
1898	The Netherlands sets up an administrative post in Manokwari
1918	The Netherlands amends its constitution to include all of Indonesia, including Papua
1942	Japan defeats the Netherlands; consequently occupies Indonesia, including Papua
17 August 1945	Indonesia proclaims its independence for the entire territory, including Papua
1945	The Netherlands tries to reoccupy the newly independent Indonesia
20 July 1947	First “Police Action” by the Netherlands
1947	Linggadjati Agreement signed
January 1948	Renville Agreement signed
18 Dec. 1948	Second “Police Action” by the Netherlands
23 Aug. – 2 Nov. 1949	Roundtable Conference in The Hague
27 November 1949	The Hague Agreement signed; the Netherlands recognizes Indonesia’s independence but the status of Papua remains unresolved
January 1952	The Netherlands amends its constitution to include Papua within its own territory
1959	The Netherlands elects regional councils in Papua
2 September 1961	Dutch Foreign Minister presents a proposal to the United Nations General Assembly on the future of Papua

17 January 1962	UN Acting Secretary General invites Indonesia and the Netherlands to discuss the issue of Papua
11 Maret 1962	UN Acting Secretary General U Thant appoints Amb. Elseworth Bunker as mediator
2 April 1962	The US informs the Netherlands of its proposal to resolve the issue of Papua under the “Bunker Plan.”
13 April 1962	The Cabinet of the Netherlands reluctantly agrees on the Bunker Plan
25 Mei 1962	The UN makes public details of the Bunker Plan
15 August 1962	The New York Agreement signed by Indonesia and the Netherlands
1 October 1962	UNTEA Administration begins in Papua
1 January 1963	Indonesian flag officially flies alongside the UN Flag
13 March 1963	Indonesia re-establishes diplomatic relations with the Netherlands
1 May 1963	UNTEA transfers administration of Papua to Indonesia
14 July 1969	The Act of Free Choice begins in Merauke with a unanimous vote by the Merauke Assembly to remain with Indonesia
17 July 1969	The Act of Free Choice conducted in Wamena with a unanimous vote by the Wamena Assembly to remain with Indonesia
19 July 1969	The Act of Free Choice conducted in Nabire with a unanimous vote by the Nabire Assembly to remain with Indonesia
23 July 1969	The Act of Free Choice conducted in Fakfak with a unanimous vote by the Fakfak Assembly to remain with Indonesia
26 July 1969	The Act of Free Choice conducted in Sorong with a unanimous vote by the Sorong Assembly to remain with Indonesia
29 July 1969	The Act of Free Choice conducted in Manokwari with a unanimous vote by the Manokwari Assembly to remain with Indonesia
31 July 1969	The Act of Free Choice conducted in Biak with a unanimous vote by the Biak Assembly to remain with Indonesia

- 2 August 1969 Final Assembly meeting in Jayapura with a unanimous vote by the Jayapura Assembly to remain with Indonesia, to end the Act of Free Choice
- 6 November 1969 UN Secretary General U Thant presents his report to the General Assembly on the Implementation of the Act of Free Choice
- 19 November 1969 UNGA adopts resolution 2504 (XXIV) recognizing Papua as a part of Indonesian territory
- 21 November 2001 Indonesia grants special autonomy to Papua Province

Introduction

In seeking to win their freedom, independence or sovereignty, subject nations and peoples have traveled a variety of roads. Most of them had to fight protracted, sometimes bloody wars. Indonesia was no exception. For more than 350 years, different colonial masters ruled it¹. Its struggle to become master of its own destiny culminated with the long-awaited proclamation of its independence on 17 August 1945, following the defeat of Japan in World War II. The Netherlands, refusing to acknowledge that proclamation, vigorously sought to reassert its colonial control of Indonesia.

Subsequently, in the wake of four difficult years, and with the involvement of the international community, particularly the United Nations (UN), Indonesia's independence finally gained international recognition in 1949.² Yet, the decolonization process was incomplete, since the Netherlands, by keeping Papua³ under its control, failed to fully transfer the sovereignty and territorial integrity of Indonesia. The decolonization process of Indonesia would take more than two decades before Papua was finally returned to Indonesia. It is that unique journey that this book seeks to tell.

The history of Papua's incorporation into Indonesia needs to be addressed comprehensively in order to deepen understanding, thereby avoiding distortions and misrepresentations. A number of commentators have expressed critical review of the process, some of them making the mistake of analyzing the issue by adopting a piecemeal approach or looking at selected time-frames. Not surprisingly, some emerging interpretations only served to generate confusion in the public mind. Still others have sought to highlight the many economic and social grievances of the Papuan people and used them to cast doubt on the legitimacy of Papua as an integral part of Indonesia.

The objective of this book is thus to help demystify the complexities of the process of reuniting Papua with Indonesia. One of the lessons learned was that, to subject the historical significance of an issue to a limited time-frame, can lead to a distortion of the facts and a diminished overall understanding of the core issue. It therefore endeavours to

¹ These colonial masters were the Netherlands, the United Kingdom and Japan. The colonialism of the Netherlands in Indonesia started in 1602 and the first Governor General of the Netherlands was Pieter Both (1609-1614); and A.W.L. Tjarda van Starkenborgh Stachouwer as the last Governor General (1936-1941). After the Netherlands had been incorporated into the French empire in 1811, the British occupied Java and Thomas Stamford Raffles was appointed Lieutenant Governor of Java (1811-1816). The British government had promised the Dutch government-in-exile that at the end of the war occupied territories would be returned to the Netherlands. Dutch authority was reestablished in 1816. Japan administered Indonesia after the surrender of the Netherlands on March 9, 1942 until Indonesia proclaimed its independence on 17 August 1945. (Library of Congress Country Studies, see <http://lcweb2.loc.gov/frd/cs/idthoc.html>).

² Through the transfer of sovereignty to Indonesia on 27 December 1949 under the provisions of the Round Table Conference between Indonesia and the Netherlands.

³ Papua was previously known as West New Guinea, the Netherlands New Guinea, West Irian, West Papua, and Irian Jaya. These terminologies are used interchangeably in this publication.

reconstruct the question of the restoration of Papua from historical facts in its broader context. Despite its simplicity, this book should help provide a better understanding of the issue.

In the first chapter, the book focuses on the general background of Papua, its people, land, and historical perspective. It seeks to clarify the place that Papua historically held within the Indonesian archipelago.

The second chapter seeks to explain the struggle of newly independent Indonesia to uphold its sovereignty and territorial integrity. Particular attention is given to the role of the international community, especially through the United Nations Security Council, which demanded that the issue of Papua be resolved within one year, following the Round Table Conference in 1949.

The third chapter highlights the efforts of the Government of Indonesia to achieve a peaceful solution through bilateral negotiations. It explores Indonesia's efforts to bring the issue to the attention of the UN when those negotiations failed. It also covers Indonesia's repeated efforts to bring the dispute to the attention of the General Assembly.

The fourth chapter focuses on the New York Agreement as the foundation upon which a solution to the problem was built. It covers the difficult negotiations leading to its eventual signing, the implementation of its first part, and underlines the importance of the Agreement.

The fifth chapter continues with the implementation of the second part of the New York Agreement, essentially the Act of Free Choice, and the contribution of the United Nations that brought the issue to a close.

The sixth chapter deals with Papua today, including the aspirations of its people within the framework of Indonesia's reform process. It also assesses the Special Autonomy Law No. 21 of 2001, which was enacted on 21 November 2001, to grant the local population a greater measure of self-government within the unitary state of Indonesia.

In sum, this book seeks to lay out the evidence of history. It records the long and painful process of translating its proclamation of independence into reality. More than 24 years later, the process of decolonization of Indonesia culminated in the restoration of Papua into the Republic of Indonesia in 1969. It is to the dynamics of that struggle that the remainder of this book is devoted.

Chapter I

General Background of Papua: Land, People, and Historical Perspective

Papua, which is located in New Guinea⁴, the second largest island in the world after Greenland, constitutes almost a quarter of the entire landmass of the archipelago of Indonesia. It consists of tropical forests, swamplands and highlands, and is situated between 140 degrees east longitude in the north and 141 degrees east longitude in the south. This easternmost province of Indonesia borders the Moluccas islands and the chain of islands that form the East Nusa Tenggara province of Indonesia.

The records trace the Indonesian archipelago back to the period of the Kingdom of Sriwijaya in South Sumatra, which ruled over many parts of the archipelago from the 7th century. The Kingdom of Majapahit (1292-1521) ruled over East Java. During this period, Papua was called Djanggi. In all the records dating from that period onwards, Djanggi was a part of Indonesia, known during that period as Nusantara. In a 1365 book by Prime Minister Gajah Mada⁵ on the history of Majapahit, Indonesia is recorded as having been divided into west and east. The eastern part included the present-day Papua.

In the 17th century, prior to the arrival of the Dutch, the Indonesian islands constituted a theatre of competition between two other colonial powers, Portugal and Spain. As a compromise, those two nations reached an agreement under which Indonesia was partitioned into two. The western half belonged to the Portuguese; and the eastern half, which included Papua, to the Spanish. Historically, the island of Papua was founded by a Portuguese sailor Don Jorge de Meneses and named it as Ilha de Papoia. Then another Spanish sailor Alvaro de Saavedra called the island as Isla del Oro. The Netherlands later named it as New Guinea.⁶

In 1660 a treaty was concluded between Tidore and Ternate, under the auspices of the Dutch East Indies Company, which stated that the Papuans, and all of their islands, belonged to the King of Tidore. The Dutch took no interest in New Guinea itself, and continued to support the claims of Tidore over Papua. This practice of indirect rule was also followed by the Dutch state, which took over the Dutch East Indies Company at the end of the eighteenth century. After unsuccessful attempts at setting a Netherlands administrative post in 1828, permanent posts were finally established at Fakfak and Manokwari in 1898.

⁴ New Guinea is divided into two parts, i.e. Papua province of Indonesia (Western part) and the nation of Papua New Guinea (Eastern part).

⁵ Some Indonesian historians regard Gajah Mada as the country's first real nation-builder. For further discussion see M.C. Ricklefs, *A History of Modern Indonesia: c. 1300 to the Present*, Bloomington: Stanford University Press, 198, p 311.

⁶ *Ensiklopedi Nasional Indonesia*, 7th volume. Jakarta: PT Cipta Adi Pustaka. 1989. p. 233

The governing practices under the Dutch East Indies administration, before World War II, are also instructive. Papua and its people were included in the Province of the Moluccas, with the city of Ambon as the seat of the Governor. This province was subdivided into two residencies, the residency of Ambon, to which belonged the southern part of Papua, and the residency of Ternate, to which belonged the northern part of Papua. Both of these towns have always been recognized as a part of Indonesia. This point is made clear in a 1931 map of the Government of the Netherlands, which shows that Dutch Territory extended from Sumatra in the west to Papua in the east.⁷ Thus Papua was never mentioned as being separate from the Netherlands East Indies. Consequently, it is also part of Indonesia.

While the province is home to more than 250 different languages, Papua is also sparsely populated. However, so distinct were their languages that for a long time they could barely communicate among themselves. Some scientists conclude that those languages belong to the same group (the Austronesian group) as the language spoken in other parts of Indonesia. They have, among other points of similarity, the same prefixes, suffixes, and numbers.⁸ As a result, the use of “Bahasa Indonesia” as their lingua franca evolved naturally.

The present population of Papua is approximately 2.3 million people, dispersed in widely-scattered small groups in terrains that are sometimes barely accessible. To mention a few Amberbokem, Amungme, Arfak, Asmat, Auwyu, Dani, Ekari, Karabra, Kebar, Mey Brat, Moi, Nimboran, Sarmi, Segel, Sentani, Tobati, Waropen, and Yali.

It is obvious that the history of Papua is closely related to that of the rest of Indonesia; it formed an integral part of the territory of Indonesia and was not just a construct or invention of any colonial power. Indonesia itself consists of a large number of different ethnic groups of which Papuans are only one. This diversity is reinforced by a number of official statements. As stated by a representative of the Netherlands before the Security Council in 1948:

“The population of Indonesia consists of about 17 main ethnic and linguistic groups which, in their turn, contain a still greater number of sub-groups. The unity of Indonesia is a product of common Netherlands sovereignty... Common existence under the Netherlands Crown has created a sense of nationality and the will towards an Indonesian state.”⁹

In addition, a Dutch report to the United Nations in 1949 stated that:

⁷ Handbook of the Netherlands and Overseas Territories, The Economic Section of the Ministry of Foreign Affairs of the Hague. The Hague: Government Printing Office. 1931.

⁸ Ministry of Information of the Republic of Indonesia, *The Truth about West Irian*, Jakarta: 1956, p.4.

⁹ See Moekarto Notowidigdo. “Indonesia’s National Demand from Dutch Colonialists”. in *Hands Off West Irian* by B.P.L. Bedi (Ed.). New Delhi: The Unity Book Club of India Publication, p.10.

“Racially, the indigenous peoples may be broadly divided into Malays in the West and Papuans in the east. As these races have to a considerable extent intermixed, they are not separated by clearly defined boundaries.”¹⁰

Thus, it is apparent that the Papuans do not constitute a homogenous group. Even if they were, racial homogeneity cannot be used to define political unity because the proposition that different races should not live together in one state defies normal human relationships, as we know them.

The general history of Papua confirms its inseparable historical context within that of the nation of Indonesia. It is important for commentators and historians to understand the evolution of the peoples of the archipelago as a basis for a fuller and firmer understanding of the dispute that arose between Indonesia and the Netherlands.

¹⁰ Ibid.

Chapter II

The Origins of the Papua Question

The Dutch, determined to seize advantage of the retreating Japanese at the end of World War II, ignored Indonesia's declaration of independence and sought instead, to re-occupy the country. As a result, a period of intense diplomatic activity and armed conflict followed. With hostilities erupting, the situation was considered a threat to international peace and security, thus making it eligible to be brought to the United Nation's Security Council. This took place on January 21, 1946, under the sponsorship of Ukraine. In introducing the question, Ukraine's delegate called attention to the point that "...the principles and rights established by our Charter should be applied to the people of Indonesia, particularly the principle recognizing the right of every people to determine its own fate and to choose its own government."¹¹

Despite all this, the Papua question was not considered a politically critical issue until the end of 1949, when Indonesia's independence received international recognition, but without Indonesia gaining control over Papua. In fact, in 1946, the Dutch held conferences with a number of the Indonesian delegations¹², but in none of those contacts was the possibility of Papua having a separate existence outside of Indonesia federation even mentioned as an issue.¹³ The only political question being discussed during that time was the relationship between the Netherlands and Indonesia. It was during that period that the Dutch Lieutenant Governor-General, H. J. van Mook made his famous declaration: "...it is decidedly not the intention of the Government to exclude New Guinea from Indonesia...(the solution is to keep the territory within the framework of the United States of Indonesia)."¹⁴

A number of international initiatives were undertaken to resolve the dispute following Indonesia's declaration of independence. On March 25, 1947, a breakthrough was achieved under the aegis of the British, when the Linggadjati Agreement was concluded¹⁵. As far as the subject of Papua was concerned, it is pertinent to note that Article 3 of the Linggadjati Agreement stated that the future United States of Indonesia should comprise the whole territory of the Netherlands Indies. In a related vein,

¹¹ Ukraine also proposed a draft Resolution on the establishment of Commission on Investigation of Situation in Indonesia on 11 February 1946. For details visit <http://www.ukremb.com/ukraine/diplomday1.htm>, *The History and Traditions of Ukraine's Foreign Service*.

¹² Indonesian delegations consist of two groups; the republicans and the federalists.

¹³ See Arend Lijphart. *The Trauma of Decolonization*. Connecticut: Yale University Press, 1966, p.11.

¹⁴ Ibid. The United States of Indonesia (Republik Indonesia Serikat) was established on 27 December 1949 as a precondition to the Round Table Agreement. On 15 August 1950, less than a year later, it was replaced by the Unitary Republic of Indonesia.

¹⁵ The Linggadjati Agreement was concluded between the Governments of Indonesia and the Netherlands on 25 March 1947.

underlining the singularity of the territory of Indonesia, the Renville Agreement¹⁶, which came on the heels of Linggadjati, provided that “sovereignty throughout the Netherlands Indies is and shall remain with the Netherlands Kingdom until after a stated interval the Kingdom of the Netherlands transfers its sovereignty to the United States of Indonesia.”¹⁷

The Renville Agreement provided for a transitional period lasting up to 1 January 1949, when the Dutch government would transfer power to an independent Indonesian government. Indonesia, however, charged that the presence of Dutch troops in its territory amounted to aggression, and also disputed the authority of The Hague to set the terms for a transfer of power.

The Question of Indonesia in the Security Council

In a clear breach of its commitment in the Renville Agreement, the government of the Netherlands authorized a broad military offensive against Indonesia in July 1947. In response to this attack, the Security Council adopted resolution 27 (1947), demanding the cessation of hostilities and a peaceful settlement of the dispute.¹⁸ Historically, that resolution was significant for Indonesia because, apart from the substance of the ceasefire order, the very intervention of the Security Council changed the character of the conflict, transforming it from bilateral into an international one. The resolution further called on the parties to keep the Security Council informed about the progress of the settlement.

Instead of keeping the Security Council informed, the Netherlands launched a second attack on 18 December 1948. In response to that attack, the Security Council held a session to discuss the issue. In that connection, speaking at a debate in the Security Council on 22 December 1948, four days after the Dutch armed forces had attacked Indonesia for the second time, Mr. Lambertus N. Palar, representing Indonesia, condemned the military action and noted that the Netherlands was purposely violating the Renville Agreement. He stressed that the policy of the Netherlands has been to strangle Indonesia economically and politically and to finish the job by a second military action.¹⁹

During that debate, however, the Dutch representative, Dr. J. H. van Roijen, made one of those reassuring Dutch statements concerning the true position of the Netherlands on the question of Indonesia. He told the Council: “As I explained at the outset, this dispute is not about the question of whether or not Indonesia will become independent. All parties agree that what used to be the Netherlands Indies should become an independent state as soon as possible.”²⁰

¹⁶ “Renville” is the United States Navy ship on which the Agreement between Indonesia and the Netherlands, which was ratified by both sides on January 17, 1948, was concluded.

¹⁷ Justus van der Kroef. *The West New Guinea Dispute*. New York: Institute of Pacific Relations, 1958, p.2.

¹⁸ Resolution 27/1947 (S/459) of 1 August 1947, operative paragraph a and b.

¹⁹ See United Nations. *Security Council Official Records, Third Year, No. 132*, 388th and 389th meetings: 22 December 1948, p.32.

²⁰ *Ibid.*, p.11.

Following that meeting, in a landmark resolution 67 (1949) dated 28 January 1949, the Council recommended that negotiations be undertaken by the parties, with the assistance of the United Nations Commission for Indonesia²¹, towards the establishment of an independent and sovereign Indonesia at the earliest possible date, and also that the transfer of sovereignty to Indonesia by the Government of the Netherlands should take place no later than 1 July 1950.

It must be pointed out that from the time that the Council became involved in the matter in 1946 right up to the adoption of the Charter of Sovereignty in 1949, all negotiations and agreements between Indonesia and the Netherlands not only pointed to the eventual independence of Indonesia, but increasingly also to the clarification that the territory of Indonesia would encompass Papua.

The Round Table Conference of 1949: Papua Unresolved

Resolution 67 (1949) eventually led to the Round Table Conference²² at which, finally, the Netherlands transferred sovereignty to an independent Indonesia after the latter was forced to change the Republic of Indonesia into the Republic of the United States of Indonesia. During the preparations for the Round Table Conference, a preliminary agreement was signed between the parties on 7 May 1949. Sometimes referred to as the Roem - Van Roijen Agreement²³, it stated: “the discussions will take place as to the way in which to accelerate the unconditional transfer of real and complete sovereignty to the United States of Indonesia in accordance with the Renville Agreements.” The same viewpoint was reaffirmed in a letter by the Netherlands representative to the United Nations on 2 March 1949, in which he stated: “the Netherlands Government has reached the conclusion that the best solution of the pending problem is to be found in an accelerated transfer of sovereignty over Indonesia to an Indonesian federal government which will be fully representative of the whole Indonesia.”²⁴

The Round Table Conference was held in The Hague from 23 August to 2 November 1949 and was attended by the United Nations Commission for Indonesia, the Dutch delegation and two Indonesian delegations representing the Republic of Indonesia

²¹ The United Nations Commission for Indonesia (UNCI), replaced the United Nations Good Offices Commission (GOC), to supervise the ceasefire between the Netherlands and Indonesia. Its task ended in 1951.

²² The Dutch-convened conference consisted of delegations of the Netherlands, the Indonesian Republic, and the Dutch-sponsored federal Indonesian states, all assisted by the UN Commission for Indonesia. The negotiations bore fruit and on 27 December 1949, the Netherlands transferred sovereignty to the Republic of the United States of Indonesia.

²³ The chief Dutch negotiator in Batavia, J.H. van Roijen reached an agreement on 7 May 1949 with a Republican delegation headed by Mohammed Roem and assisted by Australia's Tom Critchley.

²⁴ Letter dated 2 March 1949 from the Netherlands representative to the President of the United Nations Security Council concerning the Council's resolution of 28 January 1949 on the Indonesian question (S/1234).

and the Federalists. This conference resulted in the signing of the Charter of Transfer of Sovereignty.²⁵

In Article 1, the Charter of Transfer of Sovereignty stated:

“The Kingdom of the Netherlands unconditionally and irrevocably transfers complete sovereignty over Indonesia to the Republic of the United States of Indonesia and hereby recognizes said Republic of the United States of Indonesia as an independent and sovereign State.”

It was on Article 2, which dealt with the subject of Papua, that agreement could not be reached, and only a compromise text, which postponed the resolution of the issue, was negotiated. The compromise Article provided that:

“In view of the fact that it has not been possible to reconcile the views of the parties on New Guinea, which remain, therefore, in dispute.

In view of the dedication of the parties to the principle of resolving by peaceful and reasonable means any differences that may hereafter arise between them.

That the status quo of the residency of New Guinea shall be maintained with the stipulation that within a year from the date of transfer of sovereignty to the Republic of the United States of Indonesia, the question of the political status of New Guinea be determined through negotiations between the Republic of Indonesia and the Kingdom of the Netherlands.”

While the Dutch were of the view that the subject of negotiations within a year after the transfer of sovereignty was whether sovereignty over Papua should be transferred to Indonesia, Indonesia insisted that sovereignty over Papua had already been transferred to Indonesia under the terms of Article 1, and that the issue was only how the administration of Papua would be transferred. In the minds of most observers, although that article seemed open to subjective interpretation by either side, there was no doubt that Indonesia had the stronger case concerning its claim to Papua as part of the former Netherlands East Indies.²⁶

This point was further solidified by the Covering Resolution²⁷ of the Round Table Conference itself, which stated that the purpose of the Conference was “to transfer real, complete and unconditional sovereignty to the United States of Indonesia in accordance with the Renville Principles,” while the Draft Charter of Transfer of Sovereignty

²⁵ See annex no. 3.

²⁶ As implied in the statement by Mr. Mohammad Hatta, Head of the Indonesian delegation, at the close of the Round Table Conference: “Our happiness is rather suppressed because not all questions have been solved. Irian or New Guinea still remains as a dispute...”. For details see *The Truth about West Irian*, p. 29.

²⁷ Covering Resolution is attached to the agreements adopted by the Round Table Conference on 2 November 1949.

provided for “complete sovereignty over Indonesia” being transferred “unconditionally and irrevocably” to the Republic of the United States of Indonesia.²⁸

It is important to understand the background to the Dutch reluctance to leave unhindered the national aspirations of Indonesia, and in particular, to keep control of Papua. This regrettable situation arose from two basic economic concerns, the first having its roots in the Indonesian territory itself: in Java, in particular, in the period preceding World War II, Eurasians had begun to suffer mounting white-collar unemployment. Efforts by the political organizations of the Eurasians to redress this problem were aimed at turning their jobless into independent entrepreneurs, a development that came in conflict with the burgeoning rural proletariat. The quest for an alternative area that was suitable for Eurasian immigration ended in Papua; although it was largely unexplored, it was also thinly populated.²⁹

The second basis for the Dutch determination to keep control of Papua is that in the Netherlands itself, propaganda had arisen, out of the Papua Movement, to use Papua as the ideal location to resettle thousands of unemployed rural Dutch.³⁰

Until the Netherlands gave its formal recognition of Indonesia’s independence following the Transfer of Sovereignty on the historic night of December 27, 1949, the Indonesian question had constituted the most important issue in the broad spectrum of Dutch politics. As has been noted, the Papua issue was a minor part of this question, but it grew in importance over the period, and eventually assumed the role of a major issue months before the actual transfer of sovereignty to Indonesia.

It is important to observe that at no time in the arguments employed by the Netherlands was a strong case made for its ownership of Papua. On the contrary, several Dutch government officials and spokesmen routinely expressed the view that the territory was understood to be a part of Indonesia.³¹

Indeed, it may be said that those statements and assurances offered legal backing to Indonesia’s position that Indonesia was the constitutional successor to the former Netherlands East Indies, a legal territory that included Papua. It is interesting to consider that despite that background in the period leading up to the Transfer of Sovereignty, the crisis took so long to resolve. This is attributable to ambiguities and contradictions in the policy objectives of the Dutch Government

The immediate implication of the deadlock over Article 2 at the Hague Conference is that even as Indonesia’s independence was no longer in any kind of dispute, a part of its territory remained in the hands of the Netherlands. Indonesia accepted this position at the time out of a sense of convenience and realism. In the course

²⁸ Ibid., annex no. 3.

²⁹ C. L. M. Penders. *The West New Guinea Debacle: Dutch Decolonization and Indonesia, 1945 – 1962*. Honolulu: University of Hawai’I Press, 2002, p. 56.

³⁰ Ibid, p.57.

³¹ See details in Ch. III, IV, and V.

of trying to resolve the issue of Indonesia's independence rested the seeds of the resolution of the accompanying issue of Papua, and doing so by peaceful means. Indonesia remained secure and confident that Papua would remain an integral part of Indonesia.

Overall, the intervention of the Security Council on the issue of Indonesia was outstanding not only because it forced the Netherlands to abandon its position leading to its recognition of Indonesia's independence and sovereignty, but also because its decisions and resolutions clearly acknowledged the true nature of the question of Indonesia and the inseparability of Papua from the young republic. This role of the Security Council in resolving the conflict is one that some revisionist commentators have tried to discount, but it is not possible to do this without putting into question the very basis of international law. The resolutions of the Council cannot be revoked, nor can the facts on the ground on which they were based.

Chapter III

Indonesia's Quest for a Peaceful Solution

The previous chapter explained the path that Indonesia took to secure international recognition for its independence. The final transfer of sovereignty took place in Amsterdam on December 29, 1949, under the provisions of the Round Table Conference. Nine months later, on September 28, 1950, Indonesia was admitted to membership of the United Nations.

In that process, Indonesia became the first country in the history of the United Nations to use the Charter of the United Nations in its fight against colonialism, and largely through it, gain international recognition for its sovereignty and independence. In addition, the Security Council had been the principal link between the struggling republic and the outside world. As a result, it seems clear that it was international pressure, largely through the Council, that eventually compelled the Netherlands to accede to Indonesia's wishes.

Indonesia had always believed that Papua was an integral part of its territory and territorial integrity. Indeed, Indonesia's first president, Soekarno once declared that Indonesia was incomplete without Papua. In his words: "West Irian must, can, and certainly will return to the Indonesian fold...so long as West Irian is not back in our fold, our national aspirations will not have been fulfilled." He further emphasized that: "according to our Constitution, Irian is also Indonesian territory ... not tomorrow, but now at this very moment. The Dutch de facto authority over Irian is recognized for this year only."³²

It was clear that Indonesia considered that the struggle for Indonesia's independence did not end in 1945 or even in 1949, but would wait until the whole territory of former Dutch colony returned into the realm of the Republic of Indonesia. Reinforcing that conviction, Indonesia's Foreign Minister, Dr. Subandrio declared: "Let us not forget that the West Irian issue is not a territorial dispute between Indonesia and the Netherlands but a struggle for freedom against colonialism." In addition, authoritative observers of the time thought that on the historical-legal question, the Indonesian case was considered much stronger.³³

When one seeks to define Indonesia, one must also look at the national and political connotations as they were used during the national struggle for independence³⁴

³² George McT. Kahin. "Indonesian Politics and Nationalism". in Arend Lijphart, p.27.

³³ See Howard P. Jones. *Indonesia: The Possible Dream*, New York: Harcourt Bruce Jovanovich, 1971, p.176.

³⁴ Independence Movement in Papua took concrete shape when, on 30 November 1946, the Partai Kemerdekaan Indonesia Irian (PKII) or "Irian Party for Indonesian Independence" was established in Serui, Papua, in spite of opposition from the Dutch administration. The party was led by Mr. Silas Papare, a native

and the efforts to interpret the term, “the Netherlands Indies”. In 1922, the Constitution of the Netherlands contained a reference to “Indonesia” identified as the Netherlands East Indies. Article 1 of that Constitution provided that “the Kingdom of the Netherlands consisted of the territories of the Netherlands, the Netherlands Indies, Surinam and the Netherlands Antilles.” Later in 1948, the amended Constitution stated: “The Kingdom of the Netherlands comprises the territory of the Netherlands, Indonesia, Surinam and the Netherlands Antilles.” Such a clear demarcation was also contained in the Constitution of Indonesia in 1945 and 1950, signifying that the separation of Indonesia from Papua was only a temporary measure pending negotiations between the concerned parties. Papua was thus never mentioned apart from its being an integral part of the Netherlands East Indies.

Supporting its argument, Prof. A. Teeuw, a distinguished Dutch scholar on Indonesia, once stated that he could not understand why people could deny the fact that West Guinea is part of Indonesia’s territory. He said that, the argument of historical continuity is there the first relevant. He further argued that the Netherlands should have been proud to deliver to the world and world history about it.

In Search of a Bilateral Solution

Indonesia’s approach was to remain faithful to the principle of The Hague Agreement. Its delegates particularly emphasized Article 2, which stated that, “within a year from the date of the transfer of sovereignty to the Republic of United States of Indonesia, the question of the political status of New Guinea (would) be determined through negotiations between the Republic of Indonesia and the Kingdom of the Netherlands.” With regard to the prevailing conviction that the territory would eventually be Indonesia’s, the representative of the Netherlands to the United Nations stated the following in his report of 1949:

“Indonesia consists of a series of island groups in the region of the equator extending from the mainland of Asia to Australia. The principal groups are the Greater Sunda Islands, the Moluccas and New Guinea, west of 141 degrees east longitude.”³⁵

In March 1950, it was agreed that the two countries would set up a Commission to visit the territory.³⁶ Contrary to a different interpretation of the point by the Netherlands, Indonesia’s delegation insisted that the central subject of the negotiations concerned the

Papuan, who later served as a member of the national parliament in Jakarta. The PKII objected to Papua being dissociated from the rest of Indonesia or turning Papua into a kind of “Greater Netherlands”. In March 1948, the PKII already had 2,000 members. For details see *The Truth about West Irian*, p. 19 and p. 20.

³⁵ Report of the Government of the Netherlands to the United Nations, of 1949.

³⁶ This first Ministerial Meeting or Conference between Indonesia and the Netherlands was held in Jakarta in March 1950; in which the formation of the Joint Dutch - Indonesia Irian Commission was agreed upon.

manner by which the administration of Papua would be transferred to Indonesia, since the sovereignty over the territory had already been decided in the first article of the Charter.

In the years that followed, progress on the Papua question remained slow and tenuous. A Ministerial meeting held in The Hague on December 27, 1950 also failed to find an agreement. At that meeting, Indonesia proposed that the Dutch without delay recognize its *de jure* sovereignty over Papua, and that the transfer of the Netherlands Administration be implemented through mutual arrangements by the middle of the following year. In addition, the Dutch were to be guaranteed their rights and interests in the territory and the implementation of the autonomy proposal.

However, in a significant departure from its previous position, a counter-proposal by the Netherlands offered the transfer of sovereignty over Papua to the Netherlands-Indonesian Union and the retention by the Dutch of the administration of the territory, with the Indonesian members participating on a parity basis in a Papua Council. These proposals were totally unacceptable to Indonesia, since they saw them as a means to perpetuate colonial domination and practices in the territory.

From Indonesia's perspective, there was little or no indication that the Netherlands was willing to solve the dispute through negotiation. In December 1951, Indonesia flatly turned down a Dutch proposal to submit the dispute to litigation before the International Court of Justice on the grounds that the question was political, and not juridical. Subsequent efforts by Indonesia to resume the negotiations were rebuffed by the Netherlands. The Dutch seemed unwilling to comply with the spirit and principle of The Hague Agreement and the Security Council's resolution on the question of Indonesia, both of which recognized that Indonesia comprised the whole territory of the Netherlands East Indies.

At that point in time, the Dutch had virtually closed the doors on further negotiations. This was evidenced when a constitutional amendment in 1952 declared Papua included in the official geographic definition of the Kingdom of the Netherlands. By that amendment, the Netherlands categorically made it illegal for any government to negotiate the political status of Papua.

Indonesia considered this a "unilateral annexation" of the disputed territory, and a breach of faith.

Obviously, this amendment ran counter to the various pledges, statements and agreements that had been made by the Dutch prior to 1950, and seriously jeopardized the cause of compromise. In 1954, the Dutch further backtracked by sending an official letter to the Indonesian Government declaring that the Netherlands Government no longer was interested in discussing this issue.

This development, more than any other, caused Indonesians to seriously question the good intentions of the Netherlands concerning how to find a peaceful solution to the

problem. This reassessment was evident in a statement by the Indonesian Government in response to the 1952 amendment of the Dutch Constitution:

“The failure of the discussion does not automatically mean that the colonial status of West Irian should be the same as before the transfer of sovereignty. Otherwise, the provision of the agreement for a discussion between Indonesia and the Netherlands on the political status quo would mean nothing. At the very least, after the deadlock of negotiations, the status quo of the territory about which there is a dispute should remain unresolved.”³⁷

Against the background of the hopes of the United Nations General Assembly resolution 385 (VII) that further talks would be fruitful, Indonesia and the Netherlands met in The Hague and Geneva in late 1955 and early 1956 to discuss a number of pending bilateral issues. At both meetings, Indonesia’s delegation, consistent with its previous positions, requested the resumption of negotiations on Papua. Indonesia also indicated its willingness to accept the establishment of an *ad hoc* arbitration commission that would deal with any disputes that might arise.

The Netherlands’ delegation rebuffed these offers. In connection with the arbitration idea, the Dutch were uncomfortable about the matter being brought before an arbitration commission composed of foreign countries, which would, in effect, internationalize it. In the view of Indonesia, the resumption of negotiations over Papua would have restored the spirit of Article II of the Transfer of Sovereignty, which, Indonesia felt, had been violated by the uncompromising approach of the Dutch, and lessened tensions between the two countries.³⁸

The Question of Papua in the UN General Assembly

Disappointed and frustrated by these developments, Indonesia turned to the United Nations, in accordance with Article 35 of the United Nations Charter, in the hope that the international body would again respond to Indonesia’s desire to be free of colonialism. From Indonesia’s point of view, it was appropriate to request the General Assembly to get the parties to resume negotiations, on the basis of relevant agreements and the spirit of the UN Charter. Article 35 (1) states:

*“Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.”*³⁹

³⁷ Statement by the Indonesian Government in response to the 1952 amendment of the Dutch Constitution.

³⁸ See Justus van der Kroef, *The West New Guinea Dispute*. New York Institute of Pacific Relations, 1958), p. 20 and p.31.

³⁹ Article 34 of the UN Charter refers to the mandate given to the Security Council to investigate any dispute, or any situation that might lead to international friction or give rise to a dispute.

This change of strategy was also informed by the conviction that the United Nations was one of the most effective and important channels through which Member States could resolve disputes in a peaceful manner.⁴⁰

On 17 August 1954, Indonesia's representative to the United Nations, Mr. Sudjarwo Tjondronegoro, submitted a request to the Secretary-General of the United Nations that "The Question of West Irian (West New Guinea) be included in the provisional agenda of the ninth regular session of the UN General Assembly". Subsequently, the General Committee reached a decision to recommend the inclusion of the question on 22 September 1954 as an agenda item in the First Committee.⁴¹

During that session, the First Committee adopted a resolution by a vote of 34 to 14, with 10 abstentions, but the General Assembly failed to adopt the draft, which had only called for further negotiations between the parties on the Papua issue (A/C.1/760).

The Indonesian Government and people, including many other Member States of the United Nations, expressed deep regret with the failure of the General Assembly to adopt that draft, which was seen by Indonesia as a further step in the peaceful pursuit of a solution through dialogue. Voices were raised in Indonesia for stronger action against the Netherlands to force a resolution of the dispute, but moderate counsel prevailed.

In the meantime, support for Indonesia's position continued to grow in the international community, particularly with the new converts that included Burma, Ceylon, India and Pakistan. At this time also, Indonesia's claim to Papua received the powerful endorsement of the Afro-Asian Conference, which met in Bandung, Indonesia, in April 1955. The Conference, which was attended by countries representing nearly two-thirds of the world's population, gave serious consideration to the question of Papua and, within the context of its opposition to colonialism, supported Indonesia on the basis of agreements between Indonesia and the Netherlands. In addition, the Conference urged the Government of the Netherlands to reopen negotiations as soon as possible to implement their obligations under the relevant agreements, and expressed the hope that the United Nations would assist the parties in finding a peaceful solution to the dispute.⁴²

Following the Bandung Conference, the 1955 session of the General Assembly coincided with the preparations for the Dutch-Indonesian negotiations of late 1955 and early 1956 in The Hague and Geneva. It was in view of that impending discussion,

⁴⁰ Article 33 (1) of the Charter states that "The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice"

⁴¹ See *The Truth about West Irian*, p.31.

⁴² The final communiqué of Afro-Asian Conference in Chapter E, Section 2, reads as follows: "The Asian-African Conference, in the context of its expressed attitude on the abolition of colonialism, supported the position of Indonesia in the case of West Irian based on the relevant agreements between Indonesia and the Netherlands. The Asian African Conference urged the Netherlands Government to re-open negotiations under the above-mentioned agreements and expressed the earnest hope that the United Nations would assist the parties concerned in finding a peaceful solution to the dispute" as quoted in Notowidigdo, *op.cit.*, p. 40.

bolstered by the support of the Afro-Asian Governments, that the General Assembly adopted resolution 915 (X) on Papua, to which reference has already been made, in which it unanimously expressed 'the hope that the negotiations referred to in the said joint statement will be fruitful'. Unfortunately, those negotiations once again ended in failure, the stumbling block this time being the categorical refusal of the Dutch delegation to discuss the issue of Papua.

During the 1956 and 1957 sessions of the General Assembly, the Papua question was once again on the agenda. In view of the fact that the negotiations of 1955 had failed to produce progress, Indonesia considered it necessary to bring the question to the attention of the General Assembly yet again. The large influx of new members to the United Nations, which especially increased the voting power of the Afro-Asian voting bloc, presented a propitious opportunity, during the sessions in 1956 and 1957, for the adoption of the resolution being sponsored by Indonesia and its supporters. Despite that opportunity, the General Assembly was again unable to adopt the draft, by which it would have authorized its President to appoint a Good Offices Commission to assist in the bilateral negotiations. The operative paragraphs of the draft resolution (A/C.1/L.173), had been formulated in a conciliatory manner for the purpose of obtaining adoption and facilitating further negotiations.

Upon the defeat of the draft General Assembly resolution, anti-Dutch sentiments increased significantly in Indonesia. With subsequent bilateral and multilateral initiatives to find a solution also being unsuccessful, the stalemate remained from 1950 through 1957. Those repeated failures to achieve a breakthrough resulted in a further deterioration of relations between the two countries. This downturn reached its peak in August 1960, when Indonesia severed diplomatic relations with the Netherlands.

Finally, on September 26, 1961, the Netherlands proposed a United Nations administration for the territory to prepare the process of self-determination. The Dutch Minister of Foreign Affairs, J.M. Luns, told the General Assembly of his country's readiness to accept an Assembly decision to institute such an authority. He further stated that the Netherlands would be willing to transfer authority to the United Nations, and would continue its financial contributions to Papua. This was seen by Indonesia as a skillfully crafted proposal designed by the Netherlands to enable them to relinquish control of Papua to the United Nations without the danger that the territory would eventually be passed on to Indonesia. Indonesia considered this a last-ditch effort to prevent it from legitimately taking over the territory.⁴³ Pressing ahead, the Dutch submitted a draft resolution towards achieving their objective, but India proposed a counter-resolution at the same time, calling for a resumption of the Dutch-Indonesia talks

⁴³ Professor F.J.M. Duynstee, a prominent party fellow-member of Foreign Minister J.M. Luns, in his book entitled "New Guinea as a link between the Netherlands and Indonesia" states that the solution of the West Irian question can only be achieved by negotiations with Indonesia on the preconditions of the Transfer of Sovereignty over West Irian to the Republic. He says that the Netherlands thesis of external self-determination for the Papuans (in contrast to the regional autonomy suggested by the Indonesians) is at the least disputable, while the West Irian question has always had the character of a bilateral conflict. Consequently it cannot be solved without taking the Indonesian claims into consideration.

contained in previous resolutions. As it would turn out, neither proposal won the required support in the General Assembly.

Thus, from 1954 to 1957, Indonesia continued to place the question of Papua on the agenda of the General Assembly, its objective being the adoption of a resolution that would open the doors to further negotiations. In response, the Dutch strongly opposed such initiatives. They even contested the competence of the United Nations to address the question, conveniently preferring to consider it to be of internal jurisdiction. As a result, many observers questioned the motives of the sudden change on the part of the Dutch: from strenuously obstructing any United Nations role in the dispute up to that time, to finally embracing its involvement.

The slogan of “self-determination”

For more than ten years after the signing of The Hague agreement in 1949, the Netherlands had continued to change its approach to enable it to extend its presence in Indonesia. The first of these policy shifts, as we have seen, pointed towards relinquishing exclusive Dutch control over Papua, but without any concessions to Indonesia.

The second departure, a more important and radical one, was the increased emphasis of the right of the Papuan people to self-determination. This was seen by Indonesia as a rather ingenuous device by the Dutch to enable them to maintain their presence in the territory. Nevertheless, Papua continued to be ruled in a purely colonial structure until 1960. Virtually, all legislative and executive powers were vested in a governor who was appointed by, and was responsible to, the Dutch Crown.

Lijphart contends: “Although the Papuans were promised an independent choice in the future, the Dutch were conditioning them in an anti-Indonesian atmosphere. The introduction of Dutch as the official language of New Guinea and the education of the future New Guinean political elite in Holland had the effect of prejudicing the exercise of self-determination”.⁴⁴

The counter position argued that if Papua had to be excluded from Indonesia in 1949 in order to safeguard the right to self-determination, which the Papuans were not yet able to exercise, the same decision should have been taken with regard to Borneo and other distinct islands within the Indonesian archipelago. That the Papua case could have been settled in 1949 was also well-argued by a Dutch independent weekly, *Vrij Nederland*. On December, 8, 1951, it wrote: “We believe that a generous transfer of New Guinea to Indonesia, executed by a resolute government in a quick and unequivocal manner, will open unprecedented possibilities for cooperation with Indonesia.”⁴⁵

⁴⁴ Lijphart. *Op cit.*, p. 34.

⁴⁵ *Ibid.* p. 161.

Indonesia saw these policy changes by the Netherlands as vigorous pretexts towards avoiding a genuine settlement, the same context in which the term “self-determination” was also introduced by the Netherlands into the Papua equation. Yet, as Indonesia pointed out, denying Papua as a sovereign part of the Republic of Indonesia on these grounds could equally have been applied to a number of other Indonesian islands including Ambon and Celebes. Indonesia pointed out that the Papuans were not a nation in and of themselves, but rather an ethnic member of the greater Indonesian family and people. In the practice of international law, self-determination is not considered a right that people possess, but a principle. In any case, especially in the years after 1954, self-determination of the Papuan people became an increasingly prominent policy of the Dutch in addressing the Papua question. To that extent, argued Indonesia, the right of self-determination could not be objectively applied, and had no basis in international law.⁴⁶

Finally in December 1961, President Sukarno, after years of being obstructed from all avenues to a peaceful solution of the problem, issued his historic Trikora (Tri Komando Rakyat) or People’s Triple Command. This was to demonstrate his Government’s determination: (a) to thwart the formation of a puppet state of Papua by the colonial power; (b) to raise the Indonesian Red and White flag in Papua; and (c) to prepare a general mobilization to defend national independence and unity. That pronouncement demonstrated beyond any doubt that a military confrontation between Indonesia and the Netherlands was inevitable.

It was because of such a prospect that the United States Government intervened to bring the two sides to the negotiating table. The Acting Secretary-General of the United Nations, Mr. U Thant, also weighed in with an appeal to both countries to return to negotiations. In its response, the Dutch Government informed the United States Government of its preparedness to negotiate with Indonesia, but only on the basis of the principle of Papuan self-determination. The Dutch further disclosed their preference for United Nations involvement in such negotiations. External pressure, in the form of United States intervention and the threat of an Indonesian military offensive, had created the ‘*force majeure*’ that was finally bringing the Netherlands back to the negotiating table, more than a decade after The Hague Conference.

In their effort to rationalize their Papua policy, the Dutch tried to refer the issue to General Assembly resolution 1514 (XV) of 1960 concerning the right of decolonization. As a co-sponsor and ardent supporter of the historic landmark resolution on decolonization, Indonesia objected to the attempt by the Government of the Netherlands to invoke the decolonization resolution, not to complete the independence of the Indonesian nation, but to partition its territory. Likewise, Indonesia stated that resolution 1514 (XV) had no relevance to the case of Papua, in view of the fact that paragraph 6 of

⁴⁶ The concept of self-determination is definitely inapplicable in the case of a people who have been politically and administratively part of an internationally recognized entity. Self-determination cannot be invoked to deprive any part of a sovereign country because self-determination is intended to further the attainment of independence from colonial powers. See Article 6 of the UN General Assembly resolution 1514 (XV).

that resolution declared that the partial or total disruption of national unity and the territorial integrity of a country was incompatible with the purposes and principles of the United Nations Charter. Although Indonesia continued to cooperate, in the hope of being able to resolve the dispute peacefully, it made clear that it would not hesitate to use force to defend its territory.

The Government of Indonesia also took strong exception to what they saw as a blatant attempt by the Netherlands to confuse the meaning of Article 73 of the United Nations Charter and General Assembly Resolution 1514 (XV). In that connection, Indonesia pointed out that Article 73 did not apply to Papua, which formed an integral part of the Republic of Indonesia and was being occupied by force by the colonial authorities. It further maintained that if the United Nations were sincere about resolving the issue, it would eradicate Dutch colonialism and return Papua to the fold of the Republic of Indonesia. To permit the dispute to be interpreted under Article 73, argued Indonesia, negated the letter and spirit of the Round Table Conference and was contrary to the purposes of the United Nations Charter and, in essence, to Article 73 itself.⁴⁷

The weak case of the Dutch for maintaining its control of Papua was only one aspect of the question. Much more serious was its insistence on granting the right of self-determination to the Papuans in spite of their obvious inability in the long run to carry out their policies.⁴⁸ If the Dutch had agreed to an early withdrawal from Papua, as well as from the rest of their East Indies Empire, they would have performed a greater service to the Papuans as well as enhanced Dutch-Indonesian relations.

The argument against the Dutch policy of promoting “self-determination” for Papua grew stronger with time. It must be remembered that while the Netherlands focused on that policy in Papua, it was still in possession of Surinam and Curacao in the West Indies. If they were sincere about their latter-day shift of faith to self-determination, questioned critics, would it not have been logical first to apply the same medication to those ailments? Professor Gerretson, a member of Dutch parliament, put it plainly in 1955 when he stated:

“Viewed apart from the quarrel with Indonesia, the conferring of a so-called right of self-determination was astonishing in so far that one conferred upon the Papuans of Stone Age that which one denied to the Surinams in 1953, although the Papuans - and I repeat - the Papuans did not ask for anything whereas the Surinams emphatically claimed that right.”⁴⁹

⁴⁷ Indonesia objected to the invoking of Article 73 of the Charter in this dispute because that Article is applicable only to territories whose peoples have not attained a full measure of self-government. In fact, Papua was not a non-self-governing territory and this move was considered to be in contravention with the provision of Round Table Conference Agreement in 1949.

⁴⁸ Lijphart. *Op cit.*, p. 35.

⁴⁹ Moekarto Notowidigdo. *Op.cit.*,p.16-17.

It has been demonstrated that the decolonization of Indonesia in its entirety was made far more protracted and difficult by the painful and reluctant withdrawal of the Netherlands. It did not recognize Indonesia's independence until four years of bitter and needless conflict. A further twelve and a half years was then spent by the Netherlands to try to hold onto Papua, the last remnant of its colonial empire. The repeated obstacles in the path of complete decolonization of Indonesia can only be understood in terms of the deep emotional investment that the Netherlands attached to keeping its colonial possessions. This was clearly manifested, it has been argued by Lijphart, by pathological feelings of self-righteousness, resentment, and pseudo-moral conviction. He asserts that "Holland's insistence on keeping exclusive responsibility for the Papuans revealed how the Dutch concern for the territory was overlaid with selfish motives; a tangible demonstration of this was the sudden and inexplicable disappearance of the Netherlands from the scene following the loss of New Guinea."⁵⁰

⁵⁰ Lijphart. *Op.cit.*, p. 286.

Chapter IV

The 1962 New York Agreement: The Basis of a Solution

It had become obvious that the stalemate on the issue of Papua described in the previous chapter could not continue, in view of the deterioration in the relationship between both countries, and the emerging tone of the exchanges.

Indonesia's persistence paid off when the United States changed its approach to the dispute. The American policy shift on Papua began to emerge in 1957, in the form of a proposal by the Ambassador of the United States to Indonesia, John M. Allison, to work out a tentative outline for a settlement on the basis of the ultimate transfer of Papua to Indonesia.⁵¹ In the closing months of 1961, the Kennedy administration abandoned its policy of neutrality, and began to assist more actively in the search for a solution to the problem. The United States administration began applying pressures on both sides towards talks, beginning with abandonment of their respective preconditions to negotiations.

As a result, in January 1962, the Dutch conceded that self-determination by the Papuans was no longer a precondition to negotiations. Indonesia, on the other hand, maintained that the eventual transfer of the territory was not negotiable, but it did not insist on the immediate *de jure* recognition of its authority over Papua. Another equally significant point was that since diplomatic relations between the two countries had already been broken, if there were to be negotiations, it was essential to find a third party intermediary that was acceptable to both parties. That requirement was fulfilled in the person of the Acting Secretary-General of the United Nations, U Thant. Through his appointed personal representative, the distinguished and experienced American diplomat Ambassador Ellsworth Bunker, informal and discreet exploratory negotiations between the two Governments began on 20 March 1962. Ambassador Bunker acted both as a mediator serving the interest of the United States and as an international mediator acting under the auspices of the Acting Secretary-General.

Negotiating the Agreement

Following intricate discussions against the background of increasing military buildups by both countries, Ambassador Bunker concluded that it was essential that the transfer of administrative authority to Indonesia take place before the exercise of self-determination. Indonesia accepted the formula, but the Dutch rejected it on the grounds

⁵¹ Christopher J. McMullen. *Mediation of the West New Guinea Dispute, 1962: A Case Study*. Washington, D.C., Institute for the Study of Diplomacy Georgetown University, 1981, p. 7.

that it was a total abdication of the Indonesian position. Applying pressure, but carefully accommodating Dutch objections, Bunker offered the guarantee that the plan would safeguard the interests of the Papuans, including the right of self-determination. Indonesia only accepted the revised plan after Acting Secretary-General U Thant had written to President Sukarno stating that the Bunker proposals guaranteed the rights and interests of the Papuans. There was no direct reference to the issue of self-determination.

The secret talks in Middleburg, Virginia, did not proceed smoothly. There were no direct negotiations because Jakarta and The Hague insisted on irreconcilable preconditions for the talks. Both countries also threatened to abandon the negotiations for military action. The turning point in the mediation exercise occurred when Ambassador Bunker, having failed to win Dutch acceptance for his proposals, made his formula public. This tactic generated additional pressure on the Dutch to accept the Bunker proposals as the framework for renewed negotiations.

After the direct intervention of the highest authorities in Washington, Jakarta, The Hague and the Acting Secretary-General of the United Nations, a preliminary agreement was finally secured on July 31, 1962 -- over four months after the talks had started. The Acting Secretary-General had been kept fully informed of the progress of the negotiations and the results that were being achieved. The first important provision was that the Netherlands would transfer administration of the territory to Indonesia not later than 1 May 1963, following a temporary United Nations executive authority. It also provided for the Secretary-General to appoint United Nations officials to advise, assist and participate in the arrangement of an act of self-determination, to be completed no later than 1969. The negotiations had also stalled at a point because of a difference of opinion as to when the Indonesian flag would replace that of the Dutch in the territory.

That settlement of the difference of opinion on the flag through separate arrangements, paved the way for the formal talks in New York. The final negotiations, which gave birth to the New York Agreement, took place at the United Nations Headquarters under the chairmanship of the Acting Secretary-General.⁵² Finally, at 6:30 pm on 15 August 1962, the Foreign Minister of Indonesia, Dr. Subandrio, and Ambassadors J.H. van Roijen and C. W.A. Schurmann of the Netherlands, signed the document in the presence of the Acting Secretary-General. He congratulated the Governments of Indonesia and the Netherlands on "this historic agreement which, in line with the principles of the Charter, has settled peacefully a longstanding problem, with benefit to all concerned."⁵³

On September 21, 1962, the General Assembly adopted Resolution 1752 (XVII) by a vote of 89-0-14 in favor of a United Nations role in easing the transition to Indonesian control over Papua, and gave the Secretary-General wide latitude in administering the territory pending transfer to Indonesia on May 1, 1963.

⁵² UNGA documents A/5170 and add.1.

⁵³ *The New York Times*, August 16, 1962, quoted in William Henderson. *West New Guinea: The Dispute and Its Settlement*. New Jersey: American-Asian Educational Exchange, Seton Hall University, 1973, p.210 quoted from.

Although the Agreement was not wholly satisfactory for either of the two parties, it marked the beginning of a new era of understanding between both countries, and the restoration of peaceful relations. For Indonesia, the Agreement would eliminate the last vestige of colonial rule on its soil.

On 13 March 1963, the two countries exchanged diplomatic representatives. It is important to understand that although the adoption of General Assembly resolution 1752 (XVII) conferred an unprecedented role on the United Nations and began an experiment in international administration and conflict-resolution for the Organization, the Agreement was essentially a bilateral one between Indonesia and the Netherlands. To further buttress the bilateral nature of the Agreement, Article 1 of the Agreement called for Indonesia and the Netherlands to jointly sponsor a draft resolution in the United Nations under which the General Assembly would take note of the Agreement. The fact that the financial expenses were borne by the Governments of Indonesia and the Netherlands further underlines this point. In that regard, both Governments were to make available a sum of \$ US 10 million, for a period of three years. In due course, the Fund became known as the United Nations Fund for West Irian (FUNDWI), and was entrusted to the Secretary-General.

Following the signing of the Agreement, the General Assembly fulfilled the terms of the Agreement by adopting resolution 1752 (XVII) in which it duly took note of the report of the Secretary-General. The statement by the President of the 18th session of the General Assembly, Carlos Sosa Rodriguez of Venezuela, is pertinent: "As I understand it, the only decision required of the General Assembly in connection with the Secretary-General's report (A/ 5578) is to take note of the report."

Also significant, in terms of the Agreement, is the statement by the representative of India during the same session of the General Assembly:

"Year after year we have represented that West Irian is an integral part of Indonesia. Despite opinions to the contrary, my delegation had always held the view that when, by the Round Table Conference of 1949, the Kingdom of the Netherlands unconditionally and irrevocably transferred complete sovereignty over Indonesia to the Republic of Indonesia, what was transferred was complete sovereignty over the whole of the former Netherlands East-Indies. Sovereignty over West Irian, which was an integral part of the Netherlands East Indies, therefore, also passed on to the Republic of Indonesia. The administration of West Irian remained with the Netherlands pending a determination of the question of its political status, not of its sovereignty, through subsequent resolutions."⁵⁴

The Agreement contains basically two parts:

⁵⁴ Statement by the Representative of India to the United Nations in the 18th session of the General Assembly (A/5578).

- a. The transfer, via a temporary United Nations Temporary Executive Authority (UNTEA), of the administration of Papua from the Kingdom of the Netherlands to the Republic of Indonesia. It also authorized UNTEA to employ Indonesian personnel to implement the terms of the Agreement to the Papuan population and to promulgate new laws;
- b. The act of self-determination or the Act of Free Choice or the ascertainment of the wishes of the people of Papua, six years after the administration had been formally and fully transferred to the sovereign Government of the Republic of Indonesia.

In Indonesia, only the first part of the Agreement was considered satisfactory. The second part was a compromise to avoid war and bloodshed. It did not appear to be harmful to the Indonesian cause since the Government was confident of a satisfactory outcome of the Act of Free Choice. It was with this understanding that the entire Agreement enjoyed national support, leading to its adoption and ratification by the Indonesian Parliament on 1 September 1962. The Parliaments of the Netherlands ratified the Agreement on September 7 and 13, 1962. Instruments of ratification were exchanged between the two parties at the United Nations on September 20, 1962.⁵⁵

The act of self-determination, the major provision in the second part of the Agreement, was to be conducted by the Indonesian Government six years after receiving control of the administration of Papua. Towards the Act of Free Choice, Secretary-General's functions in the Agreement was "to assist, advise and participate" in the arrangements.

It is significant to note that the Agreement left the choice of the method and procedures for the implementation of the Act of Free Choice to be determined by the Indonesian Government. The Government was to decide, with the assistance of the United Nations Secretary-General and in consultation with existing local "representative councils" as legal representatives of the people of Papua, a suitable system for that purpose. This was the real content and meaning of the relevant provisions of the Agreement. Lack of awareness of this content and meaning on the part of some Papuans and outsiders has caused some misunderstanding or misinterpretations of the bilateral Agreement.

The role of mediation or intermediary of the United Nations Secretary-General, U Thant, was required due to the pressing international circumstances and the further role of the United Nations Secretary-General in the Agreement itself. This role was reflected in the creation of the United Nations Temporary Executive Authority in Papua and the dispatch of the Ortiz-Sanz Mission, which was called for by the Agreement, and was fully concurrent with the provisions of the UN Charter, especially Articles 35 (1) and 33 as have been highlighted in the previous chapter.

⁵⁵ Henderson. *Op.cit.*, p. 211.

The Implementation of the First Part

The transfer of administration in Papua from the Government of the Netherlands to the United Nations Temporary Executive Authority (UNTEA), the territory's temporary administration, took place on October 1, 1962. Towards that objective, the Secretary-General had begun to arrange a cease-fire between the forces of both parties in immediately after the signing of the Agreement. The Agreement also provided for the transfer of all or parts of the administration to Indonesia and the replacement of United Nations security forces by Indonesian security officers. The truce went into effect on August 17, and a few days later, on August 21, U Thant's military adviser, Lieutenant General Indar Jit Rikye, arrived in the territory with 20 officers.

During the ceremony to mark the change over, the USG, Jose Rolz-Bennet, announced the termination of Dutch rule, effectively and finally ending Dutch colonialism in Indonesia. That same day, the Governments of Indonesia and the Netherlands established liaison missions to UNTEA; Dr. Sudjarwo Tjondronegoro headed Indonesia's liaison mission, while Mr. L.J. Goedhart headed that of the Netherlands.

The United Nations Administrator, Dr. Djalal Abdoh, was appointed by the Secretary-General on 22 October 1962, under Article VI of the Agreement, and arrived in the territory on 15 November 1962. The second leg of the process provided for in the first part of the Agreement, the transfer of authority from the UNTEA to Indonesia, took place on 1 May 1963. The Administrator of UNTEA later transferred full administrative control to the representative of Indonesia.⁵⁶ Mr. C.V. Narasimhan, representing the Secretary-General, attended the ceremony. The United Nations flag was subsequently lowered.

Remarkably, the transfer of Dutch administration to UNTEA, and from UNTEA to the Republic of Indonesia was very peaceful. The accomplishment of UNTEA was reported by the Secretary-General to the 18th session of the United Nations General Assembly in his Annual Report of 1962/63. On November 6, 1963, the General Assembly (A/5501), took note of that report.⁵⁷

The return of Papua to Indonesia generated great enthusiasm among the people. The people of Papua were given assistance to help them adjust smoothly to the inevitable changes following the Agreement. Such efforts included the continuation of essential public services and utilities, and employment. Hundreds of fellow Indonesians - teachers, scientists, doctors and nurses and civilian administrators - offered their services to UNTEA in an effort to welcome the Papuans back to their fold. Indonesia actively assisted UNTEA in the opening of new schools, and collaborated in scientific and

⁵⁶ UNGA document, supplement no.1 (A/5501)

⁵⁷ The Secretary-General gave a full-account of the manner in which he discharged the task entrusted to him by the parties to the New York Agreement. Pursuant to Article VIII of the Agreement he also informed the General Assembly of the principal aspects of its implementation including the cease-fire and the execution of UNTEA mandate. (UNGA document A/5578)

agricultural projects. To further demonstrate its good faith, only a few hours after the departure of UNTEA, the Indonesian Government appointed a native son of Papua to the high office of Governor of the province. That appointment was beyond what was called for in the Agreement, namely, to accelerate the participation of the people in local government.

The New York Agreement was of supreme national importance to Indonesia from the viewpoint of national psychology and national reconstruction. It was valuable in bringing about a higher level of understanding between Indonesia and the Netherlands, but also in demonstrating the potential of the United Nations in resolving a conflict between two Member States. It is also pertinent to point out the central achievement of the Agreement: the restoration of the territorial integrity of the Republic of Indonesia. Finally, the territory of Indonesia was complete, and could move forward; the first order of business in that regard was the Act of Free Choice, provided for in the second part of the New York Agreement.

Chapter V

The 1962 New York Agreement : The Solution

Preparing for the Act of Free Choice

One of the central aspects of the Agreement was the Act of Free Choice; a provision designed to ascertain the wishes of the Papuan people, concerning their political decision about remaining within the state of Indonesia. This was to be implemented by Indonesia six years after the administration of the territory had been formally and fully transferred to it. In January 1965, however, Indonesia withdrew its active participation in the United Nations, putting the implementation of the second part of the New York Agreement into question. Only in the middle of 1966 did Indonesia decide, following a government policy change, to resume its membership of the Organization. In that year it returned its delegation to the General Assembly, and participated in the 21st session. In New York and Foreign Minister Adam Malik confirmed that Indonesia was prepared to honor its commitments under the New York Agreement and to implement the Act of Free Choice as the final part of the New York Agreement.

At the invitation of the Indonesian Government, the United Nations Secretary-General U Thant sent his representative, Under-Secretary for Special Political Affairs, Mr. Rolz-Bennett, to Indonesia to hold discussions concerning the implementation of the last part of the New York Agreement. That visit, which took place from 31 July until 3 August 1967, resulted in a Memorandum of Understanding signed on 1 August 1967 by Minister Adam Malik, on behalf of the Indonesian Government, and by Mr. Jose Rolz-Bennett. In it, the Government of Indonesia reaffirmed its commitment to the implementation of the Act of Free Choice. To that end, it would hold consultations with the Regional Councils in Papua to decide on the most appropriate method for the execution of the Act of Free Choice. It also gave its consent to the reassignment of the United Nations representatives, as provided for in Article XVI of the Agreement.

In September 1967, Secretary-General U Thant stated: "I am glad to report that the Indonesian Government has assured me that it will comply fully with the remaining responsibilities deriving from the agreement signed on 15 August 1962 between the Republic of Indonesia and the Kingdom of the Netherlands. The act of self-determination in Papua will take place in 1969, at a date to be decided upon in due course, and, as called for in the agreement, one year before the date of the Act of Free Choice, I shall appoint a United Nations representative to advise, assist and participate in the agreements which are the responsibility of Indonesia for the Act of Free Choice."⁵⁸

⁵⁸ Annual Report of the Secretary-General on the Work of the Organization to the General Assembly (1967).

In a letter to the Secretary-General from the Indonesian Permanent Representative, Mr. Roeslan Abdulgani dated 26 March 1968, the Indonesian Government agreed to the Secretary-General's proposal to appoint Ambassador Ortiz-Sanz as his representative for the implementation of the Act of Free Choice. That appointment was made three days later, on 29 March 1968.

With reference to the possible methods for implementing the Act, it is important to take account of the unique social and geographical difficulties existing in Papua at that time. By the end of September 1968, some preliminary ideas were emerging within the Government regarding a method. In essence, it was felt that a representative body of the people of Papua should participate in the Act of Free Choice. While it was crucial to keep the principles of democracy in mind, there was a real need to adapt them to the specific socio-cultural conditions of the people.

In that regard, the Government of Indonesia discussed with Mr. Ortiz-Sanz its chosen plan to be followed in the Act of Free Choice. In the plan, the Government intended to consult with the local councils and the provincial council of Papua, towards enabling the people to express their will through their representatives. The draft concept of the Government for the Act of Free Choice formed the subject of the Government's consultations with the eight regency Councils. Under the Government's plan, as it emerged, a Consultative Assembly would execute the Act of Free Choice by a system known as *musyawarah*.

In Indonesian terminology and practice, *musyawarah* is a process of consultation towards consensus to secure the people's approval, in this case, for the implementation of the Act of Free Choice through the regional councils enlarged to form consultative assemblies. *Musyawarah* is a decision-making procedure based on discussion, understanding and knowledge of the problem. In the Government's point of view, the results of the *musyawarah* in the respective provincial assemblies would constitute the final result of the Act of Free Choice for that province. The results of the *musyawarah* in the eight consultative assemblies of the eight regencies would constitute the final result of the Act of Free Choice for the whole province.

For its part, the United Nations team traveled all over the territory, communicating with the people concerning the political developments, and gauging public opinion. They also attended consultations with the representative councils during the election of members of the consultative assemblies and during the Act of Free Choice.

Ambassador Ortiz-Sanz and three members of his staff were also on hand to participate in all the Consultative Assembly Sessions for the Act of Free Choice. Responding to the arrangement, he said, "When the Government takes a decision, my Mission will be ready to cooperate in its implementation."

An issue on which divergent positions emerged was the proposal by the Representative of the United Nations for a one-man-one-vote to be used in the urban

areas. There, he felt, communications and transportation were comparatively better. In addition, the presence of the administrative apparatus and the advanced cultural level of the population would facilitate the Act of Free Choice. In the view of the UN Representative, this arrangement would be complemented by collective consultations in the less accessible and less advanced areas of Papua, particularly in the rural areas. The inapplicability of the one-man-one-vote system in the rural areas was due to the fact that, *inter alia*, the general population was not politically educated enough in 1969 to implement that system. Only a handful of the tribal chiefs and other community leaders, who had contacts with the missionaries and local authorities, had exposure to such political concepts. This situation, coupled with the problems associated with communication and the difficult terrain were crucial for the Government in determining its approach to implementing the Act of Free Choice. It was in response to these problems as a whole that the Government of Indonesia opted for the *musyawarah* over the one-man-one-vote system.

It can be seen from the foregoing that the Government of Indonesia accepted some, but not all of the proposals and recommendations of the United Nations Representative. This is because the implementation of the Act was a political proposition and -- as was conceded by the UN Representative -- only Indonesia had the political authority to take decisions concerning the Act of Free Choice.

Although the Netherlands had no role in the implementation of this part of the Agreement apart from sharing in the costs of the Ortiz-Sanz Mission it was considered desirable by the Indonesian Government, within the framework of friendly relations, to keep it informed of the of the arrangements and policies that were being used by Indonesia in carrying out the Act of Free Choice. On May 20 and 21, 1969, at the request of the Netherlands' Government, the Foreign Ministers of both countries met in Rome, at the end of which they issued a Joint Statement.

With regard to the method of the Act of Free Choice, it is pertinent to note the Joint Statement by the Foreign Ministers of both countries who met in Rome on May 20 – 21, 1969. The third paragraph of that Statement reads:

“The Indonesian Minister reiterated his Government’s position that for practical and technical reasons for the Act of Free Choice the Indonesian system of mutual consultation (“*musyawarah*”) offered the best procedure. This implies that the members of the regional bodies participating in the consultation will be representative of the various political, traditional and functional groups of the respective districts in such numbers that for every 750 inhabitants of the territory one representative will be seated.”⁵⁹

Implementation of the Act of Free Choice

⁵⁹ The full text of the Joint Statement, see Annex 7

Eventually, the Act of Free Choice commenced in Merauke on Monday, 14 July 1969 and was witnessed by the UN Representative and Ambassadors of the Netherlands, Australia, and Thailand. The last one was conducted in Djayapura on Saturday, 2 August 1969.⁶⁰ The results showed that all the 1026 representatives present voted in favour of the proposition for Papua to be reintegrated within Indonesia.

Immediately after the Act of Free Choice was completed, the Government of Indonesia stated:

“On the basis of the 1962 New York Agreement between Indonesia and the Netherlands, the Indonesia Government had arranged the holding of the Act of Free Choice in West Irian between July 14 and August 2, 1969, which was carried out in all regencies. Today, August 2, 1969 it was completed in good order, and the result, unanimously adopted as the wishes of the entire people of West Irian, is as follows: ‘To remain united within the Republic of Indonesia and reject separation from the territory of the unitary state of the Republic of Indonesia. The decision is official and legal, and according to Article 21, paragraph 2, of the New York Agreement, both the Dutch and the Indonesian Governments will recognize and abide by the result of the Act of Free Choice.’”⁶¹

This was a phenomenal achievement, considering the physical terrain, and the political conditions in the country at that time. The entire exercise had also the beneficial effect of bringing together the chieftains of the various ethnic groups in the vast interior, some of whom still bore arms, for the purpose of implementing the Act of Free Choice. This helped the formidable process of breaking through narrow and egoistic ethnic boundaries.

The Indonesian Government and the Special Representative submitted their separate reports to the Secretary-General, who annexed the two reports in his final report to the United Nations General Assembly on the implementation of the second phase of the New York Agreement. He explained that his Representative’s responsibilities, as mandated in the Agreement i.e. “to advise, assist and participate in arrangements which are the responsibility of Indonesia for the Act of Free Choice” had been completed. He noted that in the process, the Government of Indonesia had sometimes accepted Ortiz Sanz’s advice, but on other occasions had not. However, the Special Representative concluded that, “with the limitations imposed by the geographical characteristics of the territory and the general political situation in the area, an act of free choice has taken place

⁶⁰ Report of the Indonesian Government to the Secretary General of the UN concerning the conduct and the Result of the Act of Free Choice in West Irian Pursuant to Article 21 of the New York Agreement 1962. The Department of Foreign Affairs. Jakarta. 5 September 1969.

⁶¹ Ibid. p.65. (Statement by the Minister of Home Affairs of the Republic of Indonesia issued at Djajapura August 2, 1969, immediately after the conclusion of the act of free choice in Djajapura).

in Papua, in accordance with Indonesian practice, in which the representatives of the population have expressed their wish to remain with Indonesia”.⁶²

The bilateral dispute between Indonesia and the Netherlands was then fully and finally brought to a peaceful end through the good offices of the United Nations. Furthermore, article XXI, paragraph 2, of the New York Agreement asserted that both the Dutch and the Indonesian Governments would recognize and abide by the results of the Act of Free Choice. As a further indication of their acceptance and endorsement of the Agreement, Indonesia and the Netherlands, together with Belgium, Luxembourg, Malaysia and Thailand co-sponsored a draft General Assembly resolution. On November 19, 1969, the General Assembly adopted the draft as resolution 2504 (XXIV), by a vote of 84 to none, with 30 abstentions. The General Assembly took note of the report of the Secretary-General and acknowledged, with appreciation, the fulfillment of the tasks entrusted to the UN Secretariat General.

In terms of the stipulations of the Agreement, the task put before the United Nations had been completed. Resolution 2504 (XXIV) further attested to the irrevocable recognition, by the international community, of Indonesia’s sovereignty over the territory. In fact, not only did the Dutch not challenge the veracity or outcome of the Act of Free Choice, they co-sponsored resolution 2504 (XXIV). It is to be expected that had there been any objection at all or any reservation concerning compliance with any of the provisions of the Agreement, it would have been raised by one of the contracting parties to this bilateral agreement. On the contrary, nothing could be clearer than the words spoken by the Netherlands Foreign Minister, Mr. J.M. Luns, when introducing the draft resolution, to indicate the acceptance by his Government of the Act of Free Choice. In his words:

“...the Netherlands Government is prepared to recognize and to abide by the outcome of the act of self-determination as stipulated in the paragraph 2 of article XXI of the 1962 Agreement. If certain elements of doubt remain, I wish to reiterate what I said in the First Chamber of the State-General on 25 June 1969, namely, that the Netherlands Government does not consider the method adopted by the Indonesian Government to be, in itself, contrary to the provisions of the Agreement, which left sufficient latitude for the Indonesian interpretation. Accordingly, I think no useful purpose would be served by commenting further on the manner in which the act of free choice took place or on the outcome.”⁶³

The Act of Free Choice: a retrospective look

⁶² Report of the Special Envoy of the United Nations Secretary General by Amb. Ortiz Sanz.

⁶³ See United Nations, *General Assembly Official Records No. A/PV.1810 of its 1810th plenary meeting in 24th Session: Thursday, 13 November 1969*, para. 29, p. 3.

Indonesia expressed no surprise that the people of Papua had opted to be incorporated into Indonesia, since they had always regarded the peoples of Indonesia as one. As a result of the Act of Free Choice, however, many scholars recognize that the United Nations was a success in Papua. Martin Ira Glassner (1998) stated: “The UN's record in postcolonial territorial disputes is not good, with West Irian the solitary success.”⁶⁴

The success of the United Nations in Papua was extraordinary because, under the provisions of the New York Agreement and the subsequent General Assembly resolution, UNTEA was the first case of the Organization's direct administration of a territory. Another notable feature of that exercise was that its funding was provided by the parties to the conflict.⁶⁵ The most significant part, however, was the ability of the United Nations to fulfill its Chartered-mandated task of resolving disputes in a peaceful manner, thereby defusing a threat to international peace and security.

Some quarters have portrayed the Act of Free Choice in a negative light concerning its method and the result. This is unfortunate, as the United Nations itself, which observed the process through Mr. Ortiz Sanz, subsequently endorsed the implementation of the Act of Free Choice.

Albeit those quarters might doubt the process of the Act of Free Choice in Papua, the Government of Indonesia instituted a number of necessary arrangements to guarantee its success, and ensure that its implementation was in accordance with the New York Agreement and the wish of the Papuans themselves. For example, on 25 March 1969, Indonesia's Minister for Home Affairs introduced Decree No. 31 that stipulated the conditions for membership of the Council. It stated, *inter alia*, that in establishing the deliberation council for the Act of Free Choice, its members had to be Papuans, and must be elected democratically, in accordance with the aspirations and traditional values of the Papuans.⁶⁶ These undertakings provide strong proof that the Act of Free Choice was a genuine exercise in political self-determination.

In addition, a well-documented declaration by Papuans also demonstrated that the people of Papua showed their strong stand and commitment as part of Indonesia. In it, a number of Papuans even contested the Act of Free Choice as “unnecessary,” since they had considered themselves as part of Indonesia since its independence in 1945. The declarations were expressed from 1962 to 1968, by tens of thousands of petitions written by people in various places in Papua such as Manokwari, Fakfak, Doom, Kotabaru,

⁶⁴ Martin Ira Glassner (Ed.). *The United Nations at Work*. Westport, CT: Praeger Publishers, 1998.

⁶⁵ See Bernard J. Firestone. *The United Nations under U Thant, 1961 – 1971*. Maryland: The Scarecrow Press, Inc., 2001, p.26.

⁶⁶ Further details see, Laporan Pemberitahuan tentang Hasil-hasil Musjawarah di Irian Barat dalam Rangka Pelaksanaan Persetujuan New York 1969 [Report on the Result of Consensus in West Irian as the Implementation of the 1969 New York Agreement]. Information Agency of the Province of Irian Barat. Jayapura. 1969.

Sorong, Serui, Munggei, Wamena, Tiom, Biak, Torea, Genyem, Mappi, and Warsa.⁶⁷ Some people who question the Act of Free Choice often conveniently ignore these sentiments that were being expressed by Papuans, even in writing.

This process of the Act of Free Choice itself was completed in an orderly manner. It is significant that during the implementation phase, there were no reports of violence of any kind that might have indicated pockets of disagreement with what was going on. This is important when it is considered that even the Representative of the United Nations and his team traveled in the area, as stated elsewhere in this account, meeting with the people.

In any case, the result, which is now a part of history, was unanimously adopted as the wishes of the entire people of Papua was to remain united within the Republic of Indonesia and reject separation from the territory of the unitary state of the Republic of Indonesia. While the wish of the people of Papua was fulfilled through the implementation of the Act of Free Choice, they had actually achieved independence on 17 August 1945, together with their brothers and sisters in other parts of Indonesia. The result of the Act of Free Choice only proves that Papua had been part of Indonesia since the date of independence. Although it had to go through a complicated process, including the 1969 Act of Free Choice, Papua had remained an integral part of Indonesia since that date.

Commenting on the conduct of the whole process, a local Papuan leader who had previously criticized the Dutch colonial policy said: “Whether the Act of Free Choice is implemented or not, West Irian is an integral part of the unitary state, the Republic of Indonesia, *de jure* as well as *de facto*!”⁶⁸

All this points to the fact that the Act of Free Choice was legitimately implemented, and did not require the representatives to have been “pressurized” to the tune of 100 per cent support of the proposition. The Papuans thought of themselves as Indonesians and they had only finally obtained the chance to express in full view of the world what, up till then, they could only say to themselves or to other Indonesians. It has been suggested that if there was a mistake in any question relating to the peoples of Indonesia, it is that the United Nations took too long to get involved in the struggle of the Indonesians for their independence. It is argued that had the United Nations clearly recognized Indonesia’s independence in August 1945, the extended conflict with the Netherlands might have been avoided.

⁶⁷ *Kebulatan Tekad Rakyat Irian Barat: [Full Commitment of the People of Papua: Collection of Declarations of the People of Papua to the cohesion of the Unitary State of the Republic of Indonesia from Sabang to Merauke under the Red and White Flag].* Information Agency of the Province of Irian Barat. Jayapura (no year).

⁶⁸ Statement by Mr. Petrus Wettebossy, the representative of the Indonesian Christian Party of Manokwari, Papua.

As already noted, with the adoption of resolution 2504 (XXIV) by the General Assembly on 19 November 1969, the international community fully, formally and officially recognized Papua as a part of Indonesian territory.

In terms of that resolution, the Charter of the United Nations also guaranteed the validity of the Act of Free Choice. Article 10 states: “The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.”

According to the UN Secretariat, “The General Assembly is the main deliberative organ of the United Nations. While the decisions of the Assembly have no legally binding force for Governments, they carry the weight of world opinion on major international issues, as well as the moral authority of the world community.” In other words, when General Assembly resolutions concern general norms of international law, acceptance by a majority vote constitutes evidence of the opinions of governments in the widest forum for the expression of such opinions.

In that connection, the adoption of resolution 2504 (XXIV) constituted the acceptance by the international community of the results of the fulfillment of the Act of Free Choice, and the final solution to the question of Papua between Indonesia and the Netherlands. As has been noted, the statement of the Dutch Foreign Minister J.M. Luns in the General Assembly clearly endorsed the method and the result of the Act of Free Choice and therefore the full implementation of the New York Agreement.

A comprehensive analysis is imperative to the full comprehension of the historical, political and legal aspects of the restoration of Papua to Indonesia. In his book, “The Law of Nations,” Brierly warned about the danger of questioning the incorporation of Papua:

“The political organs of the United Nations, the Council and Assembly, have had their almost constant occupation in handling of breaches of the peace and threats to the peace in one part of the world or another...Indonesia,..., to mention only some of the more conspicuous examples. In handling these dangerous situations the United Nations has bent its energies for the most part to bringing the hostilities to an end and containing the danger within narrow limits, without pronouncing on the legality or illegality of the states concerned”⁶⁹

Brierly is right to draw attention to this point. The sanctity of the borders inherited from colonialism is not open to challenge. It follows that the territorial unity and integrity of the Republic of Indonesia should not be subjected to negotiation. The danger is not only for Indonesia, Papua or the Netherlands but also to the whole world, as it is

⁶⁹ See Sir Humphrey Waldock (Ed.), *J.L. Brierly The Law of Nations: An Introduction to the International Law of Peace*, New York: Oxford University Press, 1963, p. 430.

tantamount to opening Pandora's box. To attempt to do that is capable of creating unthinkable problems in international relations, including the overhauling of the internationally recognized borders of many countries. Thus, as the Act of Free Choice was a valid law, the restoration of Papua into Indonesia should be observed as final, legal and irrevocable.

Chapter VI

Special Autonomy: The Way Forward

The incorporation of Papua into Indonesia was informed by the best of Indonesia's noblest ideas and aspirations. Nonetheless, in some ways the policies of past central governments, especially the era of New Order administration could not fully fulfill the needs and expectations of the local people. This was due, in the main, to the over-centralized approach of Jakarta, in the pursuit of political stability and economic development, which wanted to ensure that every province in Indonesia had equal treatment.

This approach practically disregarded the particularities and uniqueness of the province. From the point view of natural resources, for instance, Papua has been contributing significantly to the central government from its rich natural resources. Until recently, it received a relatively disproportionate portion. This was underlined by the fact that social and economic benefits to the local people were often determined by the central government. This unfair arrangement, albeit not unique to Papua within the country, is one of the root causes of the problems of native Papuans. This situation has been further exacerbated by the government's shortcomings in dealing with such issues as security, human rights, and transmigration. It is not surprising that some interested parties have tried to use them to criticize the central government and, among Papuans, to demand independence. Thus the introduction of Special Autonomy Laws is intended to fully take into account and respect the diversity and uniqueness of Papuans while preserving the unity of the state.

The Genesis of Special Autonomy

In 1998, Indonesia started dramatic change by embarking upon large-scale reform. This development has affected the life of all of Indonesian society, including Papuans. Together with other fellow Indonesians, they have begun to enjoy more freedom and opportunities as a result of these reforms. Among other developments, Papuans can enjoy greater freedom of expression and they have found wider opportunities to become involved in the determination of their future. One of the early indications of this was the change of the name of the Province to Papua, from Irian Jaya, as demanded by the Papuans. The People's Consultative Assembly, as well as the Government and Parliament have approved this change.

Following extensive consultations with all the parties concerned, the People's Consultative Assembly, on October 1999, provided guidance to the government regarding the granting of special autonomy to the Province. On 21 November 2001, the Special Autonomy for the Province of Papua (No. 21/2001) was promulgated; it came

into force on January 1, 2002. The special autonomy law provides much greater authority to the provincial government than that which it enjoyed under the autonomy law of 1969. Law no. 21/2001, acknowledges and grants Papua Province special authority to regulate and manage the interests of the local people on its own initiative, based on the aspirations and fundamental rights of the people of Papua within the unitary state of the Republic of Indonesia.

Certainly, the special autonomy law was one of the most important developments in the Province since the Act of Free Choice, and is a significant basis for empowering the people of Papua and building further trust in themselves and in Indonesia. It was also a strategic step or framework for the comprehensive actions that needed to be taken to resolve the lingering problems of the province.

In terms of its history, the special autonomy issue had been the subject of consultations and discussions by various parties concerned from the beginning of 1998. Reflecting on developments in the area, and on the aspirations of the Papuan community, Governor Jaap Salosa had articulated a broader concept of autonomy. He stressed that the government grant Papua not just 'autonomy', but 'special autonomy' that would enable the central government to be more responsive to the special situation of Papua. It is a sign of the times that the central government granted those wishes.

Anticipating that development, Governor Jaap Salosa set up a commission entrusted with expanding the participation of people in developing appropriate response to special autonomy. This process involved a large group of people from various segments of society that included the University of Cendrawasih, religious institutions, and non-governmental organizations. The paid visits to various districts to explain the purpose of the work they had been asked to do, making clear that input from the local communities was vital to that job.

Eventually, President Megawati Soekarnoputri announced the groundbreaking arrangement in her Independence Day Speech on August 16, 2001, putting in the hands of local populations an unprecedented measure of self-rule. In effect, on the basis of the decision of the People's Consultative Assembly's decree, the authority given to the regional government in Law 21/2001 is over and above the 'normal' autonomy being implemented in other regions in the country.

In the spirit of the reform process sweeping through the country, the President committed her government to the new policy framework that would not only respect the cultural identities and special characteristics of the people, but also embraced the desire of the provincial government for wider control in the management of local affairs. This policy framework, President Megawati underline, would be executed within the context of the territorial integrity of the Unitary Republic of Indonesia; a policy plank that is the top priority of the President's government.

Against this background, the argument that the Autonomy Law is one sided and that it lacked consultation with the Papuans can be seen to be completely baseless. The

discussion of the Special Autonomy law was also openly conducted in the Parliament in close consultations with the Government, while the materials were supplied and provided by the Papuans. It is a fact, not an assumption: the Special Autonomy Law emerged from intensive discussions between the people in the Province, the Parliament and the central government.

Significance of Law 21/2001

The Special Autonomy Law No. 21/2001 consists of 79 articles clustered in 27 chapters, and contains several important principles. First, among those principles is the greater authority granted to the Province to implement its governance and manage its natural resources in the best interest of the local people. Second, the Law recognizes and respects the basic rights of indigenous Papuans, and their strategic and basic empowerment. Thirdly, it provides for good governance characterized by broader participation, development for the maximum benefit of the people, transparency, and accountability. Fourthly, it provides a clear division of authority, labour, and responsibility between local institutions.

The Special Autonomy Law also enhances the opportunities for Papuans to participate in formulating regional policy, deciding development strategy while respecting equality and diversity of Papuans. This also includes the preservation of the culture and environment of Papua, as well as regional symbols in the form of a local flag and an anthem that reflect the identity of Papuans. It also recognizes the existence of traditional rights and customary law.

The Law further provides for human rights protection and enforcement for all persons in the province, with no discrimination whatsoever. It defines a peaceful and prosperous Papua as one in which its people respect laws, and law-enforcement professionals uphold human rights, and are respectful of cultural traditions.

On human rights, the Special Autonomy Law does not tolerate or approve of any form of abuse, and contains specific provisions concerning the protection of those rights. In that connection, article 45 specifically stipulates that the central Government, the Provincial Government and the population of the Papua Province shall enforce, improve, protect and respect human rights throughout Papua Province. For this purpose, a branch of the National Commission of Human Rights (Komnas HAM), and Human Rights Court and Truth and Reconciliation Commission (TRC) will be established. These unprecedented steps towards reconciliation also cover revelation of truth, confession, forgiveness, peace, the upholding of the law, amnesty, and rehabilitation.

The Special Autonomy status is a basic legal foundation for the Province of Papua that gives it a unique identity within the unitary state of Indonesia. In addition to the White and Red national flag and the national anthem of Indonesia Raya, the province also has a unique symbol that reflects the greatness and cultural identity of Papuans.

It must be pointed out that the Special Autonomy Law also provides for the protection of the rights of native and indigenous Papuans. In the socio-political field, the Papuans will have a Papuan People's Assembly that represents the original culture of the Papuans based on customary practice and culture, the empowerment of women, and religious harmony.

Other provisions of the Special Autonomy Law give wide-ranging authority for the protection of the economic and social rights of the native population. Thus, there may not be any activities such as land, forest, mines, oil and gas and fishery, without the consent and agreement of the indigenous people. It grants a substantial share of the revenues derived from these activities towards the people-based socio-economic development of the province. Thus, the indigenous people (*masyarakat adat*) are entitled to appropriate and equal economic benefits from the exploration of natural resources in the form of compensation, capital investment, rental or other forms that may be agreed upon. Additionally, the Law recognizes the competence and role of the Customary Court, which is based on peaceful trial within the jurisdiction of indigenous people.

In view of the foregoing, it is clear that the granting of autonomy to Papua is intended to realize justice; uphold the supremacy of law, and respect human rights; accelerate economic development; and improve the welfare and advancement of Papuans, in order to bring progress in the Province to the same level with what has been achieved in other provinces in the country.

This law is important in that it places the interests of indigenous Papuans and the people of Papua first. The central, local and city Governments and their apparatus exist to give the best service to the people, and to empower them.

The special autonomy Law on Papua provides a basic foundation for them to exercise their fundamental rights in a broader context that covers civil, political, economic, social and cultural rights. It is also targeted at enhancing opportunities in the Province in order to speed up the development process and redress inequality and injustice.

Chapter VII

Conclusion

When Indonesia proclaimed its independence on 17 August 1945, the Netherlands relentlessly sought to block the liberation of Indonesia, and when they realized the futility of seeking to re-subdue the entire archipelago of the Dutch East Indies, they resorted to maintaining a foothold in the province of Papua.

In response to the challenge posed by the Netherlands to its sovereignty, Indonesia set out to complete its decolonization process in a peaceful manner. It first sought to exhaust bilateral means and when these failed, it then sought to take up the issue at the United Nations. Yet, despite its power and aggressive tactics, the Netherlands failed to build a convincing case to legitimize its continuing colonial occupation of Papua.

Time, however, was on Indonesia's side. World opinion was gradually shifting against colonization. The United States had developed an open door policy after World War II, and countries emerging from colonization were increasingly feeding United Nations membership. Such countries were expected to support Indonesia's cause against its colonial master particularly since the restoration of Papua rested largely on the concept of territorial integrity, against the background of Indonesia being the legitimate successor state to the Dutch over the entire Netherlands East Indies. In addition, the fact that the United Nations Security Council never did regard Papua as a separate issue from the overall independence of Indonesia in all of its deliberations on the question served to strengthen the Indonesian case.

As has been demonstrated in this short exploration of Papua, there was no shortage of effort or of determination, on the part of Indonesia, to prove that Papuans were Indonesians or that Indonesia would not stand idly by while their compatriots had their nationality denied them. In that sense, Indonesia, as a nation, did what every other self-respecting nation would have done. It stood firmly by its position, and pursued its objective to the very end. This book is a testimony of the extent to which Indonesia was willing to go.

It is fascinating to consider that, in the end, Indonesia and the Netherlands resolved the Papua question bilaterally. While it is true that they had the help of the United Nations and the United States, the New York Agreement was essentially a bilateral one. However, that Agreement could easily have been concluded in The Hague or Jakarta 10, 15 or 25 years before. It is regrettable that so much time needed to be lost, unnecessary military activity undertaken, and so much of the resources of both nations squandered before an agreement was finally reached. It can be argued that only when the Netherlands had been pushed to the wall by events, and desperately needed a face-saving exit mechanism, that it finally gave up its colonial ambitions and its claims to Papua, and agreed to this solution.

When the Netherlands amended its constitution in 1952, at the height of the conflict with Indonesia and defined its territory to include Papua, that policy only confused the situation; it did not resolve the problem or even err in the direction of resolving it. As a result, it fired up the determination of Indonesia even as it made it difficult for the Government of the Netherlands to engage in any negotiations with Indonesia for the following 10 years. Whether that constitutional maneuver was an act of desperation or a declaration of war, it did nothing to resolve the question to which it was a reaction: the political fate of Papua.

Consequently, as we have seen, Indonesia then took the matter to the General Assembly. There, as a string of nations became independent and took up membership of the United Nations, the behavior of the Netherlands with reference to Papua could only become a public and international relations disaster for that country even when – in the mid-1950s -- the General Assembly failed to adopt successive draft resolutions concerning the need for Indonesia and the Netherlands to resolve the issue through negotiations. The Netherlands continued its non-cooperation policy by trying to change the nature of the issue, i.e. by advocating self-determination of the Papuans. Unwittingly, the Netherlands was laying the grounds for the events of the late-1950s that led to the New York Agreement, and finally to the resolution of the conflict.

As a bilateral agreement signed under the watchful eyes of the United Nations and the United States, the New York Agreement has not come under criticism. The Act of Free Choice, has, however, not enjoyed the same respect, and the method chosen by Indonesia for its execution has been subjected to some harsh reviews.

To begin with, Indonesia was given full authority under the New York Agreement to implement the Act of Free Choice. With the advice and assistance of the Representative of the Secretary-General, Indonesia implemented the assignment using the best understanding of its nation and its resources. Indonesia's choice was for an uncomplicated system, at that particular point in time, one that would not be held hostage to the physical state of the terrain, and human and political development.

This agreement between the two countries envisioned a role for both the United Nations Secretary General and the General Assembly through the establishment of the United Nations Interim Authority and the implementation of the Act of Free Choice. Taken together, these elements would contribute to a comprehensive solution of the dispute within the Unitary State of the Republic of Indonesia. Thereafter, the United Nations undertook a unique experiment in international administration. Yet, the role of the UN was limited to the exercise of the Good Offices by the Secretary-General. This was clearly reflected in resolution 2504 (XXIV) whereby the General Assembly merely took note of the result of the Act of Free Choice conducted by Indonesia under the assistance and advice of the Secretary-General's Representative.

To Indonesia, it did not even matter whether there were votes against the proposition; what was gratifying was that at the end, Papua decided to be reintegrated

with Indonesia. It is to be noted that Indonesians did not engage in recriminations or acts of vengeance following the Act of Free Choice. At the official level, diplomatic ties with the Netherlands were readily mended.

Indonesia's journey and transformation into a democratic form of government, together with corresponding institutions, opened the way for further political development with regard to Papua. Given the diversity of Papua and the dictates of participatory democracy in the newly emerging Indonesia, the need for special autonomy was recognized and facilitated through the promulgation of such a law in 2001.

What is of the greatest importance today, as it has been since 1969, is that Papuans make progress in tune with other Indonesians. Having granted the Province Special Autonomy, there are higher hopes for socio-economic improvement in the area.

It may be pointed out though, that the fact of a perceived lack of development cannot be used as justification for a demand for independence. It does not make political or philosophical sense; if it did, where would political fractionalization end? As United Nations Secretary-General Kofi Annan observed in Dili in 19 May 2002, when questioned on the position of the United Nations concerning the situation in Papua, "the Indonesian constitution itself says that the territory of Indonesia will be the territory of the former Dutch colony." He added, "The United Nations respects the territorial integrity of Indonesia". The challenge before all Indonesians is to accept the responsibility of developing their nation within the limits of the resources available, and their imagination.

There is a sense in which the completion of the Act of Free Choice in 1969 might have been considered the end of this extraordinary story. After all, the efforts that Indonesia had made since August 1945 to determine its own political destiny finally yielded the desired fruit that day. Not only is the return of Papua valid, legal and irrevocable, it is also one of the success stories of the United Nations on the issue of decolonization.

Bibliography

Books

- Browne, Susan J. *Irian Jaya: 30 years of Indonesian control*. Australia: Monash Asia Institute, Monash University, 1951.
- Darby, H.C. & Harold Fullard (ed.). *The New Cambridge Modern History Volume XIV, Atlas*. London: Cambridge University Press, 1970.
- Ensiklopedi Nasional Indonesia, Vol. VII: Irian Jaya*. [The National Encyclopedia of Indonesia, Vol. VII: Irian Jaya] Jakarta: P.T. Cipta Adi Pustaka, 1989.
- Firestone, Bernard J. *The United Nations under U Thant, 1961 – 1971*. Maryland: The Scarecrow Press, Inc., 2001.
- Glassner, Martin Ira (ed.). *The United Nations at Work*. Westport. (CT): Praeger Publishers, 1998.
- Hasanuddin, Lili. *Suara dari Papua*. [Voice from Papua] Djakarta : Yappika, 2001.
- Ide Anak Agung Gde Agung. *Twenty Years Indonesian Foreign Policy 1945-1965*. Netherlands : Mouton & Co, 1973.
- Jones, Howard P. *Indonesia: the Possible Dream*. New York: Harcourt Bruce Jovanovich, 1971.
- Katoppo, E. *Perjuangan Irian Merdeka*. [The Struggle of Independence Irian] Bandung: Penerbitan Kilat Madju, 1955.
- Kroef, Justus van der. *The West New Guinea Dispute*. New York: Institute of Pacific Relations, 1958.
- Lagerberg, Kees. *West Irian and Jakarta Imperialism*. London: C.Hurst & Company, 1979.
- Lijphart, Arend. *The Trauma of Decolonization*. Connecticut: Yale University Press, 1966.
- Lopa, Baharuddin. *Djalannja Revolusi Indonesia Membebaskan Irian Barat*. [The Process of Indonesian Revolution to give freedom of West Irian] Jakarta : Perusahaan Pertjetakan Negara Djakarta, 1962.
- May, R.J. *Between Two Nations : The Indonesia – Papua New Guinea border and West Papua Nationalism*, Australia: Robert Brown and Associates Pty.Ltd, 1986.

- Netherlands New Guinea Institute. *A People on the Way to Self-Determination*.
- Penders, C.L.M. *The West New Guinea Debacle: Dutch Decolonization and Indonesia, 1945-1962*. Honolulu : University of Hawai'i Press, 2002.
- Saltford, John. *The United Nations and the Indonesian takeover of West Papua, 1962-1969: The anatomy of Betrayal*. London: RoutledgeCurzon, 2003.
- Sharp, Nonie. *The Rule of the Sword the story of West Irian*. Australia : Kibble Books, 1977.
- McMullen, Christopher J. *Mediation of the West New Guinea Dispute, 1962: A Case Study*. Washington (D.C.): Institute for the Study of Diplomacy Georgetown University, 1981.
- Notowidigdo, Moekarto. "Indonesia's National Demand from Dutch Colonialists", in B.P.L. Bedi (ed.), *Hands Off West Irian*. New Delhi: The Unity Book Club of India Publication, 1964.
- Ricklefs, M.C. *A History of Modern Indonesia: c. 1300 to the Present*. Bloomington: Stanford University Press, 1981.
- Permanent Mission of the Republic of Indonesia to the United Nations. *The Restoration of Irian Jaya into the Republic of Indonesia*. New York: 2001.
- Subandrio, Dr. H. *Meluruskan Perjuangan Irian Barat*. [Rectifying the Struggle of the West Irian] Jakarta: Yayasan Kepada Bangsaaku, 2001.
- The Economic Section of the Ministry of Foreign Affairs of the Hague. *Handbook of the Netherlands and Overseas Territories*. The Hague: Government Printing Office, 1931.
- Waldock, Sir Humphrey (ed.). *J.L. Brierly The Law of Nations: An Introduction to the International Law of Peace*, New York: Oxford University Press, 1963.

Documents

United Nations (UN Archives New York)

Official documents

General Assembly Official Records No. A/PV.1810 of its 1810th plenary meeting in 24th Session: Thursday, 13 November 1969. New York: United Nations.

Introduction to the Annual Report of the Secretary-General on the Work of the Organization, 16 June 1966 – 15 June 1967 (1967) in General Assembly Official Records: 22nd Session Supplement No. 1A (A/6701/Add.1). New York: United Nations.

Security Council Official Records, Third Year, No. 132: 388th and 389th meetings. New York: United Nations, 1948.

Verbatim Records of Meetings Vol. II, 14 October – 20 November 1963 in General Assembly Official Records: 18th Session Plenary Meetings. New York: United Nations, 1965.

Indonesian government documents

Official documents

Department of Foreign Affairs of the Republic of Indonesia. “Report of the Indonesian Government to the Secretary-General of the United Nations concerning the conduct and the results of the Act of Free Choice in West Irian, pursuant to Article 21 of the New York Agreement 1962”. Jakarta: 1969.

Departemen Penerangan Republik Indonesia. “Buatlah Irian Barat Satu Jamrud yang Indah: Kumpulan Amanat-amanat dan Pidato-pidato Penting Khusus mengenai Irian Barat. [Make West Irian as a beautiful emerald: a Collection of Special Statements and Remarks] Djakarta: 1964.

Dinas Penerangan Propinsi Irian Barat. “Kebulatan tekad Rakjat Irian Barat”. [The People of West Irian determined will] Djajapura : 1969.

Dinas Penerangan Propinsi Irian Barat. “Laporan Pemberitahuan tentang Hasil-hasil Musjawarah di Irian Barat dalam rangka Pelaksanaan Persetujuan New York 1969”. [Acknowledged Report of the Results of Meeting in West Papua to Implement the New York Agreement 1969] Jayapura:1969.

Laporan dari Komisi Gabungan Irian/Niew-Guinea. “Bagian Pokok dari Pihak Belanda”. [The report of Joint Commission Irian/Niew Guinea. A particular part of Netherlands] 1950.

Ministry of Information the Republic of Indonesia. “An Opening address to the UN Political Committee, on November 20, 1957 in the Debate on the West Irian Question by Dr. Subandrio, Minister for Foreign Affairs Republic of Indonesia.” Jakarta: 1957.

_____. “Official documents on the Establishment of the Province of West Irian”. Djakarta: 1956.

_____. *The Truth about West Irian*. Jakarta, 1956.

Pertjetakan Negara RI. "Notulen Rapat-rapat formil dan informal dari Komisi Gabungan Irian/Niew-Guinea". [Notes of formal and informal Meetings of the Joint Commission Irian/Niew-Guinea] Djakarta : 1950.

Permanent Mission of the Republic of Indonesia to the United Nations. "Statement by His Excellency Mr. L.N. Palar, Permanent Representative of Indonesia to the United Nations in the General Assembly September 27, 1963".

Netherlands government documents

Official document

Information Department of the Netherlands Ministry for the Interior. "Papuan Building Their Future". The Hague : 1961.
